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50 YEARS THE *Philosopher's* INDEX
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Salvo Vaccaro. Catedrático de filosofía política. Imparte la cátedra de Teoría política en la Universidad de Palermo. Sus intereses giran alrededor del pensamiento contemporáneo, tratando de identificar un hilo de pensamiento crítico de la modernidad con un evidente enfoque anarquista que guarde relación con la filosofía política del pensamiento francés (sobretudo Foucault y Deleuze) y la Escuela de Frankfurt (ante todo Benjamin y Adorno). Entre sus últimos trabajos: S. Vaccaro (Ed.), *Pensare altrimenti. Anarchismo e filosofia radicale del Novecento*, Eleuthera, Milano, 2011; S. Vaccaro (Ed.), *Agire altrimenti. Anarchismo e movimenti radicali nel XXI secolo*, Eleuthera, Milano, 2014; L. Bazzicalupo, S. Vaccaro (Eds.), *Vita politica contingenza*, Quodlibet, Macerata, 2016; S. Vaccaro, *Anarchist Studies. Una critica degli assioni culturali*, Eleuthera, Milán, 2016; S. Vaccaro, *Critique de la grammaire politique*, ACL, Lyon, 2017; O. Irrera y S. Vaccaro (s.d.), *La pensée politique de Foucault*, Kimé, París, 2017.

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EDITORIAL

EL PODER DE LA POSVERDAD

Salvo Vaccaro

Università degli studi di Palermo

THE POWER OF POST-TRUTH

En noviembre de 2016, Oxford Dictionaries eligió palabra del año *Posverdad*. El lema expresa una “relación o connotación de acontecimientos en los que los hechos objetivos son menos decisivos para formar la opinión pública que el uso de emociones y creencias personales”. (*Relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief*). Acabábamos de salir de la sorpresa general del resultado del referéndum sobre el Brexit en el Reino Unido, así como de la sorpresa aún más inesperada, y a pesar de todas las encuestas, de la victoria de Donald Trump como presidente de los Estados Unidos de América. Dos hechos de naturaleza puramente política que evocan inmediatamente una *Post-Truth Politics*, es decir, una nueva era política marcada por la posverdad. Para ser honestos, este término había estado circulando durante al menos diez años en la literatura, partiendo, por ejemplo, de un libro (solitario) de Ralph Keys publicado en Estados Unidos en 2004, *The Post-Truth Era*, o de una palabra similar utilizada al año siguiente por el escritor norteamericano Stephen Colbert, *Truthiness*, en el primer episodio de su programa de sátira política *The Colbert Report*, que siempre significó para los diccionarios Oxford “la característica de aparecer o ser considerado verdadero, aunque no necesariamente verdadero” (*the quality of seeming or being*

felt to be true, even if not necessarily true) (Keyes, 2004; Colbert, 2005)¹. En el espacio de una docena de años, el término *posverdad* ha sido exorcizado de una dimensión ocasional o marginal a la discusión pública, con el fin de sumergirse con fuerza en el corazón de la opinión pública, del debate político contemporáneo.

La tensión entre verdad y posverdad en la política se vuelve incluso aguda y estridente, por no decir paradójica y surrealista, a mediados de enero de 2017, con ocasión de la instalación de Trump en Washington. Al día siguiente, en los medios de comunicación estadounidenses, se abre un debate sobre el número de personas reunidas en la capital para asistir extasiados al juramento del multimillonario estadounidense, especialmente en referencia al número de personas presentes cuatro y ocho años antes con ocasión de la inauguración de los dos mandatos del expresidente Barack Obama. Obviamente, la discusión es borrosa y partidista, los conteos, como de costumbre, son ondulantes, con números ampliamente oscilantes, y las imágenes que se traen para mostrar un número alto o bajo, en comparación con el pasado, están por supuesto condicionadas por el corte fotográfico o televisivo adoptado aguas arriba. Parecería que nada nuevo se registra en esa ocasión, siempre se aplica a cualquier evento político público en el que la cantidad es recompensada por el contenido de la propia manifestación, como si su calidad dependiera del número de consentimientos en la plaza. Sin embargo, y aquí se pone de manifiesto esta diferencia, comentando en el estudio de la NBC, como parte del programa de televisión *Meet The Press*, el debate sobre las imágenes propuestas ayer y hoy, Kellyanne Conway, consultora de la oficina de prensa del nuevo presidente Trump, comentó y declaró lo que dijo Sean Spicer, entonces portavoz jefe de la administración, al tiempo que impugnaba los datos de participación ofrecidos como inferiores a los de los tiempos anteriores, alegando en su lugar datos de una participación sin precedentes en la historia de los Estados Unidos: “Usted dice que son falsos, pero Sean Spicer está proporcionando *hechos alternativos*”. Y el periodista del estudio Chuck Todd respondió rápidamente: “Los hechos alternativos no son hechos, son falsedades (*You’re saying it’s a falsehood. And they’re giving – Sean Spicer, our press secretary, gave alternative facts, she said. Todd responded: Alternative facts aren’t facts, they are falsehoods*) (Bradner, 2017; Strong, 2017).

Aquí encontramos no solo un ejemplo típico de posverdad, es decir, de indiferencia ante cantidades objetivamente medibles, aunque con cierta dificultad, sino que vamos

1. Para Collins, «the quality of being considered to be true because of what the believer wishes or feels, regardless of the facts», mientras para Dictionary.com, «the quality of seeming to be true according to one’s intuition, opinion, or perception without regard to logic, factual evidence» (Colbert, 2005).

más allá del cuestionable hecho de un desacuerdo sin compromiso, tácticamente dirigido a eludir la mediación mediática para establecer un canal de comunicación directa entre el líder y las masas, para entrar en la era de los *hechos alternativos*: una curiosa reversión de la conocida frase de Nietzsche, según el cual, ingenuamente se diría ahora, “no hay hechos, solo interpretaciones”. En cambio, los hechos existen, pero no en su univocidad objetiva, sino en una duplicidad mutuamente alternativa cuyo arbitraje no puede deducirse de una posición neutral que garantice la objetividad, ni está disponible para una narrativa hermenéutica más o menos convincente, sino para la posición de poder desde la que se enuncia *ese* “hecho alternativo” considerado verdadero.

Podríamos redimensionar el chiste del consultor y portavoz de Trump, ambos despedidos de la Casa Blanca, como un infeliz error en un momento de euforia bajo el enésimo ataque de los principales medios de comunicación estadounidenses, que habían digerido mal su derrota en su pretensión de dirigir el cuerpo electoral, obviamente ya no sintonizados con ellos, por el control populista directo entre el candidato presidencial y la masa de votantes potenciales capaces de eludir el filtro oficial de los medios de comunicación, así como por el declive de ciertos medios de comunicación tradicionales abrumados por el ritmo apremiante y acelerado de las redes sociales, cuyos contenidos son cada vez menos controlables por los profesionales (más o menos imparciales) de la información (*fact-checking*). Sin embargo, la trinchera de los *alt-facts*, coherente con la ideología de la *alt-right* que quiso fuertemente a Trump en la presidencia estadounidense, no debería, en mi opinión, ser subestimada, especialmente en tiempos de populismo creciente. Sin embargo, el factor crucial es identificar correctamente el vínculo entre la verdad y la política, no ya bajo el signo de la verdad, como sugiere el prefijo *post-*, sino bajo el signo del poder.

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JOY TO THE WORLD: THE SATISFACTION OF POST-TRUTH¹

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Abstract

This article aims to uncover the key preconditions and characteristics of post-truth as well as the contextual factors explaining its appeal. The key factor appears to be post-truth's ability to incite pleasure, in terms of both it being unconstrained by veracity and the advance and the capacity to know what the necessary pleasure-inciting variables are through big data analysis. That neatly corresponds with the general rise to prominence of satisfaction and affective mobilisation in competition over increasingly scarce audience attention, making post-truth a distinctly contemporary phenomenon.

Keywords

Post-truth, big-data, pleasure, affect.

Resumen

Este artículo tiene como objetivo descubrir las precondiciones y características clave de la posverdad, así como los factores contextuales que explican su atractivo. El factor clave parece ser la capacidad de la posverdad para incitar al placer, tanto en el sentido de no estar restringida por la veracidad, como de avance y capacidad de saber cuáles son

¹ Reception date: 2nd July 2019; acceptance date: 17th July 2019.

las variables necesarias que incitan al placer a través del análisis de los *big data*. Eso se corresponde perfectamente al ascenso general del peso de la satisfacción y movilización afectiva en la competición por atención cada vez más escasa de la audiencia, lo que hace de la posverdad un fenómeno claramente contemporáneo.

Palabras clave

Posverdad, big-data, placer, afecto.

Post-truth is one of those concepts that are often discussed and rarely understood and, paradoxically, the *more* it is discussed, the *less* it is understood. Consequently, it is of prime importance to delve into the substance and form of post-truth in order to better understand its proper place in today's political life. Several key themes are revealed to be of prime importance.

First, the role of post-truth narratives is to provide satisfaction through confirmation of audience wishes, desires, stereotypes, etc., simultaneously also guiding individuals through the complexities of everyday lives in the information-saturated communication environment. The latter function is particularly reinforced through post-truth-claims, typically formulated as narratives and, therefore, acting as sense-making structures. Moreover, there is a reason why such post-truth narratives have become not only more prevalent but also more effective than ever before: it is due to the availability of data about target audiences and the technological capacity of gauging through massive sets of such data. The audience characteristics that need to be toyed with can now be known in advance, enabling the creation of narratives that, due to post-truth's disregard for verifiable facts, can be shaped and tailored in whichever way necessary.

The second part of the article mostly deals with the contextual conditions of post-truth, primarily the general drive towards pleasurable, prevalent across societal domains and clearly manifesting itself within the media ecosystem. The ever-increasing competition between media content providers and, therefore, the scarcity of audience attention are the key driving forces behind this pleasurable: one simply has to offer greater consumer satisfaction than any of the competing offerings, leading to both increasingly egregious claims and communicative behaviours, such as trolling. That has unavoidably led to a high level of me-centricity among the audiences, resulting in an expectation that communication acts, including truth-claims (and the truths that they postulate), revolve around the individual. Moreover, as the audiences themselves have become increasingly fragmented, the flow of affective reactions to events, information, or claims becomes a key factor that either affiliates or splits communities. Overall, then, due to the neat fit with today's trends and technological affordances, post-truth is seen as a highly potent development.

Telling It as the Audiences Like It

In a general sense, Post-truth should be understood as progressive erasure of the truth/falsehood distinction while uttering statements (and, from an audience perspective, deciding on the currency of such statements). Part and parcel of this erasure is prioritisation of affective identification with truth-claims over more conventional reasoned decision-making processes (for a more extensive elaboration of this view, see Kalpokas, 2019). The preceding definition is expansive enough to account for both the more egregious manifestations of post-truth, such as Trump or the Brexiteers, and more the broader changes in political communication, such as the mainstreamisation of trolling as a political practice. Indeed, the aforementioned irrelevance of the truth-falsehood distinction is crucial: if post-truth was about concealing facts, it would merely amount to old-fashioned lying. Meanwhile, if post-truth involved the expectation that ‘the crowd’s reaction actually *does* change the facts about a lie’, as McIntyre (2018, p 9) suggests, then post-truth would perhaps signify a sudden explosion of sheer madness. In fact, nobody expects the facts to change – what matters is only the public preference for one set of claims over another, both sets being mutually exclusive. Since the very relationship of facts to verifiable reality (previously the benchmark of facticity) has become unimportant, there is no need for the facts to change in the first place.

Of course, the fluid relationship of post-truth claims with verifiable reality accords a significant degree of freedom to politicians willing to embrace the new communicative-political environment. Being unconstrained by objective conditions, political actors can tailor their claims in a way that specifically and intentionally answers the needs, wishes, preconceptions, and desires of the target audiences. As a result, post-truth political actors basically become screens onto which the electorate projects their wishes, fears, and desires (Hauser, 2018), whatever their relation to verifiable facts is. In this way, people obtain the pleasure of having their preconceptions, stereotypes, desires, and hopes confirmed and, since pleasurable results of our previous choices reinforce a repetition of choice patterns (de Haan & Linde, 2018, p. 1204), such politicians can easily get into the habit of opting for post-truth. Hence, we can say with confidence that adherence to pleasurable affect is learned as we go. And once we have learned that a particular stimulus (or source of stimuli), such as a source or a particular type of news (even if they are fake) helps maximise our satisfaction, it is only natural that we repeat our custom. Post-truth can, therefore, be seen as aspirational, i.e. as presenting a better

picture of ourselves or of the future than would be possible if relying on verifiable facts (McGranahan, 2017, p. 246), thus further adding to the attractiveness of non-factual content.

On the other hand, it would be erroneous to think of post-truth politics exclusively in terms of doom and gloom. Somewhat paradoxically, it might be asserted that in today's culture of "constant promotionalism" which demands "hyper-competitive, self-branding, bragging, hyperbole" (Harsin, 2017, p. 515), and constant "work on the self" in order to earn an actual or imaginary competitive edge (Lazzarato, 2014), a post-truth politician is perhaps the most truthful one of all, their utterances being merely more dramatic versions of what many potential voters would themselves do at a job interview or whilst polishing their social media presence. This is also why much of what post-truth politicians do should be interpreted as signalling, i.e. making oneself or one's position clearly evident through something costly or outlandish. As Davis (2017) asserts, "sometimes, what you think is bullshit is actually a costly signal delivering useful information" (p. 85). In other words, even if the factual veracity of the claim is not necessarily sold on everyone, the claim is likely to be effective nonetheless as an indicator of where the relevant actor stands on a given issue, and the more outlandish the statement, the more unmissable it is, and the more it serves as an illustration that the actor has taken the effort to assert themselves and their stance and to satisfy their target audience. All that, in combination, is likely to be taken as a sign of care and attention by the relevant segments of the electorate.

Still, completely random claims, however appealing, would not be effective enough to produce collective results. Instead, truth claims, regardless of their veracity, must fall into narrative structures that explain and give meaning to everyday life. Essentially, as the rise of post-truth has demonstrated, "truth, as in fact or piece of information, has no intrinsic value": instead, "it is up to the narrative to create that value" (Holmstrom, 2015, p. 124). However, the narrative itself has a very dubious relation to truth: to be more precise, "the truth in the narrative is (...) not in its verifiability, but in its verisimilitude – the appearance of it being real or true" (Holmstrom, 2015, p. 124). In particular, people need a catchy and convenient narrative because it "provides explanations", i.e. "describes the past, justifies the present, and presents a vision of the future": while having increasing amounts of pure information "only muddles our understanding of the world", clear-cut narratives, regardless of their veracity, seemingly put things back in order by providing "relevant information, talking points, and an explanation of how the topic in question fits into their worldview" (Holmstrom, 2015, p. 120-121). Narratives

“explain the world and set constraints on the imaginable and actionable, and shape perceived interests” (Roselle, Miskimmon & O’Loughlin, 2014, p. 76). Indeed, a narrative that gives sense to the disparate elements of representation and also makes one feel like (s)he is part of the story being told, hence encouraging to emotionally and otherwise invest in a particular issue under description. Moreover, narratives help to sift through the noise and conflicting information that one is now permanently bombarded with by offering a simple and seemingly uncontroversial answer, which (re)establishes the order of things. Where previously one encountered only a cornucopia of disparate things, now one encounters an ordered totality, which makes sense as to how the status quo has developed, its normative value (good or bad), and direction of action (protect or change). Hence, narratives, post-truth or not, are efficient means of dealing with information overload. And, again, post-truth narratives have a clear advantage in this context: if one is unconstrained by factual reality, it is much easier to concoct a narrative that provides easier, clearer, and more palatable explanations that fit audience preconceptions, desires, and aspirations than a more truthful alternative would.

The changes inherent in today’s communication environment, including construction of post-truth narratives, must be understood in relation to advances in big data analysis. In a general sense, Big data refers to unprecedentedly large agglomerations of data that include “emails, videos, audios, images, click streams, logs, posts, search queries, health records, and more” (Kemper & Kolkman, 2018, p. 1). In effect, big data can be seen as a byword for the entirety of the digital traces of our lives and, therefore, (almost) complete information *about* our lives. The prime use for big data is as an input to (and increasingly as the basis of) decision-making processes. Instead of abstract models and rules that can never be fully precise, big data is claimed to reveal “the heterogeneity and multiplicity of the world” (Chandler, 2015, p. 850), i.e. to give a real-time actual representation of the world in all its granular detail. As stressed by Faraj et al. (2018), such capacity to collect and analyse information, compose descriptive and predictive accounts of the world and customise one’s approach towards specific individuals, including tailored messaging leveraging “aspects of personality, political leanings, and affective proclivities” should not be seen as an aberration of sorts but, instead, as “the culmination of the digital quantification logic” (p. 64). Such datafied processes direct, among other things, the selection of information that we encounter, primarily (but not exclusively) on social media and as search results: the information to be displayed to us is chosen as ‘relevant’, i.e. as congruent with the data that is available about us (see e.g. Vaidhyathan, 2018). Crucially, such algorithmic ranking and selection of content

directly affects “not only what we think about (agenda-setting) but also how we think about it (framing) and consequently how we act” thus shaping the realities lived by individuals and, through them, social order (Just & Latzer, 2017, p. 245-246). As a result, the lived realities and social orders inhabited by individuals increasingly find their grounding not in facts that apply to everyone universally but in the subjective characteristics of target audiences.

It is definitely convenient for actors willing to maximise the appeal of their narratives, at the expense of veracity if necessary, if the key building blocks that need to be included are known in advance, and big data analysis offers precisely that. However, there are also further developments that merit attention. First, we are still used to the traditional idea of a narrative as something that has a beginning, middle, and end, i.e. of narrative as a linear structure. In big data analysis-enabled construction of narratives such linearity is typically absent. That is because the performance of one’s narrative can be observed in real time across different segments of the target audiences, particularly through techniques such as opinion mining and sentiment analysis (see e.g. Balazs & Velásquez, 2016; Giatsoglou *et al.* 2017; Puschmann & Powell, 2018). As a result, if the narrative is not performing as expected with a certain segment, the offering for that particular segment can be tweaked so that one part (or more) of the main narrative branches out and acquires a life of its own while other segments of the audience continue being fed with the main version or yet different branches thereof, depending on the ways in which satisfaction is best maximised. The consequences reach, of course, beyond mere narrative conventions: such splintering of accounts of the social world puts into question the entire idea of the public sphere (Bennett & Pfetsch, 2018). And if there is no more shared public sphere that is, at the very least, constructed through shared partaking in discussion of different interpretations of matters of common concern, then the distinction between truth and falsehood is eroded even further: no development of a shared experience and the necessity to explain and defend your interpretation but it is maximisation of satisfaction derived from a narrative regardless of the broader context that becomes paramount.

The second development worth noting is an increased opacity in the key nodal points of narrative structures. As already indicated, narratives are frequently amended and forked as a result of data feedback. However, the analysis of such data that renders the latter meaningful is typically carried out by proprietary algorithms, whose the inner workings are impossible to know, giving rise to ‘data black boxes’, i.e. routine instances whence one can observe the input and the output, but the actual analytic processes

remain unclear (see e.g. Müller *et al.*, 2016; Perel, 2017). That, in turn, raises the questions of agency, transparency, and responsibility. In terms of agency, the question concerns the role of the ultimate decision-maker: are political communication and campaigning choices still being made by political actors, even though they are increasingly making such decisions on the basis of information the origin of which they can neither fully understand or is that agency now more with technology companies that create and own the crucial code? A corresponding transparency problem revolves around the issue of how both the public and the political actors are to verify the information upon which decisions are being made if its creation process is intentionally opaque. Consequently, one more major issue is who is to be held responsible if decisions made on the basis of such non-transparent information prove to be wrong, not only in terms of mismanagement but also in terms of structural changes, such as the furthering of post-truth.

Just Give Me Pleasure

To understand today's politics, one has to first conceive it as a mediatised domain. The concept of mediatisation is used in communications studies to denote how today's social world is "*changed* in its dynamics and structure by the role that media continuously (...) play in its construction", particularly with regards to how the social world's "forms and patterns are, in part, sustained in and through media and their infrastructures" (Couldry & Hepp, 2017, p. 15). Under the influence of mediatisation, "core elements of a social or cultural activity (like work, leisure, play etc.) assume media form" (Hjarvard, 2014, p. 48). Part and parcel to this shift, the media "have become an integral part of other institutions' operations, while they also have achieved a degree of self-determination and authority that forces other institutions, to greater or lesser degrees, to submit to their logic" (Hjarvard, 2008, p. 106). In specifically political terms, "mediatisation of politics means the diffusion of a specific media rationality into the sphere of the political" (Marcinkowski, 2014, p. 6), implying that political actors respond by following media, instead of political, logic (Strömbäck & Van Aelst, 2013, p. 342) – at least, that is, in democratic societies that enjoy free media. In this environment, political claim-making becomes subservient to the demands of the media, which typically means that speed, attention-grabbing, and consumer satisfaction take precedence over veracity and reasoned discourse.

Moreover, the media have become integral to the creation of social reality as such since they “constitute a *realm of shared experience*” by offering “a continuous presentation and interpretation of ‘the way things are’ and by doing so, contribute to the development of a sense of identity and of community” (Hjarvard, 2008, p. 126). Moreover, moving on to information supply in today’s deeply mediatised (see Couldry & Hepp, 2017) societies, mere information availability has turned into information overload that creates “a temporality that is concerned with ‘the now’, and is stretched and condensed in various ways” (Coleman, 2018, p. 68). As a corollary, today’s information overload reduces the time available for reflection, meaning that “the management of the flood of available knowledge” becomes a key skill and one that necessitates “rapid classification of facts as good or bad, likable or not”, often leading to “withdrawal into default beliefs and opinions, often those of the group to which one belongs” (Damasio, 2018, p. 215) in order to simplify (or, rather, outsource) choice. However, while making the information overload easier to bear, this solution simultaneously and severely hinders our ability to break out of our filter bubble.

More generally, one can observe a trend towards pleasurable and capitalisation on positive affective experiences in a broad spectrum of social and private activities, extending even to something as banal as e.g. chores in the “smart home” (see Strengers & Nicholls, 2018), as well as gamification of most areas of life (Papsdorf, 2015), conjoined with the playful nature of today’s media (see e.g. Sicart, 2014). In political communication as well, emotional triggers have “consistently been found to enhance user engagement”, ultimately leading to “emotional content generating higher numbers of likes and comments” (Noon Nave *et al.*, 2018, p. 2). This should come as no surprise since it is typical for media of all sorts to encourage the consumption of their content through affective bonds with particular genres or specific personae in terms of “a particular energy, mood, or movement” that is even prior to feeling but feeding (or annulling) the latter, thereby being both fundamental and even more impulsive and difficult to conceive (Papacharissi, 2015, p. 21). Consequently, affective flows provide the basis for “the cultivation of subsequent feelings, emotions, thoughts, attitudes, and behaviours”, leading, in turn, to an “affect economy”, in which the value of something (an idea, an individual actor etc.) is measured by the intensity of reactions that they can evoke (p. 23). Once again, affective impact, and not veracity, is key.

In this new condition, political news and current affairs have to compete with any other kind of media offering – which typically manifests “intense experiential immersions with strong affective valences” – from games and messaging apps to latest

celebrity gossip, resulting in “intense and incessant competition for attention” (Dahlgren & Alvares, 2013, p. 54). Hence, the key to political ordering power (or, at the very least, to achieving influence) is in acquiring the capacity to frame and shape discourses – and that is mainly achieved by maximising consumer satisfaction. Moreover, the social media environment “collapses storytelling conventions that distinguish fact from opinion and from emotion into subjectively narrated realities”, thus disrupting dominant narratives with “affectively charged micro-narratives” that enable people to “feel their way into their own place in politics” (Papacharissi, 2015, p. 131). Essentially, if all information appears equal and the main distinguishing factor is how one *feels* about a claim, the “me-first” affirmation becomes even more crucial. In this environment, action is *connective* rather than collective whereby, “participation becomes self-motivating as personally expressive content is shared with, and recognized by, others who, in turn, repeat these networked sharing activities” (Bennett & Segerberg, 2012, p. 752). The ensuing result is formation of communities united by a shared affective reaction to information, claims, events, trends, etc. (actual as well as alleged), i.e. affective communities.

If, as McIntyre (2018) alleges, “the selective use of facts that prop up one’s position, and the complete rejection of facts that do not, seems part and parcel of creating the new post-truth reality” (p. 34), then we are indeed witnessing a turn towards me-centric maximisation of affect and experience. Here, the entirety of the world, including truth and fact, is expected to be congruent with and, to put it more strongly, revolve around, the person making the judgement. This me-congruence criterion should not come as a surprise: since people want the “mental models of the world” that they build for themselves to be complete, they are likely to accept information that, while factually not exactly correct, fills any remaining gaps in pre-existing models, allowing a sense of completeness and, therefore, personal fulfilment (Ecker, 2018, p. 80). The reliance on experience should, in turn, come as no surprise because “it is the behavioural impulses generated by emotions that give or deny humans the energy to act on their perceptions” (Markwica, 2018, p. 87), and it generally appears that affects, emotions, and other unconscious processes make up around 98 per cent of brain activities while conscious reflection makes up merely 2 per cent (see e.g. Franks, 2014). Therefore, whatever plays on the emotions relevant at the time, is likely to prevail overall.

There is, of course, a danger in this rise of me-congruence. While certainly empowering by enabling previously neglected or underrepresented standpoints to flourish, the ensuing disruptions of hegemonic truths also pose the danger of opening a Pandora’s

box of issues that had been neglected for a valid reason, such as bearing no relation to reality whatsoever. The problem is even further exacerbated by our unprecedented ability to immerse ourselves in networks of the similar and the likeminded, thus causing the (most likely mistaken) impression that (almost) everybody agrees with us (McIntyre, 2018, p. 60) and shielding ourselves from competing truth-claims or, at least, arguments in support of them. And when it comes to affective exchange, which is pre-cognitive by definition, one does not even have to put in conscious effort to seek information that props up one's own position: one only has to side with a pleasure-maximising affect through the experiential "click" that the providers of information are at pains to induce. Furthermore, due to the ubiquity and personalisation of media use, as manifested by near-permanent immersion in smartphones and other devices, such affective stimuli increasingly come from the virtual environment (Miller, 2014) of which malleability and customisability are key, even though such customisability often comes courtesy not of individual agency but of algorithmic governance. Such governance typically comes in the form of "hypernudging" individuals (see Yeung, 2017) through a big data-informed process of altering the choice environment in such a way that individuals end up 'freely' choosing an option prescribed by political, business, or other actors. And perhaps the surest way of maximising and maintaining the power of such hypernudging is through assignment of individuals into virtual groups and communities, united by shared me-congruent affects and experiences.

One reason why assignment into groups reinforces the power of hypernudging has already been discussed: the exchange of information and affect further reinforces one's own position. However, there is at least one more reason: affective group formation has, as its corollary, disintegration. After all, "when people emotionally, ideologically, culturally, or socially align with similar others, they also disalign with the contextually unrecognisable other" (Döveling *et al.*, 2018, p. 4). It is in the nature of affective publics that they are discursively convened through either similarities or differences in affective encounters with the world (Papacharissi, 2015, p. 131). It is crucial to stress that whereas groups based on more tangible and verifiable criteria, such as information or physical encounters, could be more open to negotiation or discussion, affiliation with different affective patterns "often invites demarcations of emotional boundaries", thereby "leading to the emergence of divergent, even opposing groups of polarization and emotion" (Döveling *et al.*, 2018, p. 4). That, in turn, gives rise not only to opposing emotional agglomerations but also "affiliative truths" (i.e. highly polarised accounts of the environment, leading to immediate siding 'for' or 'against'), resulting in the creation

of groups of fans and haters of a particular truth-claim (McGranahan, 2017). Crucially, such alignment typically has little to no relation to the veracity of the truth-claim in question. However, due to the data-rich nature of algorithmic sorting, ascription, and governance, the affective triggers necessary to hypernudge individuals and subsequently seal them within groups and communities are known in advance from the informational traces that we leave through the use of search, social media, apps etc., as already discussed in relation to big data.

As usual, it might be somewhat unfair to immediately strike an overly dramatic tone. Since the data used for algorithmic governance does not come out of nowhere but is aggregated while we go about with our everyday lives, it could be easily (and reasonably) claimed that any hypernudging thus derived, and affective group formation thus induced, in fact reflects our lives in an intimate way – perhaps even before we properly understand the relevant aspects of our lives. Indeed, as Lury and Wakeford (2012) stress, affective interactions would, perhaps, most accurately reflect “*the happening* of the social world – its ongoingness, relationality, contingency, and sensuousness” (p. 2). Indeed, since “human bodies are continuously and simultaneously affected by different entities and themselves continuously affect others”, their interactions become immersed in “a ‘web’ or ‘field’ of affect that has both stable and dynamic properties”, constituting ties that “can be longer-lasting or relatively brief, exhibiting dynamic fluctuations” (von Scheve, 2018, p. 54). Therefore, once (hyper)nudged into communities reflecting their affective patterns, valences, and capacities, individuals end up sustaining their shared existence as well as communal knowledge produced and maintained through affective exchanges regardless of its (post)-truthfulness. Therefore, to reiterate, we get what we (are deemed to) need. And if we seem to possess a predilection towards some form of post-truth, then that is what is going to be served to us.

There is, nevertheless, a normative basis for me-centric affective engagement with the environment. It is based on the concept of homeostasis that, while usually referring to self-regulation of processes, should be, in case of humans, extended to refer to life beyond its physical minimum, ensuring that “*life is regulated within a range that is not just compatible with survival but also conducive to flourishing, to a projection of life into the future of an organism or a species*” (Damasio, 2018, p. 25). A key aspect is the inseparability of feelings and physical existence, partly due to the nature of feelings as “a cooperative partnership of body and brain, interacting by way of free-ranging chemical molecules and nerve pathways” (p. 12), meaning that feelings both react to bodily states and also feed back, affecting bodily states as well. Such inseparability of the body and

the mind and the presence of affective flows not only between minds but affecting the body as well demonstrates a physical need for pleasure and satisfaction: when positive affects are encountered, bodily functions are improved and physical, as well as mental, well-being increases and vice versa (see, generally, p. 108-109). Hence, post-truth plays a key role in ensuring an at least perceived mental quality of life that, in turn, improves the bodily one. Thus, what we are dealing with in this article is not mere decadent hedonism – it pertains to newly expanded means of ensuring overall well-being, even if one has to go post-truth to achieve it.

In the environment described above, it comes as no surprise that “social media management becomes a must” for any aspiring political actor, meaning both self-presentation and the ability to gauge the affective valences circulating on social media and tap into them (Mazzoleni, 2017, p. 142) in order to attempt to shape them in accordance with particular political interests. Moreover, since emotion triggering (as well as emotion-laden content *per se*) has been demonstrated to increase user engagement (Noon Nave *et al.*, 2018, p. 2), it becomes highly unreasonable *not* to make use of the trends. In this context, political affiliation should not be treated very differently from fandom, referred to as a dynamic and creative “relationship between the individual fan, other fans and the fan object” wherein fans themselves play an active role in constituting the properties of the object of fandom as well as fandom itself (Dean, 2017, p. 412). In other words, political offering (a person, a group, a set of ideas, or a ‘truth’) is created *within* the process of being offered in an interrelation between the communicators and the audiences through constant flows of affect and affective orientations that “help to form bonds between individuals that sustain a sense of *community*” (Dean, 2017, p. 413). An important technique for achieving affective affiliation between supporters and making use of identity-forming and identity-affirming nature of fan-like political bonds is trolling.

Trolling itself is a multi-faceted phenomenon, despite being perceived, in everyday discourse and media representations alike, as merely “a blanket term for any type of negatively marked online conduct” (Golf-Papez & Veer, 2017, p. 1339). However, that is not necessarily an accurate depiction. While many trolls are, indeed, on a mission to inflict harm and distress on others, the more mainstream ones involve everyday internet users who simply aim to make fun of things without being intentionally harmful (p. 1341), simply employing irony, sarcasm, and the language of memes for not only their own enjoyment but also that of their online friends. In fact, “trolling can rightly be said to be the new normal” (Hannan, 2018, p 220). Hence, as Sanfilippo *et al.* (2018) claim,

“not everyone who engages in the behaviour is, in fact, a troll” and, therefore, a distinction must be made between mean trolls and light-hearted trolling (p. 35-37). Moreover, the mainstreamisation of trolling has had a notable effect on both everyday *and* political communication as “trolling is now an open practice, in which many trolls no longer bother hiding behind fake names and fake pictures’ (Hannan, 2018, p. 220). The prevalent use of irony and sarcasm, typical of the language of trolling, has even become necessary for drawing attention to oneself and retaining audience attention in a media environment where “popularity now competes with logic and evidence as an arbiter of truth” and tends to win convincingly while “lengthy, detailed disquisitions do not fare well against short, biting sarcasm” (p. 220). Crucially, engagement in trolling is no longer characteristic to lay citizens only – it has become part of the political mainstream as well, with politicians regularly trolling one another online, being trolled by citizens, and even ever more often trolling the citizens back, turning trolling into “a new genre of political speech” which “has become so common that new norms and expectations have quickly developed around it”, turning political trolling into “a media spectacle” (p. 220). In this environment, a politician is expected to “expertly troll” an opponent because both political commentators and the public are judging their trolling ability (p. 221). Trolling as a political practice is particularly apt for affective mobilisation (the latter is further strengthened by sarcasm and irony) and makes perfect sense in the context of affiliative truths whence, having entangled an audience within a network of affective flows, one is essentially preaching to the converted (who are affectively induced to follow). Here, again, veracity becomes subservient to consumer satisfaction: there might well be a kernel of truth in one’s trolling, but that truth is not the valuable part.

The valuable part is, once again, the engagement and stimulation of one’s target audience and the ‘stickiness’ of the message, in both substance and style. As long as the substance is appealing to the target audience by responding to its tastes, stereotypes, fears, insecurities, hopes, desires, etc., irrespective of the veracity of the content, as long as that substance is targeted in such a way that individuals are imperceptibly nudged towards making a prescribed decision, and that is done in a way that attracts audience attention and focuses it on what is happening (trolling and signalling are thus two sides of the same coin), success is more than likely. And with the availability of data to inform communication decision-making, the efficiency of post-truth choices for political actors can be maximised, while risk of missteps and mishaps can be minimised. However, the glaring problem for politics and the public sphere is, of course, that it can all easily end in a slippery slope: if one actor engages in post-truth, it becomes irrational (at least

from a political effectiveness and chance maximisation point of view) for other actors *not* to follow suit. And if (when) political discourse ultimately fills up with trolls, signalers, and other post-truthers, more and more effort has to be put into standing out of the crowd, resulting in ever more outlandish narratives and communication acts.

Conclusion

Post-truth is definitely to be seen as political communication's answer to the societal developments and technological affordances of today. Building on the progressive pleasurableisation of media and society and the availability of data necessary to exploit these trends, post-truth politicians are capable of producing narratives that are more than likely to captivate audience attention in ways unconstrained by verifiability and relationship to facts. It is precisely in this neat fit with the current trends that the strength and appeal of post-truth lies. Consequently, it is safe to assert that post-truth is the key paradigm of today.

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THE TRUTH IN A BUBBLE THE END OF 'AUDIENCE DEMOCRACY' AND THE RISE OF 'BUBBLE DEMOCRACY'¹

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Abstract

This article sustains that the so-called 'post-truth' phenomenon also depends on the characteristics of the new 'hybrid' communicative scenario. The thesis is that this new scenario is substantially different from that of the 'party democracy', protagonist of significant part of the twentieth century, and from that of the 'audience democracy', defined by Bernard Manin in the mid-nineties. The emergence of new media entails a series of consequences, including the fragmentation of the audience into a plurality of self-referential segments, politically polarized 'bubbles', devoid, at least potentially, of a common communicative sphere. Taking into account such developments, the article seeks to construct the 'ideal type' of a 'bubble democracy', marked by the mistrust of institutions, fragmentation of the audience, disintermediation, homophilic tendencies, and polarization.

Keywords

Party Democracy; Audience democracy; Post-truth politics; Echo-chambers; Filter Bubble; Polarization; Media and Democracy.

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Resumen

Este artículo sostiene que el así llamado fenómeno de la “posverdad” también depende de las características del nuevo sistema de comunicación “híbrido”. La tesis es que este nuevo escenario es sustancialmente diferente a lo de la “democracia partidaria”, protagonista de una parte significativa del siglo XX, y de la “democracia de audiencias”, definida por Bernard Manin a mediados de los noventa. La aparición de nuevos medios de comunicación tiene una serie de consecuencias, entre ellas la fragmentación de la audiencia en una pluralidad de segmentos auto-referenciales, “burbujas” políticamente polarizadas, desprovistas, por lo menos potencialmente, de una esfera comunicativa común. Teniendo en cuenta estos desarrollos, el artículo trata de construir el “tipo ideal” de “democracia de burbujas”, marcada por la desconfianza de las instituciones, fragmentación de la audiencia, desintermediación, tendencia a la homofilia, y la polarización.

Palabras clave

Democracia de partido; Democracia de audiencias; Política de la posverdad; Eco-cámaras; Filtro de Burbuja; Polarización; Medios de comunicación y Democracia.

The ultimate truth

In many of his novels, Philip K. Dick stages an intricate maze of plots and manipulations that leave his reader quite disoriented. Once such novel is *The Penultimate Truth*, published in 1964, in which Dick imagines, in an unspecified future, that a nuclear war between Western democracies and Asian communist regimes has forced most of the planet's population to take refuge in large underground tunnels, or 'ant tanks', where the main activity is the production of androids to fight the war on the earth's surface, now contaminated by radiation. Via television screens, daily messages from the American president reach the population motivating it to support the war effort and updating it with news of the conflict. However, the reader gradually discovers, page after page, that the entire economic and political system is based on the systematic falsification of reality. The war has, indeed, ended many years ago, with the two political blocks eventually reconciling, the soil only partially contaminated, and the androids used as servants in the luxurious villas of the ruling class. The images of war transmitted by television are only fiction, just as the supposedly ongoing war between East and West is a lie. Even Talbot Yance, the United States president who appeals to the underground workers every day, urging them to work harder, is simply a mechanical puppet, reciting scripts crafted by professional writers.

Over the last few years, in our own world, the spectre of systematic lies has likewise cast its shadow over the political stage. From 2016, following the double shock of the outcome of the Brexit referendum and Donald Trump's electoral victory, many observers have argued that one of the greatest dangers for Western democracies comes from 'fake news', 'post-truth', or the systematic falsification of reality, to which certain 'anti-establishment' political forces resort. To explain the fortune of today's 'populisms', many hypotheses have been formulated, including references to socio-economic factors and cultural components of the 'revolt against liberalism' (Palano, 2017, 2018, 2019a). However, in a non-episodic way, the discussion has turned to the irrationality of 'digital swarms', to their indifference in the face of rational arguments, to their inability to distinguish between truth and lies. In this scenario, the concept of 'post-truth' has become an almost constant reference in many reflections on the impact of the abundance of lies circulating on the Web, on processes of polarization, on mechanisms of manipulation of public opinion, and on strategies of disinformation used by emerging authoritarian regimes.

In considering the relationship between ‘politics’ and ‘truth’, the discussion on the so-called ‘post-truth’ phenomenon proposes arguments and themes extensively explored since the very origins of Western political philosophy. However, due to the reference to ‘truth’, the discussion often centres on a terrain in which different conceptions of politics and the relationship between politics and values are opposed rather than different interpretations of contemporary political transformations. In many ways, indeed, the manipulation of reality is a tool that politics has always used, since politics is also the product of a clash of antagonistic representations of reality (Jay, 2010). Naturally, there are notable differences between the propaganda of an authoritarian regime and the propaganda of a party that simply operates within a competitive scenario, but, most probably, the concept of ‘truth’, due to its specific implications, risks being an overly problematic reference for making distinctions between different degrees of information manipulation. Also for this reason, the theme of ‘post-truth’ will be approached, in the following pages, from a ‘minimalist’ perspective, which relativizes the ‘revolutionary’ role of social media, while recognizing that such tools have substantially changed the communicative scenario.

Rather than establishing whether the contemporary citizen is less critical today than in the past, or hypothesizing why public opinion is currently more exposed to the seduction of ‘post-truth’, this article focuses on connections between the new communication scenario and the functioning of contemporary democratic regimes. The thesis at the centre of the following pages is, indeed, that the new scenario, and, in particular, the widespread use of social media, favour very different dynamics, not only from those of the old ‘party democracy’, protagonist of a significant part of the twentieth century, but also from those of the ‘audience democracy’, whose distinctive features were identified by Bernard Manin almost a quarter of a century ago. However, the novelty does not consist in the fact that today’s political actors manipulate reality, because, even in the past, mass ideological parties, and television itself, proposed particularly partisan visions of reality, sometimes resorting to marked manipulations of information. In this sense, therefore, it is naive to think that the use of ‘fake news’ is a novelty introduced by Donald Trump, or by agencies through which Russia exerts its ‘sharp power’. The novelty must be sought rather not only in the ‘content’ manipulated by ‘fake news’, but also in the communicative and social context in which the ‘fake news’ is used and in the decline in the monopoly of ‘regimes of truth’ provoked by the processes of disintermediation. Indeed, the spread of social media triggers a fragmentation of the ‘audience’ into a plurality of segments that tend to be rooted in a common communicative sphere and the

formation of a myriad of 'bubbles', largely self-referential and potentially polarized. In this context, the so-called 'post-truth' phenomenon assumes a political relevance.

Taking into account the transformations in the communicative scenario, this article aims to build a new 'ideal type' of democracy, the 'bubble democracy', an alternative to 'party democracy' and 'audience democracy'. This new 'ideal type' takes into account, in particular, the relations between citizens, information and parties that establish themselves in the context of disintermediation. The essay does not aim, however, to argue that, today, we are already in a 'bubble democracy', or to suggest that Western political systems are necessarily oriented in this direction, but simply to elaborate a theoretical model that can help us to interpret emerging contemporary changes (Palano, 2019b, 2019c, forthcoming).

The rise and fall of 'audience democracy'

Philip K. Dick's novels were the fruit of fifties and sixties' America, of the cold war, of the emergence of the 'opulent society', of the spectacularization of politics under the presidency of Eisenhower and, particularly, John F. Kennedy, but, above all, of the centrality that television assumed in society in the period following the end of the Second World War. Among others, Dick had well understood that the introduction of television into the homes of Americans was irreversibly changing the logics of politics, since leaders could finally do without newspapers, party apparatuses and local intermediaries, to directly address individual citizens. While adopting the instrument of genre fiction, and projecting the story into the distant future, Dick proposed the same image of democracy that, in those years, had emerged from the analyzes of Charles Wright Mills, and from the complaints of Vance Packard regarding the role of 'hidden persuaders'. The most significant elements of the denunciation hidden in Dick's novels were most probably not in the simple idea that a sort of compact elite dominated the political scene, but rather in the fact that such domination resorted to a systematic deformation of reality, and that, accordingly, the façade of informative pluralism concealed the well-oiled machinery of an efficient propaganda apparatus. In this regard, Western democracy might not be so far removed from so-called totalitarian regimes, and the face of the mechanical simulacrum of Talbot Yance might not be so very different from George Orwell's representation of 'Big Brother'. However, the type of subject addressed by *The Penultimate Truth's* communicative machine is

the television ‘audience’, a ‘public’ distinct from that of the ‘masses’ controlled by ‘Big Brother’.

Although Gustave Le Bon had announced the advent of the ‘age of crowds’ in 1895, the twentieth century was above all the era of the ‘masses’ and of the ‘public’. With some simplification, one might also recognize a progressive shift, during the twentieth century, from the ‘masses’ to the ‘public’, an extreme example of which, in *The Penultimate Truth*, being that of the passive population of workers crowded in ‘ant tanks’ and anesthetized by television propaganda. Already in the 1960s, while Dick was developing his criticism of American democracy, some acute observers were beginning to argue that communicative transformations, together with changes in society, and the advent of economic well-being, were altering relations between citizens and politics. The main victim of such processes was, in many ways, the main organizer of the ‘masses’, that is the political party, Antonio Gramsci’s ‘Modern Prince’, or the ‘machine for producing passions’, as Simone Weil, in a way that was anything but benevolent, had called it. This is how Otto Kirchheimer saw it, for example, in the new ‘catch-all party’ within the context of the rapid metamorphosis of German social democracy (Kirchheimer, 1966). Beyond the specific circumstances that had fuelled such reflections, the starting point of the reasoning was the new political centrality of what was, for Gabriel Tarde, the ‘public’, an audience of individuals who, though physically separated, are exposed to the same communications flow, and to the same ‘image’ of the real world (Tarde, 1901). From a strictly political point of view, much more than in a context dominated by print media, the new television medium allowed aspiring leaders to ‘directly’ address voters, without having to use the party’s traditional communication tools, such as newspapers, flyers, rallies, proselytism, and so on. The communications apparatuses of the parties of the masses thus started to become obsolete, since they intercepted not the ‘public’, but only members and sympathizers, that is, those ‘separate worlds’ which were already showing signs of disaggregation.

Naturally, the establishment of the ‘public’ was anything but rapid. From a historical point of view, the resistance of the ‘mass’, or, better, of the ‘masses’, to social, political and communicative transformations turned out to be anything but episodic. In any case, the rise of the ‘public’ was much slower in Europe than in the United States, and experienced a significant turning point only in the 1980s and 1990s, coinciding with the growth in commercial television and the end of the Cold War, a political period which seemed to ‘unfreeze’ itself, freeing up voters from party identification. In the mid-nineties, it was Bernard Manin, in particular, who re-contemplated the

logic of transformation taking place, arguing that a new 'audience democracy' was now replacing the old 'party democracy'. In the conclusion of his 'Principles of Representative Government', Manin also dwelt on the 'metamorphosis' that representative government had undergone in little over a century. The starting point, in such a discussion, was the disappearance of the relationship of identification that in the past bound citizens to parties. On the basis of such news, Manin proposed three 'ideal types': 'parliamentarism', 'party democracy', and 'audience democracy'. Each of these constructs, which differed in the type of trust relationship, the autonomy of representatives, the freedom of public opinion, and the fora of public discussion, identified three stages affected by the metamorphosis of representative government from the end of the nineteenth century (Manin, 1997).

In the first 'ideal type' identified by Manin, 'parliamentarianism', the trust relationship has a predominantly personal character, the elected deputy enjoys substantial autonomy in his political conduct, public opinion manifests itself in channels that are structurally independent of representative parties and institutions, and public discussion among political parties takes place mainly in the parliamentary theatre (Manin, 1995). In 'party democracy', the second construct identified by the French scholar, the mechanisms of representation are rather significantly different. First of all, the choice of the individual citizen is no longer expressed by virtue of a relationship of personal trust, but only as a result of the trust placed in a given party, in the ideology or sub-cultural identity of which it is bearer. At the same time, it is the party organization that selects candidates, making its choices mainly within its own internal bureaucracy. The autonomy of action of the elected representative is strongly limited by the directives of party leaders. Public opinion appears to be structured in terms of a substantial parallelism with respect to the political framework, in the sense that the system is able to 'encapsulate' the voices reaching it from society. Public discussion takes place mainly between parties, or within parties, though outside of the representative assemblies. The distinctive trait of the 'party democracy', in any case, lies, above all, in the stability of electoral choices, which are almost entirely impervious to short-term considerations. On the other hand, in the 'audience democracy', the third 'ideal type' proposed by Manin, electoral choices return to being volatile, since they can change from one election to the next, as trust is mainly directed at candidates, and not at parties. The main drive behind the transformation, beyond changes in the economic and social context, is attributable, according to the French scholar, to the role of radio and television, which allow for

a 'direct' relationship between leaders and citizens. According to the new construct proposed by Manin, voters tend to resemble the audience of a show only allowed to react with either approval or dissent. For this reason, in the 'audience democracy', alternative leaderships face one another on the electoral stage by putting forward proposals aimed at triggering reactions in voters, just like in the theatre, where actors, in more or less successful performances, aim to achieve the resounding applause of an audience that is, in any case, quite separated from them by the lights of the stage. In this new political phase, political identities tend to dissolve, and 'the electorate appears, above all, to have an attitude which responds to the terms that have been presented on the political stage' (Manin, 1997, p. 223). Given that the parties no longer have any organizational or identity connection with society, convergence with the public therefore appears as the result of a constant process of interaction.

Despite certain limitations in this perspective, the 'audience democracy' formula allows us to understand a rather significant aspect. The centrality of the 'audience' did not, indeed, simply imply a consistent push towards 'personalization', but also a tendential convergence to the centre-ground of the main political actors, which, in any case, arose as a logical consequence of the centrality of television in the political game. The affirmation of such a great generalist media as TV, together with the weakening of party identifications, which 'liberated' votes from ideological conditioning, made it almost inevitable that the leaders of the big parties sought electoral victory in the 'centre'. It was therefore a given that the battle should be concentrated on an attempt to win over the voter from a central position between the two extremes of left and right. Precisely for this reason, as Kirchheimer had already foreseen, the big parties, unable to settle for their own pool of faithful and militant voters, then had to moderate their ideological appeal, attenuate the radical nature of their messages, and soften the intensity of their flag-waving.

The 'audience democracy' did not, however, materialize in all European political systems, and, today, this 'ideal type' manages to apply to very little of the dynamics affecting Western democratic systems. The drive towards personalization has not, in any case, been exhausted, the crisis of confidence in the political class and parties has not been stopped, and, indeed, disaffection has continued to grow, with all such factors being combined in a new communicative logic, which produces rather different consequences.

Towards a 'bubble democracy'?

While the construct of the 'audience democracy', despite its limitations, has managed to explain a significant number of the novelties of a political season, today, it has become clear that such a season has most probably ended. Starting from 2008, the year in which the financial crisis took on a global dimension, in which Barack Obama was elected to the White House, and at a point when social media began to modify the political campaign logic, the emergence of radical formations and of leaders usually defined as 'populists' has been seen in almost all Western political systems, to an extent much greater than in the previous sixty years, while polarization has started to become a constant in political confrontation. To explain this change, various structural dynamics can be called upon, including geopolitical changes, the economic crisis, the framework of the EU and the demographic profile of Western countries, but one cannot ignore that certain aspects have more to do with the new communicative scenario. The season of 'audience democracy', if at some point it existed, has most probably ended because, due also to the progressive affirmation of the Web as the main information channel, the environment in which citizens form their opinions and express their identities has begun to change. Thus, the same 'audience' is broken down into a myriad of bubbles, or into the ephemeral structure of the swarm.

Naturally, all these transformations, which began, in fact, only a few years ago, are still far from totally transforming the previous scenario. Therefore, it is naive to think that there is no longer any trace to be found of the 'party democracy' or the 'audience democracy'. However, while it is probably not yet the case to definitively abandon such interpretative categories, it is, in any case, necessary to elaborate formulas to take into account the elements of radical novelty that have emerged. It is precisely with such a goal in mind that one can try to define the emergence of an alternative construct to those of the 'party democracy' and the 'audience democracy' in a new 'ideal type' provisionally defined as the 'bubble democracy', due to the importance of 'bubbles' in which the generalist audience is fragmented, and by virtue of the self-referential tendency that tends to mark the segments into which the 'audience' is divided. Of course, as always happens with the construction of 'ideal types', in accordance with Max Weber's school of thought, the features of the 'bubble democracy' are built through the 'extremization' of certain recognizably real facts, with the aim of emphasizing a trend and understanding its implications. Therefore, the contours of the 'bubble democracy' must not be

interpreted as a faithful representation of what western democracies are today, nor as a deterministic forecast of changes in voting behaviour, of choices of media consumption, or of the crisis in traditional media and generalist TV. The utility of this new construct is rather in understanding to what extent today's Western political systems relate to the models of the 'party democracy' and the 'audience democracy', or rather to this new 'bubble democracy'.

In outlining the 'bubble democracy', a first element may be identified in a distrust of the political class. This element is not necessarily in contrast with the construct of the 'audience democracy', even though its implications gravitate in a rather different direction. In all Western democracies, many indicators return the picture of an increasingly weak legitimacy of the parties and their political class (Dalton & Weldon, 2007). Various observers have also signalled the emergence, especially in the United States, of a singular convergence between electoral volatility and a high degree of polarization. This convergence, while apparently rather paradoxical, can, however, be partly explained by referencing the new communicative scenario (Pew Research Center, 2014; Campbell, 2018).

A second significant piece of the 'bubble democracy' puzzle comes from the reduction in the costs of disseminating information. As Yascha Mounk has pointed out, among others, the advent of the Internet has indeed changed the dynamics of the distribution of news, lowering the costs of disseminating information and points of view, while social media have further brought down barriers, allowing virtually anyone to form a position on any matter. Despite some forcing, Mounk's thesis captures an important aspect. As a result of disintermediation, the technological advantage once available to political elites, in pluralistic and competitive contexts, as much as in authoritarian contexts, has, at least in part, been eroded, and outsiders have thus gained access to hitherto inaccessible opportunities, both in African regions with problematic statehoods and in mature democracies in which institutions maintain a solid control of their territories (Mounk, 2018; Pierskalla & Hollenbach, 2012).

While the aspect reported by Mounk is undoubtedly significant, another comes from the fragmentation of the 'audience' caused by structural changes in the offer of communications, and by individual strategies for managing 'information overload'. Regarding the first cause, over ten years ago, several scholars had already indicated that the decline in generalist television announced the emergence of a new situation, very different from that which had marked Western democracies over the preceding forty years (Prior, 2017). However, the overall picture clearly had to be changed, in particular,

due to the irrepressible entry of social media into the logic of communications. Naturally, these changes have not yet obscured the role of the generalist TV, but certainly they have begun to significantly modify the scenario, since, in a 'hybrid' context, the same contents of generalist TV are 'fragmented' and used in media with an altogether different logic.

Another element connected to 'fragmentation' is the predictive 'profiling' technology used by platforms. In 2011, Eli Pariser, a pioneer of online activism and endorser of Barack Obama's first electoral campaign, promptly foresaw the implications of what was happening on the Web, as a result of the personalization of user searches introduced by Google on 4th December 2009 (Pariser, 2011). Put simply, from that moment on, the Page Rank search algorithm began to return results calculated to be better suited to the individual user, inaugurating the new 'era of personalization' of the Web. In his 2011 essay, Pariser was not drawing his readers' attention to the privacy risks that the 'personalization' of searches entailed, but rather to the risk of a disaggregation of the 'audience'. Indeed, algorithms do not merely predict individual choices, but tend to create around each user what Pariser called a 'filter bubble', that allows only the penetration of information from the outside world in line with the previous choices made by the individual user, and therefore only conforming to his or her already formed opinions, orientations and political ideas. Pariser observed that each of us, for this reason, tends to live ever increasingly inside a 'bubble', in which we see a 'personalized' world that is constructed, so to speak, in our own image and likeness. Everything that does not conform to our orientations, and, more properly, our past choices, simply ends up disappearing from view, held back by the filter surrounding our personal bubbles.

However convincing it may seem, the thesis of the pervasiveness of the filter bubble is problematic to prove empirically (Hannak *et al.*, 2013; Dillhaut, Brooks, Gulati, 2015). To escape such intractability, other scholars have developed a different, although not entirely alternative, hypothesis, which focuses on the conscious choices of individual users, and which helps to identify a further element in the 'bubble democracy', the tendency to homophily in communicative exchanges. According to the hypothesis of the 'echo chamber', it is not the algorithms that, without our knowledge, lock us into a 'bubble', but that we ourselves do it, through our daily choices in terms of media consumption. The algorithms, if anything, are limited to reinforcing mechanisms adopted spontaneously by network users, and, therefore, each and every one of us builds his or her own 'bubble', because each individual, at least in terms of social media exchanges, tends to interact mainly, and more frequently, with those who have similar opinions,

reducing to a minimum exchange with those who think differently. Then, by turning to sources ever closer to our own opinions, or interacting with ‘friends’ that share our own preferences, we enclose ourselves more and more every day in an echo chamber in which the same watchwords continuously rebound off its walls (Iyengar, Sood, Lelkes 2012; Iyengar & Westwood, 2015). From this point of view, the proliferation of ‘bubbles’ therefore constitutes a sort of ‘tribalization’ (Bartlett, 2018; see also: Bakshy, Messing, Adamic, 2015; Bessi et al., 2015a, 2015b; Anagnostopoulos *et al.*, 2016; Del Vicario *et al.*, 2016, 2017).

A further element defining the ‘bubble democracy’ concerns trust networks and the two crucial issues of ‘disintermediation’ and ‘post-truth’. In the discussion evolving over the past few years in relation to the phenomenon of ‘post-truth’, it has often been emphasized that the most glaring novelty introduced by social media, and, in particular, the falling costs of the production and distribution of opinions and news, has been the crisis of scientific and political authority. In other words, unlike in the past, everyone feels entitled to offer a vision of the world that proposes and claims to be ‘real’, without any ‘institutional’ legitimacy being deemed necessary, or without any intervening mediation by institutionalized ‘truth agencies’. In this regard, disintermediation is made ‘technically’ possible through the multiplication of information sources, while the reduction in opinion production and distribution costs shortens the distance between ‘high’ and ‘low’ opinions. The result is that disintermediation places the opinions of experts and ‘amateurs on the same level. Thus, any individual can aspire to present him or herself as an ‘agency of truth’. However, while trust in institutions, and in established ‘truth agencies’ is weakened, it does not lead to the overall erosion of trust. Rather, as happens precisely in the echo chambers, trust is distributed ‘horizontally’, in the sense that news reported by a ‘friend’ may be considered ‘more trustworthy’ than that reported by an authoritative source, whose trustworthiness is guaranteed by institutional mechanisms (Lorusso, 2018). If ‘post-truth’ is indeed tied to the individual’s perception of the trustworthiness of information sources, a significant element of the ‘bubble democracy’ is then the passage from a scenario in which trust is placed in institutional agencies to a scenario in which bonds of trust are more predominantly ‘horizontal’ or ‘distributed’, whether entirely ‘disintermediated’ or not.

Finally, a large piece in the ‘bubble democracy’ puzzle concerns the tendency to polarization, and, therefore, susceptibility to centrifugal forces. Unlike in the ‘audience democracy’ outlined by Manin, in the ‘bubble democracy’, the ‘audience’ is fragmented into a series of distinct segments, each of which is the addressed by an

information flow oriented to be 'partisan', precisely because political leaders turn to specific niches with the goal not of 'convincing' voters with moderate arguments, but rather of mobilizing them to vote by focusing on more rooted identities and radical issues capable of feeding into or exploiting the polarization mechanisms in echo chambers. In delineating the 'ideal type' of the 'bubble democracy', one can, indeed, already recognize today how, the increase in mistrust of parties, institutions and political classes and the 'fragmentation' of the 'audience' is accompanied, almost as a logical consequence, by a marked tendency to political polarization, and, more generally, to the radicalization of positions. Whether voluntary or not, the formation of closed bubbles seems destined to favour a process of increasing polarization. Several observers have, indeed, pointed out that not only are the bubbles self-referential, but they also tend to express extreme positions, and often wilfully disregard the degree of veracity of the information and any opportunities to verify that it has any basis in real facts. This aspect was highlighted, above all, by Cass R. Sunstein, who has long focused on the negative consequences, for public debate, of mechanisms driving the 'polarization' of groups (Sunstein, 2002; Schkade & Sunstein, 2007). Indeed, Sunstein has developed a sort of 'law of polarization', according to which, 'after deliberation, people are likely to move toward a more extreme point in the direction to which the group's members were originally inclined' (Sunstein, 2017, p. 68).

Of course, this view of polarization is closely connected with the hypothesis that social media favours homophily. Although several research studies confirm the idea that the homophily of users tends to restrict spaces for debate to individuals who share the same positions, opinions on the matter are not at all unanimous. Indeed, there are also scholars who dispute that 'ideological bubbles' exist, or that they have any role in orienting voting behaviours. The discussion is set to continue over the coming years, also since the relevance of 'filter bubbles' or 'echo chambers' should theoretically increase with, as many observers predict, the Web becoming effectively the predominant channel for accessing information for the majority of citizens. It is precisely these developments that will make it possible to assess more adequately the hypothesis that the loss of the 'audience' creates centrifugal forces in political competition, and, with communication and information flows no longer passing, or predominantly not passing, through the large-scale generalist media, that, for political actors, it will become indispensable to enter the 'tribal' networks in which 'bubbles' are aggregated, and to exploit the movements of 'digital swarms'.

Conclusion

This article does not propose an interpretation of the ‘crisis’ that seems to be affecting Western democracies, or of the roots of the ‘democratic recession’ that has emerged globally. Rather than within the constructs of old ‘party democracy’ and ‘audience democracy’, described by Bernard Manin, it has rather attempted to collocate the recent changes in the unprecedented political and communicative scenario of the ‘bubble democracy’. As we have seen, the ‘bubble democracy’ should not be understood as a faithful representation of the reality, since it is simply an ‘ideal type’ constructed by extremizing certain observations in contemporary politics. It would therefore be naive to claim to recognize, in reality, a manifestation of the ‘pure type’. Indeed, the utility of ‘ideal types’, as, for example, in the case of models such as ‘feudalism’ or ‘charismatic legitimacy’, consists in their capacity to offer up instruments for interpreting changes. Therefore, rather than ‘predicting’ future changes, the concept of the ‘bubble democracy’ can perhaps help to recognize a new logic already brought about by certain ‘structural’ modifications to relations between citizens, information and the political system. Clearly, however, it remains to be shown that our democracies are approaching the model of the ‘bubble democracy’. In addition, regarding precisely the hypothesis that we are heading towards an unprecedented ‘bubble democracy’, we certainly cannot dismiss the objection, radical if, in many ways, taken for granted, that television still remains the main channel of information for many citizens. In other words, according to such an objection, we should recognize that the political spectacle still unfolds on TV, and that the fragmentation of the audience into self-referential bubbles is a marginal phenomenon, limited only to niches and concentrated in younger age groups. It is indeed an objection largely well-founded, which cannot be ignored, and which warns us against the determinism of reckless forecasts. Looking at what has happened over the last decade, however, it is also difficult to liquidate forecasts that argue for a near future increasingly populated by ‘echo chambers’ and ‘digital swarms’. Precisely for this reason, though caution is indispensable, we must seriously consider the hypothesis that the ‘audience’, or ‘public’, is destined to disintegrate into a myriad of ‘bubbles’, and that the somewhat disturbing scenario of the ‘bubble democracy’ may soon become rather accurate model of reality.

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FOUCAULT, POSVERDAD Y PARRRESÍA¹

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FOUCAULT, POST-TRUTH AND PARRHESIA

Abstract

In this paper, Vaccaro aims to interrogate the political value of truth. Moving from Hannah Arendt and the debate between modernity and postmodernity, the paper focus the Will to truth according the elaboration of Nietzsche, but also the first Collège de France course by Foucault in the '70s. The thesis is a etho-politics of telling the truth, that to say the parrhesia, as an antidote either to the nihilation of truth in the post-truth, or to the enforcement of truth as the One in politics.

Keywords

Post-Truth, Arendt, Postmodernity, Nietzsche, Foucault, Parrhesia.

Resumen

En este artículo, Vaccaro pretende interrogar el valor político de la verdad. Partiendo de Hannah Arendt y del debate entre modernidad y posmodernidad, el artículo se

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centra en la Voluntad de verdad según la elaboró Nietzsche, pero también en el primer curso de Collège de France de Foucault en los años 70. La tesis es una etopolítica de decir la verdad, es decir, la parresia, como antídoto tanto contra la aniquilación de la verdad por parte de la posverdad, como para el fortalecimiento de la verdad como lo Uno de la política.

Palabras clave

Posverdad, Arendt, Postmodernidad, Nietzsche, Foucault, Parresia.

*La pretensión de poseer la verdad
lleva a todos los excesos autoritarios.*

Camillo Berneri

Quien renuncia a monopolizar la verdad renuncia al mando

Fernando Savater

Nada es más peligroso que un sistema político que pretende prescribir la verdad.

Michel Foucault

1. ¿Algo nuevo bajo el sol?

Afirmaba Lewis Carroll en *Alicia en el país de las maravillas* (2009):

Cuando uso una palabra - dijo Humpty Dumpty en un tono bastante despectivo - significa exactamente lo que quiero que signifique... ni más ni menos.

Ese es el problema - dijo Alice - si puedes hacer que las palabras tengan un significado diferente.

El problema es - dijo Humpty Dumpty - quién va a ser el amo, eso es todo. (p. 361)

La trinchera de los *alt-facts*, relacionada con la ideología de la *alt-right* que ayudó fuertemente a Trump en las presidenciales estadounidenses, no debería, en mi opinión, ser subestimada, especialmente en tiempos de creciente populismo. Sin embargo, el factor crucial es identificar correctamente el vínculo entre verdad y política, ya no bajo el signo de la verdad, como evoca el prefijo post-, sino bajo el signo del poder, como recuerda Humpty-Dumpty.

De hecho, la relación entre política y verdad es antigua, tanto desde un punto de vista teórico como empírico y práctico. El conflicto entre Platón y los sofistas se centra precisamente en la importancia de la verdad en los asuntos de la *polis*; solo aquellos que son capaces de acceder a la verdad pueden gobernar el bien común, y con este fin solo los gobernantes (y los médicos) pueden mentir (*organized lying*, señala Arendt), mientras que los sofistas se burlan de la verdad porque niegan la base epistémica de la acción política, conectada con el mero ejercicio del poder, en cuya función lo verisímil es más

que aceptable (Cavarero, 2017). En lugar de acabar con la verdad, la hacen superflua, a través de un discurso retórico cuyas operaciones lingüísticas demuestran su irrelevancia. ¡Y cómo olvidar la apelación de Cicerón contra la retórica de Catilina, cuyos sofismas abusaban de la paciencia y de la sabiduría! Muchos siglos después, Hobbes volcó el sistema clásico —ya debilitado por Maquiavelo en la hibridación de razón y cálculo racional en un conjunto de acciones redundantes— atribuyendo el carácter de verdad no a las cosas, como afirmaba Platón en el mito de la cueva, sino al discurso, a las palabras y a aquel que la enuncia (De Michelis, 2017; Mascitelli, 2017).

Hannah Arendt, de hecho, enfatiza el carácter político de la verdad como una fuerza coercitiva que cierra toda discusión, dominando la palabra tanto del político como de la opinión pública, pero precisamente por esta razón señala, en la propia fuerza coercitiva, su fragilidad, dictada por la naturaleza constitutivamente contradictoria de su estatuto. Toda verdad fáctica que no alcanza la dimensión de un axioma indiscutible, aunque esté dotada de resiliencia en una memoria colectiva que no es inmemorial o que no quiera ser olvidada porque está sometida al olvido del tiempo, está expuesta a su explotación política en tanto que el acontecimiento mismo, con su narración necesariamente discursiva, aunque sea practicada por el testigo cuyos deslumbramientos ilusorios son conocidos, se expone a la contingencia de su poder-ser de otro modo, que define la libertad de la modernidad. El pluralismo ontológico de la filosofía política de Arendt confina la verdad científica a las áreas protegidas y custodiadas por un sistema epistemológico que encuentra en sí mismo las medidas correctivas adecuadas para falsificar y, por lo tanto, modificar las verdades comprobadas y reconocidas, moviendo el terreno bajo sus pies y sacándolo de una perenne estabilidad típica del dogma teológico o de la narrativa mítica. Así, la verdad científica, cerrando el infinito diálogo público, se erige como un dispositivo despótico, es decir, antipolítico, otorgada a un debate exclusivo en el que se confía y se entrega ante las aplicaciones tecnológicas que, sin embargo, no sólo afectan, a su vez, a las representaciones y percepciones, sino que modifican el campo epistemológico e incluso político en el que se forman tales representaciones y percepciones, capaces de orientar el propio proceso político (Arendt, 1972).

Es obvio que el trasfondo histórico al que se refería Arendt era el totalitarismo del siglo XX, que practicaban las posverdades *ante litteram* cada vez que eliminaban hechos y personajes de la historia reciente o incluso del presente, si eran inapropiados o caían en desgracia: ¡como si nunca hubieran existido! Y es igualmente obvio que la posverdad en regímenes políticos democráticos (más o menos) avanzados funciona de manera diferente, exponiendo al máximo su vulnerabilidad, es decir, el riesgo inminente del paso

de una dimensión institucional a una dimensión de lo instituido. En otras palabras, el entramado indisoluble entre el régimen de verdad y el régimen político revela su propio des-fundamento cuando descubre que la condición previa para que el uno se apoye en el otro funciona, es decir, la voluntad de proceder juntos en la formación contingente de juicios y decisiones cruciales para la comunidad política, se revela en su desnuda fragilidad, no pudiendo estribar en una verdad epistémica, ni en una retórica plausible o verosímil, sino totalmente desequilibrada hacia el interés y la pasión particular cuya voluntad no siempre converge en el objetivo del mantenimiento de lo común. Es en esta aporía constitutiva donde incluso la impugnación de la verdad heredada, cuya superación hacia otros paradigmas se invoca a través de una cesura de la verdad, abriéndose a otros espacios heterotópicos o utópicos, roza la confusión con la mentira política que se une de mala fe con la voluntad radical de abrir otro imaginario, y provoca efectos sobre la realidad real de la política completamente opuestos a los de los defensores de la utopía en la política. La libertad de pensar de manera diferente queda capturada en la ficción de la posverdad en la que la diferencia se hace irreconocible porque está homologada a la mera opinión, ahora privada de todo juicio, de modo que los límites entre lo verdadero y lo falso, entre el hecho y la invención, se mezclan hasta volverse irreconocibles (Revault d'Allonnes 2018).

Para Arendt, en el contexto de la inmanente pluralidad de la condición humana, los hechos pueden hacerse realidad según una compleja estrategia discursiva capaz de orientar la constatación y el reconocimiento por parte de la opinión pública, que también está condicionada por los medios de comunicación y de persuasión de masas, que a su vez no están exentos de condicionamientos interesados y ligados a las estructuras de propiedad (privadas o públicas ocupadas y apropiadas por las élites) o a fines tácticos funcionales. Dado que el juego discursivo es ilimitado y vulnerable precisamente porque puede ser traspasado por representaciones capaces de subvertir la percepción de los hechos y no solo de las opiniones sobre los hechos, el poder político utiliza con toda su fuerza formas de desfactualización a través de estrategias productivas de mentiras, olvido, cancelación, censura, engaño y autoengaño, siempre parciales y nunca totales, pero siempre efectivas en el tiempo, con el efecto no secundario de enturbiar las aguas y despistar la atención dirigida a la legítima búsqueda institucional de una verdad fáctica. El resultado final podría resultar en un cinismo literalmente temerario que distorsiona un sano escepticismo frente a las verdades interesadas, transmitidas por el poder, hacia una incredulidad total y permanente que impide cualquier juicio de la opinión pública, especialmente en los momentos tópicos de ejercicio de la soberanía en la toma de decisiones. Y esa incredulidad se ofrece indefensa ante la permeabilidad y la porosidad de

la estructura del imaginario social del público a merced del poder del momento, que se plantea con una “mentalidad de *raison d'état*” (Arendt, 1968).

En resumen, los hechos siempre han sido impugnados, y la política ha sido alimentada por mentiras y *fake news* desde tiempos inmemoriales, pero con otros nombres. Por supuesto, hoy en día, subrayar la pérdida del sentido de la verdad en la dirección de la posverdad aludiría con mala perspectiva a una época en la que la política y la verdad se combinaban correctamente, en una especie de edén de la política. De hecho, nunca sucedió. Pero también es necesario señalar cómo la progresiva desintegración de las bases de la comunidad, de los lazos sociales, por medio de una gubernamentalidad neoliberal, más que empujada, provoca la pérdida de un ethos colectivo y solidario sobre el cual activar una acción y una intelectualidad críticas del presente. De ahí la búsqueda solipsista de verificación de las olas de información que se desencadenan por la multiplicación acelerada de los medios de comunicación habituales y virtuales, en la era post-Mac Luhan, que dirige al individuo a encontrar confirmación sin sorpresas a sus prejuicios, en lugar de aventurarse sin filtros críticos en territorios que lo desestabilizan culturalmente, siendo ya precario en sus certezas por el terremoto social en el que se encuentra inmerso (Berardi Bifo, 2017). Sin duda, la espectacularización de la política la hace homogénea al *infoetainment*, su estética es homóloga al marketing generalizado en el que la retórica practicada por los antiguos sofistas, en el hueco de la ficción entre la palabra y el cuerpo, desnudo por los cínicos parresiastas, se extiende ahora como una forma de vida en la que la singularidad plural de cada uno de nosotros es absorbida por el simulacro de lo individual, dividida en sí misma y separada de sus instancias colectivas. Después de todo, ¿no vivimos la despolitización cotidiana como un coste para la ilusión de una libertad individual, de una seguridad personal? Sin darnos cuenta, la *governance* neoliberal anuncia la entrada en una era pospolítica en la que la rigidez administrativa regula el conflicto de voluntad política, neutralizándolo tan pronto como para someternos al anonimato de las autoridades sin imputación de responsabilidad, ya degradada a la simple *accountability*.

2. Nostalgia de la verdad

El surgimiento de una política (organizada) de la posverdad por parte de las autoridades en el poder es generalmente atribuida al debilitamiento de la matriz científica de la verdad por aquella corriente articulada y diferenciada que se etiqueta como posmo-

derna (en el sentido que le dio Habermas, por ejemplo) o más específicamente en las universidades americanas como *French Theory*. Al repetirse que la verdad no se alimenta de un procedimiento científico, ni tiene ningún vínculo ontológico con lo real, sino que es el resultado, siempre precario, de una trama conflictiva de una estrategia de poder-saber que se teje a nivel cultural para producir de ello una conforme y funcional al propio ejercicio, posiblemente incontestable, no es de extrañar que broten como hongos verdades múltiples y hechos alternativos, todos ellos dignos de la misma condición de aceptabilidad. En definitiva, de Nietzsche a Lyotard, apoyándose en Feysabend y Rorty y tirando de Foucault por los pelos, se ha impuesto la “falsa” línea de un pensamiento post-1968 que, para no querer ser autoritario o establecer jerarquías de pensamiento legítimo, se ha debilitado hasta el punto de ser capturado por cualquier autoridad política que manipula la verdad sin pagar ningún arancel, tanto que *¡anything goes!*

De hecho, los pensadores posmodernos, típicamente tomados como una única formación auto-identificada como tal, y por lo tanto más allá de las innegables diferencias de estrategias y tácticas analíticas y teóricas, se les atribuye, entre otras cosas, la eliminación de una narrativa general supra-histórica que combina el orden del pensamiento y la verdad del significado, la ruptura de la marca ontológica que identifica al ser con lo que es sin poder ser de otra manera, la aporía constitutiva en el fondo de cada posicionamiento de la práctica del pensamiento y, por lo tanto, de la actuación que se abre no a la nada, como desearía Heidegger, sino a la contingencia temporal de determinadas condiciones de emergencia de contingencia a y sus efectos plurales, casi nunca trazables de antemano por la teoría. Estas acusaciones de ruptura del orden constituido por el saber occidental a lo largo de los siglos se basan en ciertas tácticas que intentan redimensionar la captura teórica del saber establecido e institucional, así como de las formas de pensar, para convertirlas en lo contrario: a la postura irónica que trata de dismantelar toda pretensión de verdad con sano escepticismo se la acusa de relativismo o indiferencialismo; al pluralismo ontológico que opone el ser al devenir anticipa un caos teórico y práctico que alimentaría la desconfianza en las reglas de la democracia abriendo el camino al populismo; la crítica de la crítica científica abre las puertas a una improvisada epistemología del bricolaje que se difunde viralmente por las desatendidas autopistas de la red; el uso innovador de algunos *topoi*, como el nexo saber-poder, por ejemplo, favorece el atajo por el cual el pensamiento posmoderno, legitimando el poder como fuente de todo, se entrega “al absolutismo de la razón del más fuerte”, haciendo explotar por la derecha aquello que en un principio aspiraba a resultados de izquierda; la coincidencia aleatoria del punto de inflexión conservador después de 1968, es decir,

en los años de difusión (más que de elaboración) de la crítica posmoderna, confirma el carácter conservador del pensamiento, incluso en sus actitudes analíticas y teóricas; en virtud de su confrontación con autores polémicos como Nietzsche y Heidegger, la izquierda posmoderna se dejó someter por la fascinación perversa de la derecha; por último, criticando la modernidad, denunciado los límites o los excesos (que se remontan a la *Dialéctica de la Ilustración*, por ejemplo), ha socavado la democracia, sus reglas de la primacía convencional de la mayoría, así como las instituciones del Estado de derecho.

No es este el lugar para hacer frente a la inmensidad de las acusaciones, para poner a prueba su bondad frente a una actitud racional que ciertamente no es el resultado de una amplia conspiración teórica e intelectual, llevada a cabo durante varias décadas por personalidades que comparten un espíritu crítico que, sin embargo, se ha expresado en contextos y marcos de conocimiento diferentes entre sí, ¡incluso para los que se han agrupado indebidamente en una *French Theory* por el mero hecho de expresarse en francés! Además, la dialéctica entre acusación y defensa no facilitaría la comprensión mutua de los respectivos puntos de vista y perspectivas, frente a una condición humana que, entre tanto, ha dado pasos de gigante y para cuyo análisis ese debate probablemente refleje el desgaste del tiempo transcurrido. Sin embargo, en última instancia, el objetivo de deconstruir la “solidaridad trascendental entre *unum* y *verum*”—el verdadero objetivo de lo que podemos definir como crítica posmoderna— es una intención difícil para algunos e indigesta para otros.

La ruptura de la simetría entre ontología y epistemología en la búsqueda de la verdad, o en el empoderamiento de la posverdad en la discusión de hoy en día, lleva a Maurizio Ferraris a enfatizar con vigor la entrada, en el campo del saber-poder, de la técnica de producción de lo virtual: la “viralidad de la red”, capaz de intoxicar un rigor analítico de distinción, así como de oscurecer por hiperabundancia de datos —potencialmente infinita— una capacidad, selectiva y limitada, de reconstrucción del sentido. La tecnología, con su poder de inscribir objetos e interpretarlos en soportes *documediales*, de documentarlos y de transmitirlos a través de los medios de comunicación al mismo tiempo, se presenta como una tercera dimensión, junto con los ámbitos de la ontología y de la epistemología, hasta el punto de comprender el surgimiento del peligro real de la posmodernidad, que ya no está relacionada a la negación de los hechos ni al juego de las interpretaciones epistémicamente ilimitadas, sino a la precesión de códigos productivos de objetos sociales que ya no movilizan totalmente el trabajo sino los datos disponibles para leer la realidad, en lo cual materializa la antigua profecía faustiana que pretendía lo humano como prótesis de las nuevas tecnologías. Viralidad, persistencia, mistifica-

ción, fragmentación, opacidad de las fuentes: la posverdad parece ser, en un *calembour* lingüístico, la “verdad que surge”; lo virtual es la verdadera realidad desordenada del *datum omnium contra omnes*, en una contingencia pospolítica en la que la gubernamentalidad neoliberal ha interiorizado plenamente la soberanía del individuo sobre el cuerpo colectivo, obligado a exiliarse de la tierra para trascender en la fuerza anónima de la red (Ferraris, 2017 por las citas, respectivamente, p. 11, p. 126, p. 156, p. 115).

3. «Voluntad de verdad»

Polemizando contra el énfasis positivista que confía a la ciencia y al conocimiento los magníficos y progresivos destinos del progreso humano, Nietzsche enuncia la famosa e hiper-citada afirmación sobre la primacía de las interpretaciones sobre los hechos. Es apropiado leer el pasaje en una forma un poco más amplia de lo habitual, para comprender su verdadero alcance:

Contra el positivismo que se detiene ante los fenómenos: “sólo hay hechos”, yo diría: no, los hechos por sí solos no existen, sino sólo las interpretaciones. No podemos ver ningún hecho “en sí mismo”; quizás sea absurdo querer algo así. En la medida en que la palabra “conocimiento” tiene sentido, el mundo es conocible; pero puede ser *interpretado* de diferentes maneras, no tiene sentido detrás de él, sino innumerables sentidos. “Perspectivismo”. Son nuestras necesidades *las que interpretan el mundo*: nuestros instintos y sus pros y contras. Cada instinto es una especie de sed de dominación, cada uno tiene su propia perspectiva, que le gustaría imponer como norma a todos los instintos. (Nietzsche, 1990a, 7 [60]; 1983, pp. 46-47)

Es el amanecer de un pensamiento crítico post-Kantiano, que acepta el desafío del conocimiento y del saber sin erigir sus actos en un empirismo sovramundano que estaría determinado por posiciones o postulación universales válidas para todos. Este es un instinto de dominación, es decir, la pretensión de colocar la propia posición particular en una posición jerárquica de visión omnisciente desde cuya verticalidad se domina cualquier otro punto de vista autoasignándose el valor universalmente válido de la verdad: “El hombre proyecta su impulso de verdad, su “fin” en cierto modo fuera de sí mismo como mundo del ser, como un mundo metafísico, como una “cosa en sí”, como

un mundo ya existente” (1990, 9 [91]). En el acto epistémico del conocimiento, en la ontología de lo que es, prevalece la política de la verdad. Al deshacer todas las ficciones disciplinarias que instruyen la vida enmarcándola en muchos compartimentos estancos (ciencia, psicología, metafísica, derecho), se alimenta de lo desconocido, del miedo “atenuado” en el asombro que domina el miedo y lo hace “penetrable” por la captura filosófica del conocimiento, del *Begriff* como un movimiento de abstracción que capta, que se apodera del objeto representado, encontrándose a sí mismo como un sujeto “satisfecho” por haber transformado el miedo en voluntad de poder (1990a) o bendecido porque se abandonó al dios de turno que lo defiende y lo protege en la ceguera del verdadero conocimiento fragmentado:

La verdad no es, pues, algo que existe y que hay que encontrar, descubrir, sino algo que *hay que crear* y que da nombre a un *proceso*, es decir, a una voluntad de subyugación, que en sí misma no tiene nunca un fin: introducir la verdad, como un *processus in infinitum*, una *determinación activa*, no una conciencia de algo [que] es “en sí misma” fija y determinada. Es una palabra para la “voluntad de poder”. (1990b 9 [91]; 1992, pp. 279, 283)²

En Nietzsche esto responde a una mimesis de autopreservación en un ambiente hostil, en el que es humanamente “necesario” tener “fe” en la verdad, “no que algo *sea verdad*” (1990b 9 [38]); “lo que *debe* ser considerado verdadero debe decirse verdadero”. En el fondo se encuentra la utilidad que se deriva del hecho de que al concepto “verdadero” se le atribuya tal valor [...] que, por supuesto, es sólo un criterio de utilidad en el interés de la mayoría” (1990a 5 [18]). El desafío de Nietzsche arremete contra toda la tradición del pensamiento occidental que quería celebrar en la ontología la primacía del ser como único y verdadero fundamento de todo y de toda medida humana. Se revela como una poderosa ficción que encuentra en la fuerza performativa del lenguaje capaz de conciliar el acto voluntario de la nominación —que Derrida lee correctamente en clave teológica— y la cosa misma a la cual se le atribuye la esencia de la verdad. La ontología expulsa la relación como medida de lo humano, dando lugar a esa primacía del Uno sobre el Múltiple, sobre la pluralidad de las relaciones sociales constitutivas, que se declina en un sentido ferozmente unilateral, violentamente estatal, antropológicamente patriarcal, como han denunciado desde hace tiempo las teóricas de las diferencias de

² “Todo el aparato del conocimiento es un aparato de abstracción y simplificación, no orientado hacia el conocimiento, sino hacia la dominación de las cosas. La necesidad no de “saber”, sino de subsumir, de esquematizar, para [...] calcular”.

géneros. Como toda ficción, este gesto está al alcance tanto de los más fuertes como de los más débiles, por lo tanto, de cada uno en función de sus propios intereses de supervivencia, estrechamente ligados al poder de posicionarse de forma resistente y ofensiva al mismo tiempo, como nos dirá Canetti unas décadas más tarde.

En un curioso renacimiento del mito fundador de la estatalidad moderna en el pacto social hobbesiano, en el que la palanca del miedo a la muerte mutua en el estado de naturaleza da lugar, según Nietzsche, el intelecto constructor de ficciones metafóricas que socialmente se traducen en servidumbre voluntaria “como en un rebaño”, entonces la paz del Leviatán representa “el primer paso hacia la consecución de ese enigmático impulso hacia la verdad”. En este punto se fija lo que será la “verdad”, es decir, se descubre una designación de las cosas uniformemente válida y vinculante, y la legislación de la lengua también proporciona las primeras leyes de la verdad (Nietzsche, 1991, p. 229)³.

La facultad imaginativa del ser humano produce metáforas que funcionan hasta el límite de su desgaste. Para evitar su deterioro, las ficciones transforman su consistente fragilidad en conceptualidades objetivadas en la pérdida del vínculo de construcción humana; las mentiras útiles se convierten así en verdaderas esencias que separan las capacidades relacionales de los individuos que socialmente se atan y desatan a lo largo de múltiples lazos afectuales para erigir la estatua del sujeto autónomo frente al objeto “cosa en sí misma”, como si esta ya no fuera una proyección lingüísticamente expresada de la imaginación humana, sino un hecho trascendente, creado por el Otro, que nos lo da para nuestras costumbres y tradiciones, a nuestra completa disposición hasta su aniquilación, como lo ha registrado la humanidad en cada asesinato a cualquier escala y en cualquier área de nuestro entorno.

Escribe Nietzsche (1991):

Entonces, ¿qué es la verdad? Un ejército móvil de metáforas, metonimias, antropomorfismos, en definitiva una suma de relaciones humanas que se han fortalecido poética y retóricamente, que se han transferido y embellecido, y que después de un largo uso le parecen a un pueblo sólidas, canónicas y vinculantes: las verdades son ilusiones cuya naturaleza ilusoria ha sido olvidada, son metáforas desgastadas y que han perdido toda fuerza sensitiva, son monedas cuya imagen ha sido consumida y que ahora sólo valen como metal, y ya no como monedas”. (p. 234)⁴

³ “Él sólo designa las relaciones de las cosas con los hombres y utiliza la ayuda de las metáforas más atrevidas para expresar esas relaciones” (p. 231).

⁴ “Su método considera al hombre como la medida de todas las cosas; sin embargo, al hacerlo, parte de un error inicial, es decir, creer que tiene estas cosas inmediatamente delante de él, como objetos puros. Olvida así que las metáforas originales

Esta empresa es confiada al conocimiento, a la ciencia que traduce conceptualmente

(...) el juego de los dados” en una verdad cuyo esquema designa “un orden piramidal, subdividido según castas y grados, crea un nuevo mundo de leyes, privilegios, subordinación, delimitaciones, [...] como algo más sólido, más general, más conocido, más humano y, por lo tanto, como el elemento regulador e imperativo. (p. 234)

La voluntad de poder equivale a la voluntad de verdad que im/pone el orden, sea cual fuere a cada momento, en el caos primordial en el que conviven las diferencias sin jerarquías. Y si realmente es necesario clasificar esa postura teórica, no es ni epistemológica ni ontológica, es de orden político, y más precisamente de prácticas experienciales de la vida, autoreflejadas desde una constelación de perspectivas plurales (Warren, 1988).

4. Política de la verdad y etopolítica de la parresía

Es en la estela de Nietzsche que Foucault *politiza* la semántica de la verdad al vincular estrechamente lo que está en juego en la adquisición del conocimiento y su certificación, es decir, el estatus epistémico de la verdad con las estrategias de poder que tienden a legitimarse refugiándose al amparo de una fortaleza que no puede ser escarbada, como el poder de la verdad ante el público. Esto fue especialmente cierto después de la muerte de Dios, que durante siglos había atestiguado el vínculo preferencial entre el poder político y la divinidad para garantizarse la posición de gobernante sobre los gobernados. A partir de Foucault, el saber-poder se convierte en una endiádis indisoluble, y la verdad del saber apoya la legitimidad del poder, y al mismo tiempo la potencia del poder contribuye a producir la solidez epistémica del saber, reuniendo las dos tácticas diferentes en un régimen discursivo unificado y a la vez múltiple, denso de grietas, pliegues, fracturas y recomposiciones, y, por lo tanto, contingente respecto al contexto, pero sin embargo inoxidable al tiempo histórico en la que esa doble toma interviene para cimentar tanto la estrategia cognitiva como la táctica del poder.

Desde su primer curso en el Collège de France en 1970-71, Foucault quiso subrayar cómo la filosofía, en conflicto con otras estrategias de conocimiento y dando sentido al

de la intuición siguen siendo metáforas, y las toma por las cosas mismas” (p. 236).

mundo, para dominar a las demás, se ha apoyado en la construcción de una posición de poder de la verdad, unificando el movimiento original del asombro, de los sentidos cognitivos, a través de un orden del discurso verdadero que regulase la adquisición y posesión legítima de los datos del conocimiento, privando así a otras modalidades consideradas poco fiables, ya que la finalidad del conocimiento institucionalizado en aparatos del saber sirve en realidad “para dominar, para prevalecer, para no saber” (Foucault, 2011, p. 26):

Llamaremos conocimiento al sistema que permite dar una unidad preliminar, una pertenencia recíproca y una connaturalidad al deseo y al saber. Y llamaremos saber lo que debe ser arrebatado de la interioridad del conocimiento para encontrar en él el objeto de una voluntad, el fin de un deseo, el instrumento de un dominio, lo que está en juego en una lucha. (p. 18)

Es la voluntad de lo verdadero y lo falso, un sistema empapado de violencia que coloca su victoria en la lucha epistemológica como verdad ontológicamente fundada porque “cuando el *logos* dice la verdad llega al ser de la naturaleza” (p. 148). El mismo Nietzsche es el filósofo que busca “apartar verdad y saber” (p. 24), devolviendo el deseo a su alegre pasión, haciéndola escapar de la jaula normal de la “ley” y de la “forma del orden de la verdad” (p. 32)⁵.

Según Foucault, los rasgos de la “economía política de la verdad” son bien conocidos. Su régimen mundano está marcado por la ausencia de externalidades o exterioridades entre verdad y poder, su carácter productivo está constituido por “múltiples restricciones” que actúan como “efectos obligatorios del poder”; también designa aquellas condiciones políticas gracias a las cuales un discurso adquiere el estatus de verdad, acreditándose generalmente como científico, discerniendo, seleccionando, aceptando y rechazando, por lo tanto, entre ciertas afirmaciones, tipos de discurso, técnicas de valorización, procedimientos, aparatos institucionales, prácticas colectivas implementadas, en definitiva, todo lo que presenta una *quadrillage* teórico y discursivo apto para “designar lo que funciona como verdadero”. Obviamente nada pacífico y armonioso, el régimen discursivo encarna la figura conflictiva del mundo, su contingencia que excede y resiste la hegemonía discursiva⁶ de la verdad establecida, que se observa en el “conjunto

⁵ “La verdad —debería decir, más bien, el sistema de verdad y falsedad— habrá revelado el rostro que durante tanto tiempo se ha apartado de nosotros, y es el de su violencia” (p. 16). Temas y resonancias similares pueden ser rastreados desde el comienzo de la famosa conferencia inaugural en el Collège de France titulada *L'Ordre du discours* (Foucault, 1971).

⁶ De hecho, según Foucault (1977a), “no se trata de liberar la verdad de cualquier sistema de poder —sería una quimera

de reglas según las cuales lo verdadero se separa de lo falso y se asigna a los verdaderos efectos específicos del poder” (Foucault, 1977a, pp. 25-27; Foucault, 1977b, pp. 33 y 41). Un régimen de verdad abierto a cualquier juego potencial de verdad.

En Foucault, este diagrama nietzscheano cuestiona repetidamente la forma ilusoria de la verdad que se ha prolongado a lo largo de los siglos a pesar de su naturaleza errática y quizás gracias a sus errores y fracasos. A nivel del saber y sus canales de acceso entendidos en un sentido estrictamente epistemológico, la *Arqueología del saber* denuncia la formación de los enunciados en su *impureza* con respecto al poder; la estricta imbricación verdad-saber-poder induce a Foucault a derribar el paradigma moderno de la *legitimidad* en la filosofía política, es decir, la búsqueda por parte de Kant del límite de poder que plantea la verdad, que frena su poder y lo devuelve a la razón: para Foucault (1997), en cambio, se trata de cuestionar “cuáles son las reglas del derecho que las relaciones de poder establecen para producir discursos de verdad” (p. 20), y luego destacar los efectos de la verdad producida por el poder, que a su vez relanzan esas tácticas dirigidas a redefinir el alcance espacial y contingente de su afirmación indiscutible.

La inversión revolucionaria del eje crucial del cuestionamiento filosófico-político por excelencia está finalizado en Foucault a apoyar de manera *anarqueológica*, como él mismo dice, la contingencia del nexo poder-saber del que la verdad es la garante, aportando un aura de incontestabilidad, de gran necesidad, de debida utilidad, mientras que Foucault pretende eximir de este manto de ineluctabilidad la trama que forma, de manera históricamente contextual, la contingencia puntual del nexo de subjetivación que organiza la autoconstitución, el saber subordinado y la resistencia al poder. Destituir la verdad como referente científico del bloque saber-poder-sujeto se convierte así en una formidable estrategia de deslegitimación, no tanto de la ciencia y sus procedimientos de verdad como tal, ni de la verdad como si fuera inexistente o irrelevante, como en el vínculo de obligación que pretende establecer en forma anodina y sometida. De hecho, lo que Foucault enfatiza al distinguir entre juegos de verdad y regímenes de verdad es ese vínculo completamente externo a la toma (científica) de la verdad, es decir, la fuerza que me empuja a adherirme a la verdad sin sentir el impulso de disputarla, que pertenece precisamente a una captura etopolítica del sujeto, más que a una evidencia clara de la enunciación lingüística (Foucault, 2012). En otras palabras, la forma de vida que impide que el entendimiento del mundo más allá del lenguaje, como dice Wittgenstein, es ella misma a su vez derivada de una fuerza discursiva, obviamente lingüística,

porque la verdad es en sí misma poder— sino de separar el poder de la verdad de las formas de hegemonía (social, económica, cultural) en las que funciona por el momento” (p. 28).

que responde, sin embargo, a las demandas políticas de subjetivación y obligación, mediadas por la verdad.

La verdad es, pues, un *enjeu*, un premio, moldeable, maleable, determinable, como una construcción lingüística a la que contribuyen diferentes discursos (sociales, económicos, culturales, ideológicos, científicos), ordenados y difundidos en diferentes niveles del imaginario social, en los que la figura de desacuerdo que la causa se ve contrapesada por el carácter ineliminable de la violencia que declina la toma, la captura final de lo que se afirma como indiscutiblemente cierto, aunque solo sea por un momento efímero. La violencia de la verdad se oculta tras el régimen discursivo, una economía disuasiva que confía su determinación a una institución separada del poder político, ocultando, sin embargo, el entretejido constitutivo y constructivo de las relaciones de poder y, sobre todo, de dominación que la utiliza como arma *interna* en las relaciones de poder (Foucault, 2001a; 1975). El objetivo final de la aceptación del vínculo entre verdad y política es silenciar al interlocutor, desarmarlo lingüísticamente, devorar conceptos y categorías para impedir *lo contrario*, sometiéndolo a la privación de sentido.

Por supuesto, Foucault no piensa en deconstruir el régimen político de la verdad para eliminarlo del papel estratégico y táctico que juega en la contingencia de los múltiples eslabones de poder-saber. Se compromete a trazar un juego de verdad diferente que escape tanto al valor epistémico que confirma la ontología del ser-así y no de otra manera, como al régimen político que de vez en cuando lo capta y lo vuelve funcional a sus objetivos. Cuestionando “cualquier discurso que pretenda ser a la vez un discurso de la verdad y afirmar su propia verdad como norma”, Foucault (2008) informa de la pretensión de ser fiel a una práctica discursiva, a un juego en el que el elemento ontológico “se analiza como una ficción” (p. 286)⁷. De ahí la emergencia de la *parresía* en su viaje, nada nostálgico, hacia la Grecia Antigua, tiempo donde se forjan las categorías conceptuales de nuestra manera de pensar y desde la cual se subrayan los elementos de discontinuidad y fracturas, no solo dentro del clasicismo, sino también en el itinerario desigual y no lineal hacia la modernidad. Y entre la *parresía* socrática, en la que está en juego el elemento epistémico del conocimiento en el choque mortal con el poder político, y la *parresía* cínica que irrumpe en la decadencia del poder

⁷ “Lo que significa, una vez más: la historia del pensamiento debe ser siempre la historia de las invenciones singulares; o bien, la historia del pensamiento —si queremos distinguirla de una historia del conocimiento construida sobre la base de un índice de la verdad, si queremos distinguirla también de una historia de las ideologías construida sobre la base de un criterio de la realidad— debe ser concebida.... como una historia de las ontologías que se relacionaría con un principio de libertad: en la que la libertad no se define como un derecho a ser, sino como una capacidad de hacer” (Foucault, 2008, pp. 285-286).

político del *demos*, es en esta última en la que voy a detenerme al final de este camino de la posverdad a la *parresía*.

La “homofonía” cínica entre actitud ética, estilo de vida, forma de comportamiento encarnado, que no tiene nada que ver con las modas modernas y contemporáneas de estetización de la política, y gesto político lanzado contra todo poder político arriesgando la propia vida, encuentra una fuerza única en el parresiasta cínico que *toma por verdadera* la unidad de acción y palabra (Foucault, 2009, p. 156)⁸. La vida en riesgo, sin embargo, no es una indicación de devaluación o de impulso nihilista, una especie de *amor mortis*, sino todo lo contrario, es la afirmación de un *bios* digno de ser vivido en libertad salvaje (animalidad cínica, de hecho), “una vida otra, radical y paradójicamente diferente” (Foucault, 2008, pp. 226), e impulsado pública y escandalosamente en el quiasma con el apego a esta práctica considerada esencial, verdadera hasta el final, aunque sin ningún fundamento de verdad, si no para su propia existencia singular. Foucault desplaza la lectura platónica canónica del *bios alethes*, releyéndola en clave libertaria y democrática:

(...) por un lado, le asegura una libertad entendida como independencia —como no dependencia, como no esclavitud— respecto a todo lo que pueda someterla a su propio dominio y poder; por otro, le asegura la felicidad (*eudaimonía*) entendida como autocontrol sobre sí mismo y como disfrute de sí a través de sí mismo. (p. 207)⁹

A diferencia de lo que es el tomar-por-verdadero en Heidegger, donde el énfasis sigue estando en lo verdadero, la revelación que recupera y restaura una unidad enterrada y oculta (Defert, 2011), el cinismo de la lectura foucaultiana subraya la subjetivación de la *tomar-por-verdadero*, es decir, de tomar posición, de exponerse en primera persona, frágil ante el exceso de poder pero, por tanto, invulnerable una vez que se acepta el riesgo de muerte por manos soberanas. Me parece que la fuerza del *tomar-por-verdadero* de los cínicos es la manifestación más evidente de la búsqueda de un juego abierto de verdad que no pretende erigir un régimen político, ni pretende basarse en una verdad profunda desde la que adquirir esa fuerza. La fuerza es inherente a la coincidencia

8 Obviamente Foucault introdujo el concepto de parresia antes, tanto en (Foucault, 2008) como en la conferencia de 1982 en Grenoble, La parresia (Foucault, 2016), y en (Foucault, 1996) que reunió el curso en Berkeley en el mismo año 1983 (donde, por cierto, la homofonía cínica se convierte en la “armonía ontológica” entre logos y bios, p. 65).

9 “Una vida sin disimulos, independiente y recta: una vida de soberanía” (p. 225), “la realización de la verdadera vida, entendida sin embargo como la necesidad de una vida radicalmente diferente” (p. 248).

etopolítica del gesto parresiasta, que habla por sí mismo en la acción corporal, lo que hace que el cuerpo ya no sea una superficie de inscripción del saber-poder, sino un volumen de múltiples dimensiones lanzado contra el poder (Lorenzini, 2017). El parresiasta cínico singulariza el gesto ejemplar, no para buscar a quienes le sean afines o le emulen, sino para dibujar un diagrama de resistencia al poder político a partir del cual y sobre el cual otros podrán construir más segmentos de la revuelta etopolítica:

Tomar posesión de uno mismo a través de uno mismo es el acto fundacional que, por una parte, me dará la capacidad de disfrutar de mí mismo y, por otra parte, me permitirá ser útil a los demás cuando estén en dificultades y en desgracia. (Foucault, 2009, p. 251)¹⁰

La solidaridad corporal más que verbal, *ergò* más que *logò*, activa más que compartida, posiblemente multiplicada más que la con-dividida, la *parresía* etopolítica dibuja una figura de rebelde que en el curso de la historia ha asumido rostros diferentes según las contingencias de la época.

La determinación opuesta a la seducción del poder, a la fascinación de la cooptación, que se expone al riesgo de la captura pero no de la capitulación resignada, enuncia un poder de la verdad que motiva el gesto parresiasta, en el que el parresiasta coloca con firme convicción su propio ethos del momento, diciendo no y jugando “su principio de rechazo que es al mismo tiempo una manifestación de verdad” (Foucault, 2008, p. 294)¹¹, cuya ley parece diferente a la verdadera violencia declinada por el poder. Por lo tanto, debemos aceptar esa lectura encaminada a enunciar en Foucault el vínculo crucial saber-poder que se pervierte en violencia de la verdad, justo cuando la lección de Foucault nos deja la herencia de la reducción de esta fuerza de la verdad, su reducción al mínimo para alimentar una crítica del poder, para “defendernos de la potencia del saber-poder de la verdad” (Rovatti, 2013, p. 22), para alterar una forma de vida e inaugurar otra vida, otro mundo.

El riesgo de la propia vida corporal preserva la fuerza etopolítica de la verdad parresiasta de la arbitrariedad enunciativa de una posverdad aparentemente desvinculada

¹⁰ “No verse obligados a mandar, en este estado, aunque uno sea capaz de hacerlo; no verse obligados a obedecer si no se quiere. [...] En la democracia que funciona así, la parresía no es, por tanto, el elemento constitutivo de una opinión común, sino la garantía de que cada uno será para sí mismo su propia autonomía, su propia identidad, su propia singularidad política...” (Foucault, 2008, p. 183).

¹¹ En otro lugar Foucault evoca una especie de no-domesticidad del hombre, su “indocilidad” fisiológica que lo predispone a una “impaciencia dispuesta a rebelarse” (Foucault, 2001b, p. 230. En esta asignatura, la *parresía* es discutida en la clase del 10 de marzo).

de cualquier fundamento epistémico, pero, al examinarla más de cerca, profundamente integrada en un régimen político de producción hegemónica de verdades conflictivas. La *parresía* cínica no inicia ningún ciclo productivo o mimético de hegemonía de la verdad o de verdad hegemónica, sino que se ofrece como un gesto que obstaculiza y depone la verdad transmitida por el poder político, ya sea encarnada en el cuerpo físico del soberano que hace sombra, ya sea encarnada en dispositivos gubernamentales anónimos e impersonales que atrapan a los cuerpos de los gobernados en lazos viscosos que restringen la libertad de acción y de pensamiento. En una palabra, dirigen el flujo creativo del deseo hacia un modelo que es compatible, y por lo tanto admisible, con la forma existente de discurso público. Ni un ethos aislado de la intencionalidad política, es decir, públicamente extensible, ni una política marcada por el dominio que lo elimina del compartir público, puede contar con contenerlo o subvertirlo:

(...) El cinismo —la idea de una forma de vida que sería una irrupción y una manifestación violenta y escandalosa de la verdad— ha sido y es parte integrante de la práctica revolucionaria y de las formas adoptadas por los movimientos revolucionarios durante el siglo XIX. La revolución en el mundo europeo moderno... no era simplemente un proyecto de vida, sino también una forma de vida. [Un] testimonio de vida en forma de estilo de existencia, [...] en ruptura con las convenciones, los hábitos, los valores de la sociedad. Y debe manifestar directamente, en su forma visible, en su práctica constante y en su existencia inmediata, la posibilidad concreta y el valor evidente de otra vida: otra vida que es la verdadera vida”. (Foucault, 2009, pp. 169-170)¹²

Una ruptura que “pone en juego la verdad en el campo político”(Foucault, 2008, p. 298)¹³. El gesto cínico del parresiasta articula un conocimiento de poder corporal e intensivo que podemos definir a la vez etopolítico en la concatenación deseante del estilo de vida singular y plural con el que subjetivar formas de existencias libres y liberadas (Vaccaro, 2015).

12 “Una militancia en el mundo y contra el mundo” (p. 262), “de este modo, esta vida de verdad tiene como objetivo la transformación del hombre y del mundo” (p. 288, cita en asterisco).

13 “Debemos tener cuidado con no perder de vista la verdad, que no es la verdad en sí misma (en el nivel del saber), no es la realidad (en el nivel ontológico), no es, en mi opinión, ni siquiera el conocimiento (en el nivel gnoseológico), sino que es sobre todo el vínculo social, por lo tanto, algo que se da en el nivel ético y político” (Lorusso, 2018, p. 136).

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POST-TRUTH POLITICS AND INDEBTED SOVEREIGNTIES ¹

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Abstract

Moving from a critical reading of Hannah Arendt's view of the relationship between truth and politics, this essay reframes the relationship between post-truth and politics within contemporary democracies, where a) truth acquires the same status of radical immanence as neoliberal governmentality and the same status of equivalence and exchangeability as commodities and the market, b) the imperative of transparency redefines the public sphere, c) the theatre of representation transforms into the set of presentification, without any border between the visible and the invisible, the sayable and the unsayable. Within such a framework the parresiastic practice of saying one's own truth must be reconsidered, alongside and beyond the foucauldian proposal, as a relational and political practice rather than an individual and ethical style of life.

Keywords

Post-truth, Neoliberalism, Representation, Transparency, Parrhesia.

Resumen

Partiendo de una lectura crítica de la perspectiva de Hannah Arendt acerca de la relación entre verdad y política, este ensayo redefine la relación entre posverdad y política dentro de las democracias contemporáneas, donde a) la verdad adquiere el mismo

¹ Reception date: 1st March 2019; acceptance date: 22th March 2019. This article develops the text of two lessons held by the author at Ohio State University, US, and Miami University, Oxford, US, in the spring semester of the academic year 2016-2017.

estatus de inmanencia radical de la gubernamentalidad neoliberal y el mismo estatus de equivalencia e intercambiabilidad de las mercancías y del mercado, b) el imperativo de la transparencia redefine la esfera pública, c) el teatro de la representación se transforma en el escenario de la presentificación, sin ninguna frontera entre lo visible y lo invisible, lo decible y lo indecible. Dentro de este marco, la práctica parresiástica de decir la verdad propia de cada cual debe ser reconsiderada, junto con y más allá de la propuesta foucaultiana, como una práctica relacional y política más que como un estilo de vida individual y ético.

Palabras clave

Posverdad, Neoliberalismo, Representación, Transparencia, Parresia.

1. In a famous essay written in 1967, Hannah Arendt talks about the relation between truth and politics: an old and complicated conflict, she writes, which cannot be considered “by simplification or moral denunciation” (Arendt, 2007, p. 229). “Lies – she writes – have always been regarded as necessary and justifiable tools not only of the politician’s or the demagogue’s but also of the statesman’s trade” (Ivi, p. 227); and “if we conceive political action in terms of the means-end category” (Ivi, p. 228), we can easily understand why not only common sense, but also eminent philosophers like Hobbes or Machiavelli have always considered lies as bad means but which can be necessary to accomplish the good end of a stable government. The point, for Arendt, is not this; neither it is an unavoidable degree of secrecy which is necessary to protect the State reason, nor is the ancient conflict between politics and the philosophical or transcendent truth. In our secularized societies, where truth has lost every transcendental status and attributes, the point is rather the conflict between political power and what Arendt names *factual truth* – that is, the “modest verities,” as she names them, concerning undeniable facts and events that happened in the past or occurring in the present (Ivi, p. 231). These factual truths are the politically most relevant ones; and it is precisely this kind of factual truth, which should be shared by common sense as *undisputable*, that political power invalidates, not by countering it with lies or deliberate falsehoods but simply by reducing it to a *disputable* opinion. What is at stake in this case, Arendt emphasizes, is not only the truth concerning this or that event, or “the perhaps inevitable tension between two ways of life within the framework of a common and commonly recognized reality”, but “this common and factual reality itself” (Ivi, p. 236-237). And what is mostly worrisome is that this kind of truth’s manipulation is easier, and more frequent, in democratic regimes than in totalitarian ones, in as much as democracy is grounded on pluralism and freedom of speech, and democratic consensus is made by the public opinion.

When speaking of truth, facts and opinions Arendt is less ingenuous than one could think. Differently from many contemporary thinkers and journalists, who invoke a clear line between “facts” and “opinions”, she knows very well that facts and opinions are not clearly separable; and differently from many demagogues who today invoke the “transparency” – I’ll come to this word later – of facts and truth against the “opacity” of power, she knows well that both facts and truth are neither transparent nor evident, both being often, on the contrary, rather uncertain and opaque in themselves. This is precisely the sharpest point of her analysis: facts, opinions and factual truth belong to the same realm of contingency, which is in turn

the same realm of politics; and this common ground is the reason why the conflict between truth and politics is so acute and, in a certain sense, unsolvable. It is again this common ground that allows power to manipulate factual truth not by means of the traditional lie - which is “directed to the enemy, is meant to deceive only him” and is aimed to change only a single particular of the context, “tearing a hole in the fabric of factuality” - but by means of modern manipulation, which is directed to the people, needs self-deception by power, and “requires a complete rearrangement of the whole factual texture, that is, the making of another reality” (Ivi, p. 253). Such a “re-making of reality” is possible, for Arendt, thanks to those whom she names “the image-makers”, that is, those who are appointed to script and choreograph power’s narrative – as we would say today – with the complicity of the mass-media system. But we must add that this remaking of reality through the making of images implies, and is the result of, the very structure of capitalistic societies. It is worth noticing that in the same year in which Arendt published *Truth and politics*, Guy Debord came out with his *The Society of the Spectacle*, where he defined the spectacle as “a social relation between people that is mediated by images” (Debord, 2014, p. 2) and connected the form (and the fetishism) of the image to the form (and the fetishism) of the commodity (Ivi, p.14). This entails paramount consequences for the destiny of both truth and experience: the society of the spectacle, where “everything that was directly lived has receded into a representation”(Ivi, p. 2), “obliterates the boundaries between true and false by repressing all directly lived truth beneath the *real presence* of falsehood maintained by the organization of appearance” (Ivi, p. 116). Crucially for what we are going to say at the end of this essay, Debord links therefore the end of truth to the end of experience: the society of spectacle erases both the objective and the subjective truth. As he will conclude twenty years after, in his *Comments to the Society of the Spectacle*, truth “has almost everywhere ceased to exist or, at best, has been reduced to the status of pure hypothesis”, while what is false has become “unanswerable”(Debord, 1998, p. 9).

Arendt, anyway, was less apocalyptic than Debord, and still gave truth a chance. She saw in fact that in its conflict with factual truth, political power can’t take its victory for granted, for two reasons: first, because facts are at least more enduring and less transitory than power, so that factual truth can survive power’s attacks; second, and most interestingly, because power’s pretension of substituting reality with images and narratives makes it more and more unstable and unreliable. Arendt, in other terms, saw that lies are often a screen for power’s weakness.

I'll come back later to this crucial point. But let me underline here that the whole of Arendt's reasoning aims to focus on the unsettling contiguity between totalitarianism and democracy in treating truth and lie as a function of consensus. Arendt wrote *Truth and politics* to reply to the controversies raised by the publication in "The New Yorker" of her reporting of the Eichmann trial, where she had outlined her thesis on "the banality of evil" and pointed to the European Jewish Councils' responsibilities for the Jews' deportations; but surely that controversy was also an occasion to reconsider the thin line that distinguishes democracy from totalitarianism in the use of truth and lie, as well as the possibility that the totalitarian solution survives, as a latent temptation, in democracy. In fact it is not surprising that the question of truth comes out again now that our democracies, both in Europe and the US, are haunted by the return of the totalitarian specter, which is reappearing with the multiple faces of authoritarian governments, populist parties, charismatic leaders, manipulation and conformism of the public opinion. At the peak of the global triumph of democracy against the totalitarian regimes of the past century, democracy must paradoxically deal with the same problems that led to the ruin of its historical enemy. Nevertheless, it would be Arendt herself to recommend us the maximum caution in analyzing this paradox. Nothing could be more misleading, in fact, than speaking too much airily of "new fascism" or "new totalitarianism" when confronting the unkept promises, or the failed premises, of neoliberal democracy in our countries, where the problem is not *repression*, like in totalitarianism, but a sort of *perversion* of freedom (Foucault, 2008; De Carolis, 2017; Melmann, 2005). As often happens in history, the same things return; but they return both by repetition and difference. And this is the case also for the relation between truth and politics, which shows up again today as the relation between *post-truth* and (post-)politics.

2. Speaking of truth, we could begin taking seriously the truthfulness of the language and therefore asking what is the exact meaning of the word "post-truth" that was selected as the "word of the year" 2016 by the Oxford Dictionary, and hence was enthusiastically included in the political and media language all over the world. As in other cases, here the prefix "post" seems to mean not "after" but rather "beyond". It seems to suggest therefore that we are no longer living, to use Foucault's terms, under a true/false regime, but rather – so to say – under a *neither true/nor false* regime: that is, a social and cognitive regime, in which truth *doesn't matter*, neither does consequently any struggle *for or in the name of truth*. If so, the current situation appears quite different from that

described by Hannah Arendt. She referred to a secularized society, in which the religious and transcendent truth has vanished, but the factual truth, as we saw, still matters and is still at stake in many political conflicts. In a post-truth time, on the contrary, the struggle for truth is no longer necessary, as truth itself becomes unnecessary, volatile, replaceable. One could say, in other terms, that in contemporary democracies truth acquires the same status of radical immanence which is proper to neoliberal governmentality, and – as Debord already saw – the same status of equivalence and exchangeability which is proper to commodities and the market.

Nevertheless, the Oxford dictionary's definition of *post-truth* is far different from this one. According to the dictionary, in fact, post-truth is “an adjective defined as relating or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief”. It is well known that this definition was largely influenced by two relevant political events, the British referendum on Brexit and the election of Donald Trump as President of the US: in both cases, the victory rewarded a campaign based more on clamorous lies, manipulation, sensationalism, fake news and falsified data than “objective facts”. But, if a definition must be valid also beyond the context from which it originates, the Oxford Dictionary's definition of “post-truth” raises a number of problems.

First, it seems to establish a clear-cut and hierarchical separation between objective and subjective. Second, bestows upon to facts an indisputable objectivity, which Hannah Arendt, as we saw, already problematized more than half a century ago. Third, it considers emotions only as an unreliable factor of public life, in so doing revealing a sort of nostalgia for a politics based on objectivity and rationality *versus* a politics of subjectivity and emotions. It goes without saying that this definition of *post-truth* concerns politics, but over all, to be more precise, media-politics, the most relevant producer of truth and untruth being nowadays the mass-media system. But it's worth noting that the whole debate around post-truth politics assumes, implicitly or explicitly, that the main culprit of the crime of post-truth is the Internet, and signally the social networks, as if the television and the newspapers were quite immune from the problem. In the aftermath of the Oxford Dictionary's selection, for example, the Italian President of the Antitrust Authority proposed all European countries provide themselves with a network of public agencies “against the fake-news on the web”. Aside from the suitability and the efficacy of this proposal, one could ask: why only on the Web? Is perhaps the nostalgia for a politics without emotions also a nostalgia for a world without the Web?

3. This kind of nostalgia is the same that all over Europe inspires today all-too-quick judgments against the so-called populisms which are increasing everywhere and disturb the “rational” functioning of representative democracy. We see a very large and heterogeneous range of groups, movements, parties, mostly but not exclusively right-wing, which share a number of traits in common: the rallying cry of the virtues and authenticity of the people against the immorality and corruption of the political, economic and intellectual élites; the invocation of popular sovereignty and direct democracy against the mediations of constitutional and representative democracy; the xenophobic hostility toward refugees and immigrants; a deep-seated suspicion of, or outright struggle against the political and economic consolidation of the European Union; a language full of discontent and resentment, anger and cynicism; and yes, the instrumental use of sensations and emotions, first of all the fear of the “others” and the hostility toward refugees and migrants, alongside the diffusion of false data and fake news aimed to discredit the enemy of the moment. The nostalgic evocation of truth and political rationality is fully comprehensible in the face of this “irrational” situation, even more when - like in Italy and in the US - the populist rhetoric gains power and rules the state. But nostalgia is not helpful for understanding what is really happening, and what is at stake, in contemporary western democracies, where anger and resentment don't come from nothing: they are born at the crossing between the endless crisis of political representation and frustration about the unkept promises of globalization and neoliberalism, which thirty years ago announced an era of freedom and prosperity and since then have been producing more and more inequalities and hierarchical exclusions. One should not be surprised if this contradiction reproduces today the same *ressentiment* that Fridrich Nietzsche described in 1887 as addressed against those who are fortunate and happy (Nietzsche, 2012, p. 14), and that is now addressed against the establishment and whatever is perceived as the establishment's truth. Rather, one could ask why this widespread emotional condition of frustration doesn't take other directions than victimization and recrimination, or why, and based on which kind of people's identifications, it leads to “irrational” political choices like voting for candidates who belongs to the same establishment that it blames. But this is exactly the point: can we expect a “rational” political behavior by citizens who are moved by “irrational” emotions which in turn are produced by an “irrational” social condition?

As we know from psychoanalysis and feminist theory, the figure of the neutral, abstract and rational individual has always been a false presupposition of the liberal tradition: it is not the natural precondition, but an artificial construction of the

modern narratives of the social contract, which in turn is grounded in the separation between the private sphere - that is, the realm of family, passions, feeling and emotions - and the public sphere - that is, the realm of politics and rationality (Pulcini, 2001). Therefore, the Indian writer Pankaj Mishra is absolutely right when he reproaches the progressive and leftist ideology for remaining attached to the *liberal* figure of the modern rational citizen without anchoring thought in the matters of the soul (Mishra, 2017). But this attachment is all the more incomprehensible in our times, when that figure - this is the point - has been dismissed by *neoliberal* rationale, which performs today's political anthropology by demolishing every border between public and private sphere, and by engaging for its ends not only the rational but also the emotional sphere of individual life.

4. As Michel Foucault explained in his course at the Collège de France on the birth of biopolitics, and as many scholars have developed in his wake, the proper quality of neoliberal governmentality is a specific co-relation between government and governed, and the specific mode of subjectivation implied by this co-relation: as a "government of self-government", neoliberal governmentality needs and produces a subject who is actively and entirely involved in performing the system's imperatives. (Foucault, 2008). That "entirely" must be understood as referring to the whole of the subject's life: body, mind and psyche; rationality and sensitivity; beliefs and attitudes, emotions and desire, senses and sense-making are all subsumed in the capitalistic production of material and immaterial goods. Importantly, this subsumption is not achieved by compulsion, but involving the individual's subjectivity in the activity he is required to perform. The neoliberal subject, in other terms, is not treated by power as a passive object: rather, power's must lead him to do what he agrees to want to do, so that his desire coincides with power's injunctions. Neoliberal governmentality is a sort of "Lacanian government": the desire of the subject is the desire of the Other - whether the Other is the market or the political power. And this identification between the individual and the system's imperatives is obtained through a *performance/pleasure apparatus*, that is, a double injunction which asks the subject to produce "even more" enjoying "even more" for this production, according to a paradoxical equivalence between the duty of performance and the duty of pleasure. (Dardot & Laval, 2013). What's relevant for us here is that this neoliberal mode of production and subjectivation also concerns the production of truth: neoliberal governmentality impinges on today's truth/untruth regime, and complicates the question of truth and politics compared to the time of Hannah Arendt.

Focusing on this relation between the neoliberal reason and the current truth/false regime, the Korean-German philosopher Byung Chul Han names *society of transparency* that society in which the imperatives of transparency substitutes truth and its constitutive rate of opacity with the illusion of a crystal-clear iper-information and iper-communication which gives visibility and public exposure to everything without enlightening really nothing, while increasing, paradoxically, “the fundamental opacity of the whole” (Han, 2015, p. 23). The imperative of transparency imposes itself through the same performance/pleasure apparatus we’ve just seen above: we all are called to perform it not as passive spectators but as active producers. It goes without saying that the overlapping of digital and traditional media plays here a crucial role. If the “vertical” and authoritarian television has been working for almost a century in spreading from on high the principles of visibility, exposure and transparency, the “horizontal” and democratic social networks make us perform them from the bottom, “valorizing” – in a capitalistic sense – and profiting from our relationality, our narcissistic desire to be visible, our democratic right to express our opinions, our less democratic impulses to transform into a “like” or an insult every immediate emotion, affect and sensation, our pretension to look for truth without any expert’s mediation, and so on.

It is not a secondary effect of this auto-exploitation in using the Web and social networks that each of us spontaneously contributes with his/her own personal data to the collection of those big data that have become the first source for profiling, micro-targeting and other techniques aimed to reach and condition the electors, manipulating the entire electoral process, that is, the basic ritual of democracy. And it is sure as well that through the “transparency” of the Web every truth, mistruth and untruth can be produced and diffused without bumping into any obstacle. But here I would like to show some more general effects of the society of transparency on the contemporary forms of politics and on the current regime of truth-false.

5. The imperative of transparency entails enormous consequences for the profile of the democratic public sphere. It leads the transformation from the political theater of *representation*, with a stage and a backstage, a scene and an off-scene, a being and an appearing, a visible and an invisible, to the medial-political set of *presentification* (Bazzicalupo, 2012, p. 106), where everything is on the stage, enlightened, evident, exposed to the other’s sight, and the off-scene, as well as the ob-scene, enters and occupies the scene. There’s no longer an invisible that must be brought to visibility and re-presented, no longer a secret to be protected, no longer an obscene to be concealed. And there is

no longer any unsayable: everything can be said, true or false doesn't matter. On this set, Guy Debord's prophecy comes true: lies become unanswerable, and truth is reduced to the status of pure hypothesis. No wonder that such a set brings to prominence political leaders coming from the show-business or the tv-industry, as it has happened both in Italy and in the US. No wonder that one hears, from this kind of leader, that "alternative facts" exist, or that a young immigrant sex-worker is "Mubarak's granddaughter", as in Italy Silvio Berlusconi said of one of his favorite escorts a few years ago. And no wonder these kinds of power's lies, which are more dangerous than the thousands of "fake news" we can daily read on the Internet, are held to be true by the people.

This "transparent" set is in fact the ideal setting for the populist bond between the leader and his followers, one that is not grounded in representation of interests or ideological affinities but rather on conscious and unconscious identification of people with the Head. This is the reason why "irrational" feelings, suggestions, transfers can matter much more than any "rational" calculation of convenience and benefits: so that it can happen, for example, that poor people vote for a billionaire, trusting more in the miracles of money or in the heroic narrative of the "self made man" than in a collective and political struggle for social justice. Or it can happen that immoral and illegal leaders are followed and praised not *despite* but *because of* their immorality and illegality, which work like a mirror for their followers' unspeakable desires of transgression of the law. Or, once again, it can happen that overtly misogynist candidates and rulers are enthusiastically appreciated by men – and maybe women – nostalgic for a lost patriarchal and heteronormative order which is impossible, after feminism, to be reinstated.

6. Let me better explain what I mean through the paradigmatic case of the twenty years' long-lasting hegemony of Silvio Berlusconi's regime in Italy, a country which is well known for its periodical invention of political models that often, and unfortunately, have been exported elsewhere. In spite of the folkloristic and comical traits that made him famous all over the world, Berlusconi can be rightfully considered as the Italian way to neoliberalism, whose imperatives he embodied in his own biography, implemented in his post-fordist industries and spread all over the Italian mentality through his televisions. More precisely, he can be considered a case study of how a neoliberal and biopolitical governmentality can entrench itself, literally speaking, within the social body and its skin: in this case, by means of an *ethical-aesthetic* apparatus based on the mobilization of *senses*, *affects* and emotions, surrounded by a massmedial reiterative *sensationalism*, capable of building a resistant *common sense*

impenetrable to political rationality, as well as a consensus based on identification with the leader, his rich and glamorous style of life, his transgression of law, his promises to satisfy, more than material necessities, immaterial phantasies and desires – not least, the masculine desire of a powerful and enduring virility gratified by the commodification of female sexuality (Dominijanni, 2014). What I want to emphasize here regarding this apparatus is that it worked precisely by erasing the borders between private and public, visible and invisible, true and false, sayable and unsayable, moral and obscene, and aiming to substitute every unpleasant side of reality with a sort of fake-reality, or if you like to re-write reality as a tv fiction: in Arendt's terms, to manipulate factual truth with an incessant fabrication of images that are functional to the image of power.

It would be interesting to note how two of these traits of Berlusconi's governmental *dispositif* – the identification between the leader and his followers, the collapse of the border between sayable and unsayable – have shifted from Berlusconi's regime to the different populisms which came in succession on the Italian political scene: first of all the 5Stars movement, which transferred the manipulation of truth and reality from a vertical and authoritarian medium like the tv to the horizontal and democratic one of the Web, pluralizing – so to speak – but not ending the production of uncertainty about true and false. This is only one of the many proofs that what I named above “the populist bond” persists in spite of the different contents that each populism heralds, no matter if it moves from the high of the government and from inside the establishment or from the bottom of the protest against the government and the establishment (Dominijanni, 2017). But this matter would bring us too far. To end this conversation limiting it to its main argument, it is worth remaining on the case of Berlusconi as symptomatic of how a post-truth populism can not only arise, but also come to ruin, and, finally, end.

7. Looking at Berlusconi's decline, in fact, one can realize that the strength of his sovereignty – the ostentation of his own person and his omnipresent icon on the transparent setting of hyper-visibility, the systematic substitution of reality with the liar's narrative of fake-reality - revealed at least his Achille's heel. The double paradox which entraps such a populist leader, in fact, is that the regime of transparency and hyper-visibility exposes his icon to the identification with it but also to its consumption by his followers, making it as powerful as vulnerable. And the same post-truth regime that allows the leader to remake reality, enchains him to his false narratives and promises that cannot be realized and kept. In the times of debt economy, even

sovereignty ends up as an indebted sovereignty, dependent on its creditors and permanently at risk of default. As Arendt foresaw, lies can be a mask, or a trick, for power's friability.

That mask, moreover, can be suddenly torn off. It was what happened to Berlusconi, when the whole house of lies he invented to parry the discovery of the traffics of sex, money and favors that surrounded his system of power collapsed thanks to the truth claimed by his wife and some of the young women who had been involved in that traffic. Those women's claimed truth was the unpredictable, parrhesiastic event which triggered Berlusconi's end, showing his vulnerability and revealing the trick underlying his political as well as sexual regime: a fantasy of omnipotence covering a phantom of impotence.

That unpredictable event perhaps tells us something more general about the conflict between truth and post-truth politics. Beyond Debord, it tells us that there is a subjective truth, adherent to the real experience, that no post-truth regime or spectacle can deny nor silence, when the urgency to claim it coincides with the urgency of the desire for freedom. But it tells us also something else. That parrhesiastic event was possible in as much as those women claiming their own truth were publicly supported by other women who believed in what they were saying, and fought for their reliability against those who tried to discredit them as unreliable. Therefore we could say, following Foucault's latest teaching (Foucault, 2009, Foucault, 2011), that parrhesia is a necessary practice we can and must perform against the current *neither true- nor false* regimes; but we must add, beyond Foucault, that it cannot be only an ethical and individual practice. It must be accompanied by a relational and political struggle aimed at giving authority to those who, in our democratic and egalitarian public sphere, are not actually authorized to speak and claim their subjective truth. This is what we can do, I believe, to affirm that in a post-truth democracy truth persists, against all odds, as a political wager.

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POST-TRUTH AND THE CRISIS OF THE POLITICAL¹

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Abstract

I understand post-truth as a new paradigm in politics - one that goes beyond mere political lying and spin and points to the decline of the symbolic authority of truth itself. In so far as, as Arendt claimed, politics depends on a shared acknowledgement of certain factual truths, post-truth thus represents a crisis of political life. The post-truth condition is a *post-political* condition. To grasp this thoroughly, we need to understand the paradoxical relationship between truth and politics, locating a problematic that goes back to the very origins of the *demos* in ancient Greece: the original conflict between the singular truth of the philosopher and the affairs and concerns of the polis. Here I will draw on two different approaches to this problem: Hannah Arendt's discussion of the conflicting, and yet inextricable, relationship between the stability of truth and the contingency and plurality of political life; and Michel Foucault's exploration of *parrësia* or 'frank speech' - a form of truth-speaking which, while often in conflict with the polis, is also necessary for any notion of ethical conduct in political life. Both approaches suggest that politics bears some essential relation to truth, even if truth often finds itself impotent in the face of mere opinion. Yet, while there is some question about the efficacy today of asserting facts against lies or 'speaking truth to power', I argue that there is something valuable in Foucault's idea of truth speaking as a form of ethical (and also political) subjectivation.

Keywords

Post-Truth, politics, post-politics.

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Resumen

Entiendo la posverdad como un nuevo paradigma en política, uno que va más allá de la mera mentira política y señala el declive de la autoridad simbólica de la verdad misma. En la medida en que, como afirmó Arendt, la política depende de un reconocimiento compartido de ciertas verdades fácticas, la posverdad representa una crisis de la vida política. La condición de la posverdad es una condición *pospolítica*. Para comprender esto a fondo, necesitamos comprender la relación paradójica entre verdad y política, afrontando una problemática que se remonta a los orígenes de las *demos* en la antigua Grecia: el conflicto original entre la verdad singular del filósofo y los asuntos e intereses de la polis. Aquí me basaré en dos enfoques diferentes para este problema: la discusión de Hannah Arendt sobre la relación conflictiva, pero inextricable, entre la estabilidad de la verdad y la contingencia y pluralidad de la vida política; y la exploración de Michel Foucault de *la parrësia* o ‘discurso franco’, una forma de decir la verdad que, aunque a menudo está en conflicto con la polis, también es necesaria para cualquier noción de conducta ética en la vida política. Ambos enfoques sugieren que la política tiene alguna relación esencial con la verdad, incluso si la verdad a menudo se encuentra impotente frente a la mera opinión. Sin embargo, aunque haya algunas dudas sobre la eficacia actual de afirmar los hechos contra las mentiras o ‘decir la verdad ante el poder’, sostengo que hay algo valioso en la idea de Foucault de decir la verdad como una forma de subjetivación ética (y también política).

Palabras clave

Posverdad, política, post-política.

It is difficult today to avoid the term post-truth (Fuller, 2018; Ball, 2017 & d'Ancona, 2017). It was after all the OED word of the year in 2016, where it was defined as: 'relating to or denoting circumstances in which objective facts are less influential in shaping political debate or public opinion than appeals to emotion and personal belief'. That year, of course, was marked by two cataclysmic events that seemed to symbolise the emerging post-truth paradigm: the Brexit referendum in the UK and the election of Donald Trump as US president. The Brexit referendum was marred by egregious lies and false promises, such as the notorious claim that the UK sent £350 million per week to the EU, money that could otherwise be spent on the National Health Service. And, of course, Trump appears as the very embodiment of post-truth discourse and its blatant disregard for facts, uttering a profusion of falsehoods and downright lies ('alternative facts') designed, as demagogues always seek to do, to appeal to emotion rather than reason and to heighten fear and resentment rather than promote rational debate. The proliferation of lies from politicians, the disdain for scientific evidence and verifiable facts, the deliberate blurring of the line between truth and falsehood, seem to be all around us today. I understand post-truth as a new paradigm in politics - one that goes beyond mere political lying and spin ('bullshit') and points to the decline of the symbolic authority of truth itself. Truth is not transgressed so much as ignored and bypassed, drowned out in a cacophony of competing narratives. In so far as, as Arendt claimed, politics depends on a shared acknowledgement of certain factual truths, post-truth thus represents a crisis of political life. The post-truth condition is a *post-political* condition.

In understanding post-truth as a symptom of post-politics, we need to explore the paradoxical relationship between truth and politics, locating a problematic that goes back to the very origins of the *demos* in ancient Greece: the original conflict between the singular truth of the philosopher and the affairs and concerns of the polis. Here I will draw on two different approaches to this problem: Hannah Arendt's discussion of the conflicting, and yet inextricable, relationship between the stability of truth and the contingency and plurality of political life; and Michel Foucault's exploration of *parrësia* or 'frank speech' – a form of truth-speaking which, while often in conflict with the polis, is also necessary for any notion of ethical conduct in political life. Both approaches suggest that politics bears some essential relation to truth, even if truth often finds itself impotent in the face of mere opinion. Yet, while there is some question about the efficacy today, in the current post-truth condition, of asserting facts against lies or 'speaking truth to power', I argue that there is something valuable in Foucault's idea of truth speaking as a form of ethical (and also political) subjectivation. Perhaps the only way in

which the seductions of post-truth discourse can be countered is not through a return to some Enlightenment idea of a universally valid truth, but rather through different modes of subjectivity in which a certain relation to truth becomes an ethical and political matter of caring for oneself and for others.

Defining post-truth

The propagation of falsehoods, lies and misinformation appears to have become one of the defining features of political discourse today. Barely a day goes by without a tweet, comment or media release from the president of the US that, putting it generously, plays fast and loose with the truth – varying between outrageous exaggeration and distortions of reality to actually concocting facts and events.¹ When Trump lied about the size of crowds at his inauguration, despite photographic evidence to the contrary, or when he invented a story of a terrorist attack in Sweden, or when he said what he clearly did not say during a press conference with Putin, or, more recently during the mid-term elections, when he described the migrant caravan from Honduras as an invasion and a national emergency, sending troops to the border, he showed a blatant disregard for truth, for factual accuracy. What is striking is the complete shamelessness of these lies and manipulations, as if power today makes a show of its own mendacity – perhaps as a demonstration of its indifference to any ethical standards and norms of political discourse, and even to any external standard of veracity, coherence or integrity. The ultimate gesture of sovereignty is to make truth the plaything of power.

Of course, Trump is not alone in this. Post-truth is part of new political paradigm associated with a resurgent authoritarian and nationalist populism that appears in many contexts, in both democracies and quasi-democracies, and which Trump, along with Putin and other political leaders as well as lobbyists, advisers, campaign strategists, press officers, and social media trolls, are both symptoms and master manipulators. We think of the aforementioned lies that characterised the Leave side of the Brexit debate in the UK, or the involvement of shadowy companies like Cambridge Analytica and Russian hackers in the manipulation of elections, the shaping of voter preferences and the promotion of ‘fake news’. Russia is an interesting example of a society in which, under the current regime, post-truth has become so endemic that it is difficult to any longer distinguish reality from fiction. The proliferation of false and contradictory narratives by the Putin regime – as we saw for instance in the denials that Russian forces were

operating in Ukraine or in the laughable claims that Russian agents sent to poison a defector in Salisbury were actually tourists with an interest in cathedrals – has the effect of creating a sort of cognitive dissonance, which serves as a much more effective tool of political and social control than the crude censorship of information.

Post-truth takes a number of forms, like the many faces and shapes of falsehood that Montaigne spoke of. It is seen not only in the lies, falsehoods, ‘alternative facts’ and distortions promulgated by those in power, but in the constant attacks on the media as the ‘enemies of the people’. The accusations of ‘fake news’ against the mainstream media, for which Trump is infamous, is simply the flip side of his lies. What better defence against the allegation of lying than to accuse one’s opponents of doing the same, and to dismiss factual evidence to the contrary as ‘fake news’? What better way to discredit and weaken the media, which might, in a functioning democracy, serve as an important check on political power, than to charge them with being ‘enemies of the people’, with all the fascist overtones of this statement?

A further aspect of post-truth discourse is the distrust and hostility shown towards expert opinion. This is part of the self-styled populist insurgency against the technocratic expertise of ‘the establishment’, the liberal intellectual elite that is seen to hold the ordinary person in contempt. One of the striking comments made during the run-up to the Brexit referendum was from a government minister and key supporter of the Leave campaign, Michael Gove, who said, in response to warnings from many economists of the dire consequences of leaving the EU, that ‘people in this country have had enough of experts’ - reminiscent of the infamous remark allegedly made by the judge who, during the French Revolutionary Terror, sentenced the scientist Lavoisier to the guillotine, that the Republic had no need of savants. Indeed, the most serious example of this contempt for expert opinion is the dismissal of climate science. In the face of overwhelming evidence and unanimous consensus on the part of the scientific community, claims about climate change and its man-made causes are dismissed by some political leaders, not to mention lobbyists for the fossil fuel industry, as a hoax. Scientific evidence is confronted with counter-narratives and ‘alternative facts’. The effect of this is to create an atmosphere of confusion that not only disables political action on fossil fuel reduction, but also animates certain conservative political constituencies for whom the environmental agenda is felt to be an attack on their very identity and lifestyle.

One of the effects of post-truth discourse is therefore to construct a certain narrative – which is usually pitted against the dominant ‘establishment’ narrative – around which particular constituencies affiliate themselves, in opposition to other constituencies; an

effect intensified in today's highly partisan and divided political climate. It is not simply a question of agreeing with a particular narrative, but rather a passionate attachment to it, much in the same way that, as Freud described a long time ago in his study of the psychodynamics of groups, there was an emotional bond or tie between members of a group and their leader, an attachment that proved impervious to rational persuasion or even to factual truth. Paraphrasing Gustav Le Bon's description of the group mind, Freud says that 'groups have never thirsted after truth. They demand illusions and cannot do without them'(Strachey, 1922). Furthermore:

Since a group is in no doubt as to what constitutes truth or error, and is conscious, moreover, of its own great strength, it is as intolerant as it is obedient to authority. It respects force and can only be slightly influenced by kindness, which it regards merely as a form of weakness. What it demands of its heroes is strength, or even violence. It wants to be ruled and oppressed and to fear its masters. Fundamentally it is entirely conservative, and it has a deep aversion from all innovations and advances and an unbounded respect for tradition².

So, the group – or political constituency – has no desire for the truth, but at the same time asserts its own truth with absolute certainty, to the exclusion of all other opinions. This is no doubt applicable to the post-truth condition, which is characterised by an odd mixture of relativism and dogmatism. Moreover, the group's obedience to the master, and its conservatism, is similar to the authoritarianism of right wing populism today. The groups and constituencies who support Trump and other populist leaders are attracted not by their moderation or respect for liberal values and institutions but, on the contrary, by their willingness to violate established norms and procedures – something that is seen as a sign of strength – and especially by their disregard for the truth. This is why lying is often taken as an indication of authenticity; why, for instance, Trump's blatant lies in no way to tarnish his popularity amongst his supporters, seeming only to galvanise them, as he can be portrayed as either the unpolished politician who speaks up for ordinary people against technocratic elites, or as the sovereign who, in deciding and acting in the absence of facts and evidence, determines his own truth.

If we add to this the general climate of misinformation, outlandish conspiracy theories – often deliberately encouraged against one's political opponents, but also directed against institutions and 'the establishment' in general – and the increasingly antagonistic and polarised views and political perspectives resounding through the echo cham-

bers of the internet and social media, we see that post-truth refers to a much more pervasive phenomenon than mere political deceit. Where exactly does the difference lie, and what is new here? After all, lying has always been part of political life. Political philosophers going back to Plato have recognised that lies might on certain occasions be necessary or at least expedient. In the *Republic*, it will be recalled, Plato spoke of the need for a noble lie, a founding fiction to justify a social order in which only certain people, those in whom god had mixed gold in their person, would be allowed to rule, while the rest, those mixed with less precious metals, were assigned a lower place in the hierarchy. Machiavelli recommended that the prince be prepared to use deceit, guile and dissimulation in order to gain power and win support. As Arendt said, ‘no one, as far as I know, has ever counted truthfulness among the political virtues. Lies have always been regarded as necessary and justifiable tools not only of the politician’s or the demagogue’s but also of the statesman’s trade (Arendt, 1967). Statesmen and politicians have always lied, often to conceal the most serious abuses of power.

So what has changed with post-truth? The difference is in the way that post-truth discourse no longer bothers even to pay lip service to the truth. Whereas the political lie, in transgressing the truth, at the same time reaffirmed the authority of the truth, post-truth discourse simply ignores truth altogether and no longer bears any relation to it. Whereas, in the case of political lying, the discovery of the lie often led to a scandal of authority, in the case of post-truth there is no longer any scandal at all – mendacity is nakedly paraded, visible for all to see, and apparently goes unpunished. Truth, we can say, while violated by political lying, at the same time maintained its symbolic legitimacy; now this symbolic legitimacy – the idea that politicians are not supposed to lie, even if it is well known that they *do* – no longer really holds. It is not violated so much as relativized, eclipsed by a series of competing narratives or ‘truths’, such that the line between truth and falsehood becomes blurred. This is what Trump’s advisor, Kelly-Anne Conway, was getting at when she said there were ‘alternative facts’ in reference to Trump’s alternative version of size of the audience at his inauguration; or what his legal counsel, Rudy Giuliani, meant when he said that ‘truth isn’t truth’ – that there were, in other words, competing versions of the truth. The idea of the one truth has now become fragmented into a series of alternative perspectives and positions. Nietzsche’s definition of truth as ‘a mobile army of metaphors, metonyms and anthropomorphisms’ has never seemed more apt (Nietzsche, 1873).

The function and effect of post-truth discourse is to create a kind of cognitive dissonance, a general sense of confusion about what is true and false, contributing to an

inability to accurately map our political terrain. It is a deliberate strategy of ‘gaslighting’, aimed at the dislocation of our sense of certainty about the world. The subject of post-truth discourse is not so much deceived as discombobulated – bewildered not only by the cacophony of ‘alternative facts’ but by the audacity and shamelessness of a new discourse of power now fully unmoored from the normative standards of truth. Post-truth has to be seen as an experimentation with a new form of political power, one that weakens and disables opposition not by suppressing the truth – as in the old totalitarian regimes – but by fragmenting any sense of a shared social reality.

There are, no doubt, many factors that give rise to this post-truth condition. One could point to, for instance, the role of ICT and social media in the circulation of ‘alternative facts’ and conspiracy theories, in facilitating the internet echo chambers in which post-truth resonates, and in making it possible for companies and political campaigners to employ sophisticated algorithms to identify target audiences, shape political constituencies and spread misinformation. It is no wonder that, for instance, the so-called ‘alt-right’, which came into prominence with the election of Trump and which revels in and echoes his racist and misogynistic rhetoric, finds its true home on the internet and had its origins in internet based conspiracy theory platforms. Furthermore, as theorists like Franco ‘Bifo’ Berardi have discussed, communicative capitalism, and its associated technologies, permeates the psyche of the individual, creating cognitive dissonance and a loss of bearing, contributing to the fractured, permanently distracted, depressed and increasingly psychotic state of the modern soul (Cadel & Mecchia, 2009) – the perfect breeding ground for the post-truth condition. No doubt, also, the populist insurgency, which shows no sign of abating, has much to do with the post-truth paradigm: the hostility towards ‘the establishment’ narrative and the discourse of ‘political correctness’, the paranoia about the ‘global liberal elites’, popular resentment against immigration, and the desire for strong authoritarian leaders, all play into post-truth discourse and provide fertile ground for its manipulations. Related to this is the loss of any common horizon for politics and the fragmentation of the social field into antagonistic identities and ‘cultures’. Post-truth flourishes amidst ‘culture wars’ and ideological polarisation; when people seem to live not only in politically opposed camps but in two utterly different universes, there is little possibility of forming any kind of consensus around the truth. Rather, truth becomes weaponized as part of a political and ideological struggle. Behind all this is a general breakdown in trust in political institutions, as well as in other sources of symbolic and epistemological authority – such as the law, the mainstream media and scientific discourse. We hold politicians in contempt, which is why post-

truth politicians such as Trump can so effectively style themselves as ‘outsiders’ and ‘anti-establishment’ figures. From the MPs expenses scandal in the UK, to Wikileaks which exposed the lies behind the formal edifice of liberal democratic states, to the global financial crisis and the subsequent bail-out of the banks with taxpayers’ money, there has been a growing crisis of legitimacy in the normal sources of authority – and this has sowed the seeds of the post-truth phenomena. If what we once took to be the truth has been exposed as a lie, is it any wonder that we now seek out alternative sources of truth that seem to confirm our view of the world?

Post-truth and post-politics

While all these factors are important, they are aspects of a broader post-political condition of which post-truth is symptomatic. While it might seem paradoxical and even counter-intuitive to talk of post-politics in the current climate of what appears to be intensified ideological struggle and the resurgence of populism, I think we can see these forces and conflicts as a reaction – a delayed one – to a decades long neoliberal consensus, in which the technocratic management of the economy effectively stifled genuine political contestation. Political theorist Wendy Brown has explored the way in which the market rationality of neoliberalism has led, over many years, to the hollowing out of the public political space and therefore to an erosion of the very conditions of democracy. Building on the insights of Michel Foucault, Brown understands neoliberalism as more than a set of economic policies promoting the idea of the free market, but as a practice and technique of government aimed at reconstituting social life and individual behaviour in the image of the market (Brown, 2017, pp. 9-10). More and more domains of social life, previously seen as autonomous from the economy, become marketised and monetised in various ways under neoliberalism. The very ‘soul’ of the individual, and all human activity and interactions, are reduced to *homo oeconomicus* and to investments in ‘human capital’. Political life becomes economised and reduced to the rationality of the market; public institutions and functions become privatised, and the idea of democracy as an autonomous space for collective self-determination and equality is undermined and diminished (Brown, 2017, p.17). This produces a paradoxical condition of the persistence of a form of politics – or what I would describe as ‘post-politics’ – detached from any notion of a public space: a political scene, as Brown describes, ‘full of ranting and posturing, emptied of intellectual seriousness, pandering

to an uneducated and manipulable electorate and a celebrity-and-scandal-hungry corporate media (Brown, 2017, p.39).

That our post-political world has become a grotesque post-truth carnival, a Feast of Fools with its elected pope in the White House, should therefore not surprise us. If all areas of social and political life, including democratic institutions and processes, take on the logic of the market, it would seem to follow that truth, once deemed essential to political life, even if it was more honoured in the breach than in the observance, becomes relativised into a series of competing 'truth markets'. 'Truths' now have to compete for market share, seeing which one can garner the biggest audiences, the most followers on social media, or the highest TV ratings. It is no wonder that Trump, a master of post-truth politics, was once a reality TV celebrity, and now seems intent on turning the office of the US president into a reality TV show on a grand scale, in which his public utterances are played for the ratings and for the approval of Fox News. However, this can be seen as the monstrous outcome of decades of spin, media management, sound bites and corporate manipulation that political life had largely been reduced to over the past decades. It is almost as if the simulacrum of politics has now taken on a life of its own, as if the mediated spectacle now embodies a real flesh and blood form. In the figure of Trump, the society of the spectacle (Smith, 1995) reaches its ultimate conclusion, in which fiction and reality now completely coincide.

Truth and politics: Arendt

The consequences of this post-truth/post-political condition are surely damaging for any genuine conception of politics, particularly democratic politics, which may not recover. But in what way does post-truth undermine political life? And what is the appropriate relationship between truth and politics? As we have seen, truth and politics have never been entirely compatible; lying has always been seen as an inevitable part of political life. Indeed the question of the extent to which life should be devoted to the pursuit of eternal truth goes to the heart of the ancient tension between the philosophy and politics. As the example of Socrates and his sentencing to death by the Athenian demos demonstrated, the philosopher's quest for truth was seen as a threat to the collective life of the polis. Plato's allegory of the cave, in which the truth-teller who, upon returning to his darkened world after escaping into the bright light of truth, is met only with disdain by his former fellow prisoners content to wallow in their own ignorance,

serves as an illustration of this antagonism between the philosopher devoted to the truth and the citizen. Yet, if there is this basic antagonism between the pursuit of truth and the demands of political life, why should post-truth be regarded as so destructive to politics?

For an answer to this, I turn to Hannah Arendt's famous essay of 1967, 'Truth and Politics', in which she argued that although the eternal, singular and universal truths of philosophy, science and mathematics are fundamentally alien to the world of politics - which is characterised instead by contingency and plurality rather than axiomatic principles - nevertheless the very survival of this world depends at the same time on a mutual recognition of facts. Even though politics rests on opinion rather than truth, and values a diversity of perspectives rather than a single, absolute truth, there needs to be a common acknowledgement of basic facts in order for debate and disagreement to take place. Plurality in politics thus depends on a shared ground of factual (as opposed to rational) truth.

Yet, according to Arendt, not only does the philosopher's truth no longer have any impact on the modern political world, but this world is increasingly hostile even to more mundane factual truth. While there is a greater tolerance of diverse opinions - religious and philosophical - 'factual truth, if it happens to oppose a given group's profit or pleasure, is greeted today with greater hostility than ever before (Arendt, 1967, p. 5). It is not so much a question of the government's suppression of the truth in the form of state secrets, but, rather, the way that certain facts, while publicly known, are disavowed by the public. Yet, what Arendt regards as even more troubling is the way facts are simply turned into opinion and carry no more weight than any other opinion. This relativizing of factual truth seems to foreshadow the contemporary post-truth condition; and in Arendt's time, as in ours, it points to a crisis of the political. As Arendt says: 'What is at stake here is this common and factual reality itself, and this is indeed a political problem of the first order' (Arendt, 1967, p.6). The predicament faced by the truth teller today is worse than that of Plato's enlightened former cave dweller: while the philosopher's truth, by its nature, transcends worldly affairs and thus remains indifferent to whether or not it is accepted by others, the acceptance of factual truth forms the very ground of these worldly affairs. Therefore, unlike philosophical truth, which is singular and foreign to human affairs, factual truth, in so far as it concerns other people, is political by nature: 'Facts and opinions, though they must be kept apart, are not antagonistic towards each other; they belong to the same realm' (Arendt, 1967, p. 7). Yet, while facts belong to the same world as opinions, they are not the same: opinions can be argued against, where-

as facts are intransigent. This is why factual truths 'are hated by tyrants, who rightly fear the competition of a coercive force they cannot monopolize, and it enjoys a rather precarious status in the eyes of governments that rest on consent and abhor coercion' (Arendt, 1967, p.8). At the same time, it is their rootedness in the common world that makes factual truths fragile and vulnerable – even more so than the abstract rational truths of the philosopher. Because facts themselves are contingent – because they result from a random series of events and could therefore have always been otherwise - and because, furthermore, they depend on the often unreliable testimony of witnesses, they are not self-evident. This is why, according to Arendt, it is easy to 'discredit factual truth as just another opinion'(Arendt, 1967, p. 10)

What really threatens the consistency of factual truths in the modern era, according to Arendt, is political lying on a massive scale: the lies perpetrated, not only by totalitarian regimes, but also by democratic governments with their armies of propagandists, 'image-makers' and marketing consultants, whose job it is to manipulate public opinion through the manipulation of facts. Against these 'hidden persuaders', truth is usually powerless. Here Arendt seems, in many ways, to predict our contemporary post-truth condition. Modern political lies, unlike traditional political lies, deal with 'things that are not secrets at all but are known to practically everybody' (Arendt, 1967, p. 13). In a similar sense, the lying that takes place under the post-truth condition is evident for all to see, yet no less effective for all that. Political lying therefore no longer deceives in the conventional sense but distorts our sense of reality, creating confusion about the world and our place within it. As Arendt says,

the result of a consistent and total substitution of lies for factual truth is not that the lies will now be accepted as truth, and the truth be defamed as lies, but that the sense by which we take our bearings in the real world – and the category of truth vs. falsehood is among the mental means to this end – is being destroyed... Consistent lying, metaphorically speaking, pulls the ground from under our feet and provides no other ground on which to stand (Arendt, 1967, p. 15).

Furthermore, the reason why lying can be so effective – and here we find a further parallel with post-truth politics – is that when compared to the statement of a factual truth, which changes nothing about the world and simply supports the existing state of affairs, political lying, in its deliberate blurring of the line between fact and opinion, actually changes the existing situation and is a form of *action* (Arendt, 1967, p. 12). We

are reminded of the ominous sounding rebuke once reputedly made by a senior official in the George W. Bush administration to a journalist, that he (the journalist) was part of a ‘reality-based community’ of people who study the facts and derive conclusions from them. The official goes on to say: ‘That’s not the way the world really works anymore. We’re an empire now, and when we act, we create our own reality. And while you’re studying that reality - judiciously, as you will - we’ll act again, creating other new realities...’ (Suskind, 2004) In inventing ‘alternative facts’, post-truth discourse creates new realities in this manner – against which the insistence of factual truth is often powerless. The sense in which, when lying in this way, power acts to dynamically change existing reality, and animates certain political constituencies in doing so, is no doubt part of the appeal of post-truth politics. Lying is on the side of action, of the creation of a new insurgent political reality, whereas factual truth is on the side of ‘the establishment’ and represents continuity with the existing order of reality. No wonder factual truth seems to lack the power to mobilise people today; and no wonder that the purveyor of post-truth is often more persuasive.

Yet, for Arendt, it is in the stubborn intransigence of truth, in contrast to the contingency of the political world – its strength in impotence - that its importance to the very survival of politics can be found. Indeed, the role of public institutions as ‘refuges of truth’, outside of politics and opinion – institutions like the judiciary and the university – shows that the autonomy of truth with regard to power is at the same time essential to politics, because it provides a stable ground for our collective existence: ‘Conceptually, we may call truth what we cannot change; metaphorically, it is the ground on which we stand and the sky that stretches above us (Arendt, 1967, p.19)’.

Parrësia and truth: Foucault

Is it sufficient, however, to rely on certain institutions as guardians of truth? How effective are they, in a post-truth era, in preserving an autonomous space outside politics and in speaking truth to power? We have seen the intense politicisation of judicial appointments in the US, where the Senate hearing of Judge Kavanaugh turned into a very spectacle of post-truth politics. More fundamentally, it is the autonomy and opposition of such institutions – necessary though it is – to the ‘will of the people’ that seems to inspire such populist rancour. Universities and judiciaries are often seen as the very pinnacle of the liberal establishment and its alienation from the lives of ordinary people.

My point is not of course that such institutions are no longer important to a functioning democratic space – clearly they are essential, perhaps more so today than ever – but that they may not be enough, in themselves, to stem the post-truth tide. Moreover, as Arendt herself acknowledges, what often renders truth impotent in the face of political lying is that political lying is a form of action that creates a new reality, whereas factual truths simply reaffirm the existing situation. Surely this would *doubly* apply to institutions of truth, which embody changeless continuity. Perhaps, then, we need a new relation to truth – something that preserves its autonomy from the political world, but at the same time introduces a disruptive element into the existing political order, much in the way that post-truth does at the moment.

So can truth be on the side of action? Can it disrupt the existing political space by introducing a new ethical and political dimension into it? This is exactly the question that Michel Foucault engages with in his discussion of the ancient Greek practice of *parrësia*, which means something like free and fearless speech. Ironically, Foucault is often considered – along with other ‘postmodern’ thinkers – as one of those responsible for our contemporary post-truth condition (McIntyre, 2018). It is often supposed that Foucault’s critique of the Enlightenment idea of a universally valid rational truth, and his notion instead of historically contingent and socially constructed ‘regimes of truth’, has contributed to a relativization of truth and therefore to the loss of epistemological certainty. Certainly, there are aspects of Foucault’s genealogical approach to truth, particularly during the 1970s – in which he saw truth as a kind of weapon deployed in struggles over power – that appear to chime with today’s picture of competing and antagonistic narratives and counter-narratives. However, Foucault’s subsequent work on the practices of the ‘care of the self’ in the cultures of Greek and Roman antiquity, and his late reconsideration of the Kantian Enlightenment as introducing an important *ethos* of permanent critique into modernity (Foucault, 1984), takes a somewhat different approach to truth and attributes to it a greater value in interrogating power.

Of central importance here is the ancient practice of *parrësia*, in which the truth-teller intervenes in politics by ‘speaking truth to power’. Often this intervention is unwelcome, and the activity of truth-telling carries great personal risk, as Plato discovered when he tried to give philosophical counsel to the Dionysus the tyrant of Syracuse. Like Arendt’s philosopher, the truth-teller stages a confrontation between a philosophical truth and political opinion and in so doing he embarks upon a dan-

gerous enterprise. However, for Foucault, it is this absolute commitment to the truth – to speaking it and embodying it regardless of the risks – that makes the example of parrësia particularly interesting and important from an ethical and political point of view. Indeed, what gave parrësia its ethical quality was the element of courage involved in taking such risks – it is the risk itself which commits the parrhesiast to truth of his words: ‘*Parrësia* is the free courage by which one binds oneself in the statement of the truth, of freely binding oneself to oneself in the form of a courageous act’ (Foucault, 1982-1983). Parrësia is also a political activity – it intervenes in political affairs, often staging an agonistic confrontation not only with the singular will of the tyrant, but with the democratic will of the people – an opposition that became particularly acute in democratic Athens with the trial of Socrates. The parrhesiast is one who is prepared to go against the opinion of the majority, and to speak a singular truth against the *demos*, thus troubling and disrupting it.

Indeed, as Foucault shows, this conflict reflects an internal contradiction within democracy between *isēgoria*, the equal right to speak and to exercise power given to all citizens, and *parrësia*, as the exercise of free and courageous speech, which is a more individualistic, singular, even ‘aristocratic’ principle – although it is not determined by status, implying instead an *ethical* differentiation that is irreducible to democratic equality and is often at odds with the democratic consensus (Foucault, 1982-1983, p. 158). So while democracy is necessary for there to be parrësia, it also poses a threat to parrësia when the democratic will becomes intolerant of dissenting voices: ‘No true discourse without democracy, but true discourse introduces differences into democracy. No democracy without true discourse, but democracy threatens the very existence of true discourse’ (Foucault, 1982-1983, p. 184) True discourse, or parrësia, is therefore precisely the problem of government: if democracies are to be governed well, if democratic decision-making is to be guided effectively, then it must be exposed to the ordeal of truth, to an ethical principle which is always different to it, and which is at times in an antagonistic relationship with the democratic will. In directly contesting the political space and in assuming the danger of doing so, parrësia embodies genuine political commitment. Unlike the stable institutions of truth that Arendt spoke of, or the detached position of the philosopher, parrësia is a form of *action*, of truth *as* action, which has the potential to disrupt and change an existing situation.

Ethical subjectivation and post-truth

How might we think of parrësia today? There are of course numerous examples of dissenting speech in our contemporary world – from protests and occupations, to various forms of cyber dissidence, many of which carry enormous personal risk, even within formally democratic societies. In contesting the public space, in defying the policies of elected governments, in sometimes going against the ‘will of the people’, contemporary parrhesiasts work to expand and deepen democracy precisely by interrogating it and reminding it of its ethical limitations. At the same time, Foucault shows that political parrësia in ancient Greece was in some respects a failure – which was why the practice went from being a political game to more of a philosophical game, retreating from the public space into the private realm of ascetic practices (Foucault, 1982-1983, p.340).

However, what I think is important to take from Foucault’s account of parrësia is the way that it works as a form of *subjectivation*. Indeed, Foucault sees it, along with *ascesis*, or ascetic practices, as one of the main forms of the ‘care of the self’ in antiquity, referring to an ethical problematic by which one attended to one’s behaviour, took responsibility for one’s actions, reflected upon and sought mastery over one’s desires, and moderated one’s relations with others. Self-knowledge was thus also a form of self-care, according to Foucault: ‘You must attend to yourself, you must not forget yourself, you must take care of yourself. The rule “know yourself” appears and is formulated within and at the forefront of this care’ (Foucault, 1981-1982). This embodied a different relation to truth, to the truth of oneself, to that of the later Christian hermeneutics of the self in which one’s truth was a secret to be discovered in the context of relationships of monastic obedience – in the form of the confessional for instance - and later through the governing institutions of the Christian pastorate. Rather, the care of the self was not only a more autonomous set of practices, carried out by individuals in the company of others, outside of institutional settings, but was also a form of ethical *self-constitution*. Parrësia could be seen as precisely a form of self-constitution in this way because, in committing to the truth and freely assuming the risks involved, the individual formed a new relationship to himself: ‘*parrësia* is a way of opening up this risk linked to truth-telling by, as it were, constituting oneself as a partner of oneself when one speaks, by binding oneself to the statement of the truth and to the act of stating the truth (Foucault, 1982-1983, p. 66). How radically different does this relation to truth appear when compared to today’s post-truth paradigm, a condition characterised by the absolute lack of integrity, by what might be called ‘careless speech’ (Hyvönen, 2018). In contrast, parrësia might be con-

sidered a form of *careful* speech, not only in its commitment to truth – for which one is prepared to stake one’s life – but also in its concern for the integrity of the self.

Above all, for Foucault, the care of the self – of which parrësia is one of the central examples – was also a way of practicing freedom, of enhancing the autonomy of oneself and of others (Foucault, 2000, p. 287). To tend to one’s own freedom and to the freedom of others, one had to be master of one’s own passions and desires – including the desire to dominate and the desire to be dominated, which are two sides of the same coin. To do this one had to be able to exercise over oneself a certain discipline. If, as I believe, the prevalence of post-truth politics really depends on a kind of voluntary servitude, an abrogation of any responsibility to oneself and to one’s own freedom and integrity, and surrendering one’s own will to that of the master; if, put simply, post-truth only really works because people, out of laziness or resentment, are willing to believe its lies and allow themselves to be manipulated in this fashion – then perhaps what is needed is a new attitude towards truth, one in which a commitment to truth becomes at the same time a way of reclaiming one’s autonomy from power. To take a personal stake in truth – to see truth-telling and fearless speech as a exercise in freedom – as opposed to simply relying on institutions to safeguard it, might be one way of countering the post-truth condition and resisting the state of self-abandonment and ignominy it throws us into.

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THE GROUND TREMBLING UNDER OUR FEET¹

Truth, politics and solitude

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Abstract

Fake news, Post-Truth are now entries into the ordinary language of contemporary politics to denote - with anxiety and concern - the definitive rupture of the relationship between truth and politics. A relationship that has never been idyllic and that cannot be, constitutively, idyllic, but which now seems to have reached a point of no return. Glossing the reflections of Hannah Arendt in *Truth and Politics* and pointing out two areas of “political licence” - that is, two areas where, inevitably, politics cannot be judged on parameters of truth - this contribution aims to treat the weakness of shared truths not as a cause of the crisis of democracies, but as a symptom of a more radical problem, an extreme subjectivism that leads to loneliness and intolerance towards any relationship based on trust.

Keywords

Hannah Arendt, Trust, Weltbild, philosophical truth, factual truth, Subjectivism.

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Resumen

Fake news, *Post-Truth* son palabras que han entrado en el lenguaje ordinario de la política contemporánea para denotar -con ansiedad y preocupación- la ruptura definitiva de la relación entre verdad y política. Una relación que nunca ha sido idílica y que constitucionalmente no puede serlo, pero que ahora parece haber llegado a un punto sin retorno. Glosando las reflexiones de Hannah Arendt en *Verdad y Política* y señalando dos áreas de «licencia política» - es decir, en las que, inevitablemente, la política no puede juzgarse en función de los parámetros de verdad -, esta contribución pretende tratar la debilidad de las verdades compartidas no como la causa de la crisis de las democracias, sino como un síntoma de un problema más radical, un subjetivismo extremo que desemboca en soledad e intolerancia hacia cualquier relación de confianza.

Palabras clave

Hannah Arendt, Trust, Weltbild, verdad filosófica, verdad objetiva, subjetivismo.

The *liaison* between truth and politics –which has existed ever since politics came into being– is literally *dangereuse*, for various reasons. First, it describes a field of relations that is inevitably spurious, changing, porous, wherein all clarifying and Manichae-an extremisms are impracticable (the effects of *too much* or *too little* truth are equally unpolitical). Second, it implies a preliminary definition of what is authentically political, and, therefore, what its tasks and legitimate tools are. Third, truth is a single signifier with different meanings, so much so that all definitions are usually accompanied by specifying adjectives or complements –truth of *reason*, *factual* truth, *scientific* truths, *vérité à faire*, etc–. Hence we get a whole host of particular relations between different *politics* and truths (plural). Then, further complicating a situation that is already intricate in itself is the diachronic perspective: that is, how to judge and account for the socially widespread sensation that we are at present seeing of a particular degeneration of the relationship between politics and truth? While it is certainly necessary to avoid abandoning oneself to apocalyptic catastrophism –*o tempora, o mores!*– or postulating the lack of any historical precedent to the contemporary *post-truth politics*, it is nevertheless equally important to take this sensation seriously. We need to register the growing difficulty to identify a common world (of meanings, facts and evidence) upon which to construct political subjectivations, alliances, conflicts, and question ourselves as to the democratic sustainability of this (growing) rate of political solipsism.

It certainly cannot be said that politicians, even in democratic systems, have begun to lie now; and yet the landscape painted in these times is uncanny, with new elements. The twentieth-century political conflict was deemed to be rooted in the different *evaluations* given to substantially agreed *facts* and *meanings* considered objective because they were to a certain extent unavailable to single people. But this subdivision no longer seems to hold. The world is now the theatre of the self, the stage on which alternative facts and subjective meanings proliferate. It has become impossible to group people around shared political values (freedom, justice and equality) because nothing about those values is shared anymore, not even their meanings, which these days are totally left up to individual preferences and idiosyncrasies. Therefore, the public discussion becomes a cacophonous babel of private languages, with the sole point of agreement possible summed up in the slogan of the new type of democracy: *we agree to disagree*, that is, we acknowledge the abyss between us, while undertaking not to fill it.

This paper is divided into three parts: the first section will take the form of a descriptive note on Hannah Arendt's *Truth and Politics*, a piece of writing which both maps out the controversy while ruling out Manichaeian solutions, and introduces

expressions particularly useful for a diagnosis of the present day. In the second section, I will try to give a more detailed definition of two elements of political licence: two political spheres in which the true/false dichotomy is completely out of place. In the third section, I will concentrate more on our world: the idea is to treat the weakness of shared truths not as the cause of the crisis of democracies, but as a symptom of a more radical problem.

T-T-W: Truth - Trust - World

In 2017 the television series broadcast by CBS, *The Good Fight*, came out in the USA, telling the story of a medium-sized Afro-American law firm located in Chicago in the present-day America of Trump, the alt-right and reclaimed racism. In the second season, which came out in 2018, one of the protagonists, Diane Lockhart, partner in the firm with a history of civil rights activism, starts to feel a growing sense of unease and alienation. The stabilizing force of law seems to have vanished –this *was* a country of laws!– while she discovers that values, principles and procedures she believed shared by the majority to instead be minority and fiercely detested, as if Trump’s election had let out a ferocious snarl that had been kept under wraps for decades (Alagna, 2018). On more than one occasion, when chatting with friends and colleagues, this sense of disorientation comes back to her: she no longer recognizes her city, her country or this world. In effect, she feels out of this world, incapable of even understanding what is going on. She starts to use mild hallucinogenic drugs, paradoxically with the aim of maintaining the minimal state of mental balance needed to live in society. However, this ends up expanding the blurred area between reality and fantasy, truth and dystopia. During long, sleepless nights she watches television documentaries on the pig that Trump is said to have adopted at the White House, or presidential tweets concerning goats to take to the G8 summit. Afraid of revealing her confusion, she does not talk to anyone about it, tearing herself up with doubt: is what she is seeing real or is it an effect of the drugs? In reality, we spectators also remain in doubt. Excepting some scenes, which are obviously just for entertainment value, many of Diane’s “illusions” seem pretty real, giving the uncanny effect of sharing the character’s sense of instability, uncertainty and weakness. As if there were no longer a stable and shared world to stand upon. In other words, “conceptually, we may call truth what we cannot change; metaphorically, it is the ground on which we stand and the sky that stretches above us” (Arendt, 2006, p. 264).

The previous quote is taken from an article that Hannah Arendt published in 1967 in *The New Yorker* entitled ‘Truth and Politics’, an essay of utmost importance, if only for the complexity that it manages to reconstruct. In the span of around 50 pages, not always following a linear movement, Arendt classifies different types of truth and their strength, each one of which developing a particular relationship with politics. By writing off all Manichaeisms and postulates of one sort’s absolute domination over the other, Arendt draws a picture in which the truth appears both *fundamental* and *alien* to politics. Fundamental insofar as “no permanence, no perseverance in existence, can even be conceived of without men willing to testify to what is and appears to them because it is” (Arendt, 2006, p. 229). Without truth one cannot rely on or build a common world, all stability needed for shared action among people is lost, replaced by an unbearable trembling.² And yet, for at least two reasons at the same time it is constitutively alien. First, owing to a sort of (*mobile*) *ontology of truth*, insofar as all truths, of any kind, seem to transform into opinion the moment they are voiced in the political sphere. When the philosophical truth tries to impose itself in public, it entrusts itself to violence –and therefore barter its coercive strength for physical coercion– or becomes just one among several opinions: “for truth would then owe its prevalence (...) to the agreement of the many. Who might change their mind tomorrow and agree on something else” (p. 246).³ The situation is similar for factual truth, constitutionally at the mercy of witnesses (who can be false), archives (which can be manipulated), or documents (which can be hidden or disputed) (pp. 242-244). Second, truth is alien to politics for reasons of the *ontology of politics*: politics is changing the world and non-truth –whether this be lies, illusion or imagination– at the same time testifies human freedom and its possibility of releasing itself from the existent to plan for something different and, strategically, constructs the preconditions to implement and create the new and different –lies are more revolutionary than truth– (pp. 250-251, pp. 258-259).

On leafing through Arendt’s text, the situation looks grey for Diane (and for us): “The experience of a trembling wobbling motion of everything we rely on for our sense of direction and reality is among the most common and most vivid experiences of men under totalitarian rule” (Arendt, 2006, p. 258).⁴ The feelings that Diane confides to her

² ‘Consistent lying, metaphorically speaking, pulls the ground from under our feet and provides no other ground on which to stay.’ (Arendt, 2006, p. 264).

³ ‘Philosophical truth, when it enters the market place, changes its nature and becomes opinion.’ (Arendt, 2006, See p. 238).

⁴ ‘If the past and present are treated as part of the future – that is, changed back into their former state of potentiality – the political realm is deprived not only of its main stabilizing force but of the starting point from which to change, to begin something new. What then begins is the constant shifting and shuffling in utter sterility which are characteristic of many new nations that had the bad luck to be born in an age of propaganda.’ (Arendt, 2006, p. 258).

friends are worryingly similar to those that Arendt describes as typical of a life under totalitarian rule. Of course, I do not want to suggest undue and even historically offensive comparisons, but to point out a strange likeness of sensations. Besides, “freedom of opinion is a farce unless factual information is guaranteed and the facts themselves are not in dispute” (p. 238). Anyway, it is not my purpose to go through all of Arendt’s reasoning; instead, what I would like to do is try to concentrate on two issues, using Arendt to understand, and in part perhaps to help, Diane Lockhart. The two key words are: *(political) world* and *trust*.

While the relationship between truth and politics is somewhat paradoxical in its general appearance –since truth is both fundamental and alien to politics–, this paradoxicality is specifically found and reproduced in the relationship between truth and the (political) world. It is a particular type of hiatus, which needs to be accepted and used precisely to establish substantially *trusting* forms of contact between the two poles of truth and politics.

If observed through Arendt’s filter, Diane Lockhart’s sense of disorientation is two-fold, concerning two different spheres: *philosophical* truth and *factual* truth. The first arises from the discovery that not all people ‘hold these truths to be self-evident’, to paraphrase the incipit of the Declaration of Independence. This means that not all of us recognize ourselves in the values and principles that Diane considers absolutely unshakable and thought were shared: equality, freedom and democracy.⁵ What counts most in this context is that Diane’s disorientation tips totally towards the outside: it derives from the discovery that those values are not universally accepted, while she continues to foster no doubt as to their evident truth. It is the same disorientation as Socrates (and only in part as Plato): truths of this type, philosophical truths, are not of this world, or at least not of this cave. It was a (fortunate) historical coincidence that those truths, transformed into opinions, enjoyed widespread consent. Nevertheless, was Diane to remain the only one to believe in them, this fact would not undermine their certainty (for her) nor rid them of any of their potential activating force. This means that “the relatively transcendent qualities of such political principles as freedom, justice, honor and courage (...) may inspire, and then become manifest in, human action” (Arendt, 2006, p. 243). The alienation of philosophical truths from the world –their ‘relative transcendence’– immunizes their practical strength against changes in current opinions; within them, they

⁵ Welcome on board, Diane! –Arendt would say. Those truths were *thought* to be evident, and this already means that “the statement ‘All men are created equal’ is not self-evident, but stands in need of agreement and consent – (...) equality, if it is to be politically relevant, is a matter of opinion, and not ‘the truth’” (Arendt, 2006, p. 246).

contain “principles upon which men might act and which thus could become manifest in the world” (p. 249). In other words, by considering those truths evident, Diane can autonomously and singularly draw from them the strength to react and act: she can give into the temptation of Syracuse and advise an enlightened despot, she can accept the political challenge and pit opinion against opinion, she can –and this would be the most appropriate choice– embody those principles, as a consequence inform her existence, and bear testimony *through her own example*:

This teaching by example is, indeed, the only form of ‘persuasion’ that philosophical truth is capable of without perversion or distortion; (...) philosophical truth can become ‘practical’ and inspire action *without violating the rules of the political realm* [emphasis added] only when it manages to become manifest in the guise of an example. (p. 247-248).

It can be painful to be separated from the world. Nonetheless, it also implies keeping up the autonomous strength to act at all times, even in the most adverse conditions. As such, the transcendence of philosophical truths guarantees their autonomous capacity to prompt action and therefore to become manifest and return to the world. The embodied truth is viral in its force, it restores *trust* in human potential, or rather it manages to use the trust developed in the person –Socrates who does not flee, Diane who continues her battles– to bear witness to, strengthen and divulge the truth that he or she expresses. Therefore, it is trust that acts as the fundamental glue, the bridge linking philosophical truths and the world, the trust that Socrates earns by accepting the unjust penalty counts and is perceived as proof of the truth of what he was asserting: namely, that it is better to suffer evil than to commit it.

Diane’s second disorientation is more underhand: it concerns factual truth, the real circumstance of the possible adoption of a pig at the White House. These are worldly truths in the most radical sense of the word, not only do they concern the world as it is, but they are ontologically worldly, their status depends on concrete factors such as eye-witness accounts, documents, proof. They cannot be achieved on their own outside a context of relations –Diane remains in doubt precisely because she does not dare to ask, to exchange opinions–. Here personal example remains out of focus: affirming factual truth in a context of generalized errors or lies testifies to the *parrhesiast’s* courage, but does not corroborate the truth being shouted out. This is why, even though Arendt’s conclusions are optimistic in the end, “facts are superior to power” (Arendt, 2006, p. 259)

and “reality takes its revenge on those who dare to defy it” (p. 256), in other passages concerning factual truths, she admits that in some cases their very survival is at risk (p. 244).⁶ Therefore, the being of the world is risky, too risky, so much so that Arendt advises those asserting the factual truth to remain at a distance from the political world:

The teller of factual truth, when he enters the political realm and identifies himself with some partial interest and power formation, compromises on the only quality that could have made his truth appear plausible, namely, his personal truthfulness, guaranteed by impartiality, integrity, independence. (p. 250)

Those who tell the factual truth must at least in part cut themselves off from the world, assuming a “standpoint outside the political realm” (p. 259) able to guarantee “non-commitment and impartiality, freedom from self-interest in thought and judgment” (p. 262). Arendt explains that the courts of law and universities need to be independent to guarantee a truth that cannot be accused of partisanship. Here the key role of *trust* is even more evident: factual truths are based on the credibility of those who uphold them. Their intrinsic weakness can only be compensated if the people and institutions called upon to assert factual truths are wholly above suspicion. We *trust* in the witnesses; we *trust* in the documents, in the people who collected them, safeguard them, classify them; we *trust* in the people who control the institutions devoted to ascertaining the truth and so on, in a domino effect whose central element is, only apparently paradoxically, no longer the truth in itself, but the trust in the people asserting it.

This is where the twofold paradoxicality of the relationship between truth and the (political) world lies, as reconstructed by Arendt: the truth is infrastructure, a founding element in a common world, but, in order to carry out this function, (philosophical) truth is or (factual) truth must be at least partially alien to the (political) world which is, and must be, the domain of opinion. And while, safe in its almost transcendent position, the task of philosophical truth is to appear in the world through example, factual truth, at the mercy of the world, has to gain space and distance itself at least in part from that same world. In both cases, a third, intrinsically relational element reconnects truth and the world: trust.

⁶ Ibid., p. 244.

Truth-making / Assuming the truth

Despite the complexity and variety of the classification built by Arendt, I think it is possible to pinpoint two difficulties with her reasoning: the simultaneous under- and overestimation of the strength of politics in conditioning, imposing and divulging certain truths.

First of all, concerning factual truths, the examples used by Arendt are clear, unambiguous: Germany invaded Belgium and not the other way round; Trotsky had a role in the October Revolution, making the analysis a bit simpler. In reality, only in extreme cases does politics need to completely overturn the existent, asserting the totally false and denying or hiding the absolutely true. More often –or rather always, and inevitably– politics “plays” with different truths: it emphasizes some, putting them on the centre stage and making them politically decisive, while it pushes others to the sidelines, making them secondary and partially irrelevant. Moving within the real, politics selects some aspects of it, giving them importance and therefore practical force. It does not create the reality *ex novo*, but moulds it by seeking to highlight some elements to the detriment of others. Perhaps the most banal example is the birth and diffusion of a “national sentiment”, namely, the enhancement of national belonging as a politically decisive given. At a certain moment,

states began as never before to create national education systems; to impose standard national languages; to organize expositions, museums, artistic subventions, and others [sic] means of displaying cultural production or heritage; to construct communications networks; to invent national flags, symbols, anthems, holidays, rituals, and traditions. (Tilly, 2002, p. 165)

Little is completely invented in this state-led work to nationalize the masses. Instead, some “truths” are (have been) taken, encouraged, resignified and above all highlighted, blown up and absolutized; more than disowned and completely hidden, other forms of belonging are sterilized, marginalized and therefore made politically uninfluential. This triggers a circle of self-confirmation and self-empowerment of that politically driven truth: pushed by the idea of nation, states compete and clash with each other, boosting national sentiment, and providing new truths to celebrate, remember and monumentalize. When politically absolutized, a truth initially immersed in other truths helps to create a world in which it is effectively “more true” than others. Indeed, it may be an

inevitable process, a constitutive element of politics –as well as of law– which “reflects on what exists” while “actively ordering and modifying” it (Hauriou, 2004, p. 379, own translation). The same political language is intrinsically performative, even when it sets out to be realist: it reflects and assumes pieces of the real, while automatically placing upon them a surplus of importance and centrality, and therefore helping to alter the very thing it wishes to describe.⁷

Second –and in a substantially specular manner–, Arendt overestimates the capacity of politics to impose and divulge a philosophical truth (clearly in the form of a shared opinion). Again, the clearest example calls into question the Founding Fathers and the truths they *considered* evident. On discussing the inevitable metamorphosis of those truths into opinions, Arendt writes: “Their validity depends upon free agreement and consent; they are arrived at by discursive, representative thinking; and they are communicated by means of persuasion and dissuasion” (Arendt, 2006, p. 247). In other words, by doing politics –that is, imagining the positions of others in the mind and then discussing, communicating and debating in the townships and assemblies, with the strength of persuasion and maybe of example– those truths that became opinions achieved a sufficiently wide consensus to then be written into the act of constitution of a new political body. Namely, it is politics and its tools that have the power and the duty to develop those opinions (unduly called “truths”) and to try to divulge them as much as possible. Indeed, similar affirmations appearing in non-political spheres remain politically sterile:

There exist (...) philosophical or religious statements that correspond to this opinion [i.e. equality] – such as that all men are equal before God, or before death, or insofar as they all belong to the same species of *animal rationale* – but none of them was ever of any political or practical consequence, because the equalizer, whether God, or death, or nature, transcended and remained outside the realm in which human intercourse takes place. (pp. 246-247)

In my view, it is an overestimation of the power of politics. More convincing to me is the idea, implicitly supported by Weber, that politics depends at least partially on discourses of truth (world images) over which it does not have complete control, and it

⁷ At one extreme is Laclau and the concept of people, a politically driven discursive construction, wholly political sum of various questions linked by a significant void; this operation to construct the people is, for Laclau, the very essence of politics (Laclau, 2008).

assumes and accepts as true. A world image is a set of cognitive assumptions about the world as a totality and about all the partial totalities that make it up (nature, humankind, society and history). These issues escape the true/false dichotomy because they concern objects which are by principle indemonstrable, the blind point of every possible enlightenment: whether the world is the stage for Providence or a jumble of nonsensical events; whether people are good or bad by nature; whether history is heading towards the best or descending towards the worst, no option can ever be verified without the shadow of a doubt, and yet it is inevitable to “choose one” in order to have a criterion for our practical orientation in the world. In fact, humankind has always taken an image to be true. This is why Blumenberg speaks of *vérité à faire*: a pragmatic truth, which expresses itself in the capacity to generate practical attitudes, to concretely direct human life in the world; a truth with “practical power” (Blumenberg, 2010, p. 29), “through which man understands himself, orients his evaluations and his practical objectives, assesses his possibilities and necessities and imagines himself in his essential needs” (Blumenberg 1961, p. 69, own translation). These are unverifiable truths that impact on politics and define its possible evolution:

deciding questions such as: ‘are people good or bad by nature?’, ‘are they determined by their inclinations or by the environment?’ or ‘are they a factor or factum of their stories?’, can only be deferred or defined as senseless from a scientific point of view, not from a practical one. (Blumenberg, 1981, p. 126, own translation)

It takes a long time for world images to come into being and crystallize, through an always specific and situated relationship between ideal horizons –prophetic messages, religions, the intense activity of intellectuals, cultural uprisings in the broad sense– and material conditions. This is why to a certain extent they dominate over politics: they decide its magnitude, its ability to give sense to the lives of those devoted to it, its degree of inevitability, and give it a direction and room for possible evolution. On analysing religious world images, Weber marks how a vague idea such as redemption only assumes a specific meaning when seen through a *Weltbild* able to define “ ‘from what’ and ‘for what’ one wished to be redeemed and, let us not forget, ‘could be’ redeemed” (Weber, 1991, p. 280). The definition of the good to pursue and the bad from which to flee has an impact, *from the outside*, on politics: if redemption is the peace of saints in the afterlife, it is more likely that institutions with a religious basis and inclination will acquire strength and legitimacy. Instead, if redemption is material well-being, then it will be institutional

forms that can boast greater productive and/or redistributive efficiency that will gain consent. In other words, more than imposing a true-discourse able to shape particular ways of living, politics and its institutions work if they are in line with the true-discourse represented by the world image and if they respond to and grasp the requirements and needs outlined by the *Weltbild*.

Arendt does not sufficiently emphasize the fact that there was already an underlying pre-political consensus over those “truths” between the Founding Fathers and American society due to a world image conditioned both by the specific material conditions and the Puritan imprint of that same society. The composers and heirs of the *Mayflower Compact* shared a religiously founded diffidence towards all authority, a hypertrophy of subjective ethical consciousness that disqualified the device of sovereignty and a sense of equality owing to a shared infinite distance from an omnipotent (and stern) God: “the Great God absolute! The centre and circumference of all democracy! His omnipotence, our divine equality!” (Melville, 1972, p. 212) Therefore, more than being created and spread in the townships and political discussions, those truths deemed evident made those townships and discussions possible, having already been created and diffused by a shared world image. Concerning truths by principle unverifiable but in practice inevitable, it is the world image and not politics that has the last word; in its intricate and always specific osmosis of ideal and material conditions, the world image decides over those truths that politics then transcribes, uses, accepts and makes its own.

The ground trembling under our feet

Alternative facts, fake news, post-truth: these are some of the expressions most widely used in contexts of diagnosis of the present. In 2016 *post-truth* was even elected word of the year by Oxford Dictionaries: a prefix that seems to indicate not so much a discontinuity in time, as the ‘posts’ on Facebook and Twitter –which have become a fundamental political tool– and the abbreviation of *military post*, signalling how truth has become and is perceived as the outcome of battles between different powers: therefore, not a truth that imposes itself but *is* imposed.

In what way can what has been said so far help the uncanny sensation of a trembling, wobbling motion –as Arendt said– experienced by Diane and ourselves to be taken seriously? World image, performative power of politics, trust: these are the three poles that emerged as fundamental in defining the relations between politics and truth, and

it is along these three lines that I will try to understand what has changed, where the rupture took place that is driving Diane crazy. First of all, however, the explanation of an excellent exclusion: in this paragraph I will not deal with the topic of the Internet or the social media in particular –a subject that would be reductive to describe as “simple” political communication and which makes a great contribution to moulding subjectivities and society–. It is precisely because of its importance and centrality that it will not be examined here. I believe it requires exclusive reflection, using technical, journalistic, IT and semiological skills that I do not possess. Excepting not only conspiracy theories or extreme cases, but more profoundly, the political and economic contexts that direct their use,⁸ the independent legality and internal operating mechanisms of platforms such as those of the social media seem to empower phenomena that have a drastic impact on the construction of shared truths, amongst which: the genesis of no-discussion bubbles of consent; the extreme simplification of the topics analysed; the speed of the news and the short-livedness of attention; the emotive-only turn of communication –*if it bleeds it leads*– and the bulimia of communication; and the role of irony in the public airing of extreme positions and questioning historical factual truths – see *Pepe the Frog* and the Holocaust.⁹ And this is just the tip of the iceberg; too many topics for just one paragraph.

Rather, if the world image really establishes the set of truths grasped and taken up by politics, there should always be a socially shared true discourse, a base on which to stand. So, what is the truth of our world, and why, despite this, is everything wobbling? To sum it up in a slogan, one could say: that is precisely the problem, the truth of our world image is that nothing is shared. More correctly, a completely nominalistic world image has asserted itself, with a dual insulating effect. On one hand, the senselessness of the world and its history is sanctioned; seeing the happenings in the world as a series of events without an objective direction implies that all guarantees against solitude are lost: individual action remains individual, it cannot be taken for granted that it will converge and integrate with other people’s action, or come together to form a wider action, or that there will be any support from others along the way. On the other hand, and more directly, nominalism means that universals are no longer believable: all that exists is

8 See the article by B.Y. Fong on Jacobin, ‘Possiamo fare a meno di Twitter e Facebook?’, <https://jacobinitalia.it/13680-2/?fbclid=IwAR1-np0XUAC2tgasDYRcDXsM7LcX48vuLRdjE0AVVTCptBH06whyLUvBZ0>. The piece claims that these platforms have a sort political unredeemability: that is, the problem is not that they are private enterprises or their subsumption under capitalistic logics. Instead, it lies more deeply, in their logic and internal dynamics, which can cause relational and even psychological issues.

9 Topics analysed by a wide range of excellent literature, amongst which: Lolli, 2017; Duffy, 2018; Gambetta, 2018; Ziccardi, 2019; Nagle, 2017; Han, 2017.

individuals and their demands. *There is no such thing as society* (also) means the absolute centrality of the self, the sovereign right of all individuals to express themselves and construct inevitably subjective meanings. On one hand, self-realization, self-affirmation and authenticity are indicated as the supreme good to aspire to; on the other, they are only deemed declinable in radically singular forms, with any agglomeration thought of as forced. The world and others are not an integral and constitutional element of the self – a self that is formed *in* relation, *with* and *against* the resistances of the world–, but threats to the authenticity and freedom of expression of individuals who think themselves at the same time sovereign and “natural”, pre-relational and pre-social. The world and others therefore become the stage upon which to express and impose the self and a store of tools with which to potentially express and impose oneself.

This implies making all truths, whose objectivity allows them to act as a connector, binding together different individuals, out of reach. Not only does truth appear threatening, since by definition it places limits on the single person’s free will, but more deeply, it is made inaccessible by taking the subjectiveness of building meanings to the extreme. Modern politics was based on assigning multiple evaluations to shared meanings; the shared and socially constructed meaning of an action or a conduct was then evaluated differently depending on the different political leanings. Today it is the very manufacture of meaning that is a strictly individual skill: the same act means as many different things to as many observers. The sexual exploits of Donald Trump are read by Diane Lockhart as an unacceptable degradation and commodification of the female body, and by her colleague Roland Blum as the apotheosis of sexual emancipation, wherein free women freely choose what to do with their bodies, without arrogant liberals prescribing what is *true* freedom and *true* emancipation.

The political catchment basins of the modern era –which answered to names such as liberalism, socialism and nationalism– arose as conglomerations of interests and opinions with a single, neat and clear meaning, with regard to which everyone took up a position. Today it is objectively impossible to define their meaning: they are subjectively loaded with different, at times contradictory meanings, broken up haphazardly according to personal leanings. It is no longer shared opinions that connect individuals, but the individual who rises up as the only connector of different opinions, whose identity is substantiated through that very, potentially unique, and wholly personal, patchwork of opinions and beliefs. Within a nominalistic world image, therefore, the problem with truth lies in its claims to objectivity and independence from the single person’s will. The

problem of truth is that it wants to be shared, in a world image in which all sharing is at least potentially harmful to the single person's sovereign rights.

The world as a stage, the necessary backdrop where every person's exceptionality can be shown off, has little to do with the "world in common" which is both presupposition for and objective of political practice. And the loss of this reference to common truths produces that uncanny trembling. Therefore, political collectivities seem unstable and contingent conglomerations of unrelated atoms that form a momentary mass due to mere numeric aggregation. The public sphere cannot be a space of conflict, confrontation and changing opinions due to all people speaking their own language and rejecting all attempts at translation as inauthentic; so, this sphere "simply" becomes the place where the majority opinion counts –a technically prepolitical, entirely emotive, almost aesthetic opinion of personal taste, determined by private and fluctuating idiosyncrasies and manipulable as streams of opinion, fear or hope–. It is an opinion –or rather political mutation of the truth– matured in solitude, that solitude that condemns Diane to blur the true and the false. However, politics is also responsible for this situation, having both grasped and empowered this extreme individualization, through a strict normative, juridical and cultural setting (Dardot & Laval, 2014). All of those hazy of tax and monetary provisions and social policies that go under the generic name of "neoliberalism" have definitely grasped the demands for individualization posed by the world image, but at the same time they have empowered them, juridically fastening them down, even imposing them on those who did not agree or in spheres where they had not yet arisen.

The world as the stage for the self, the relationship with others as competitive, instrumental to or dangerous for the free and sovereign expression of one's subjectivity; the pivots of this world image weaken to the point of almost cancelling out that specific form of interpersonal relationship that Arendt already signalled –more or less implicitly– as fundamental in connecting truth and the political world: trust. Indeed, trust is always trust in others, it is a declaration of dependence on others and, in general, on the complex social construct we live. To trust someone or something is to renounce the sovereign and autarchic claim –illusion– that we alone can dominate all the essential variables for our existence. To trust is to allow ourselves to be called into question and be "contaminated" by others, building our own autonomy not against or regardless the relationship with the other, but within it. These reasons make a trust relationship particularly out of joint with the nominalistic image of the world. Taking up Arendt's classification again, those who try to embody and attest to a 'philosophical truth' by example

have a hard time: they are simply crazy or, more likely, they are hypocritically hiding selfish or egotistic interests in personal self-affirmation or social recognition –besides, is this not what they all do, what *we* all do? strikes up the *vox populi*.

It is in part a similar situation for the people or institutions which, according to Arendt, should guarantee the impartiality of factual truths, abstaining and distancing themselves from the political arena. It is before everyone's eyes how these institutions and the people who enact and represent them are (increasingly perceived as) biased voices, intrinsically interested, if nothing else, in their own survival and prestige. The same possibility that such a distance exists is now being drastically called into question, not always with democratic effect:

Denouncing the cognitive limits of science and its compromises with political and economic power probably plays an ambivalent role towards 'weak' knowledge and interests: on one hand, it strengthens them; on the other, losing the protective umbrella provided by producing knowledge temporarily accepted as solid, reliable and hence fair makes them even more fragile. If all voices are equally biased then the one that shouts the loudest is bound to play a base hand. (Pellizzoni, 2006)

What is more, the “factual truths” which should provide the basis and direction for our decisions and preferences are in reality intrinsically probabilistic outlooks. While Arendt relegated these truths to the past, contemporary political practice is based on models able to predict the future effects of certain choices. We adopt specific tax policies in the reasonable hope that they will produce certain results, but we are nevertheless forced to move in the ring of potentialities, always open to denial, and never in the field of “truth”. Not only do errors or interests always lie in wait, but the very complexity and speed of the existent undermine the solidity and reliability of these outlooks.¹⁰ There is no way out: even when, in formal loyalty to the eternal task of science, we accept and claim the temporariness of its results –which are always open to contest and review– this temporariness becomes a political alibi, being used to “scientifically” justify and therefore benefit some parties to the detriment of others.¹¹

10 “Legislators may find themselves debating complex issues and potential objects of regulation which suddenly alter before their eyes, dramatically augmenting the hardships intrinsic to consensus building in the context of complex policy issues. They may finally succeed in pursuing a series of legislative initiatives only to discover that the social and economic presuppositions underlying their policy choices have already shifted” (Scheuerman, 2004, p. 48).

11 A canonical example of this situation is climate change: the inevitable lack of conclusive proof concerning its presence and anthropic nature is used to justify politics' lack of action.

But, again, this is just the tip of the iceberg. With its resulting dependence, trust is particularly irritating for the contemporary subjectivity; it is a relationship which is avoided, hidden or juridically filtered as much as possible by both parties in the trust relationship. Those who should be the object of trust want to avoid the responsibilities connected to it, and those who should grant it experience it as a painful and unmotivated loss of sovereignty. A real example is given by the institution, as sacrosanct as it is often actually farcical, of informed consent in the medical field: patients are offered a whole host of possibilities among which they can freely choose, while knowing that they are completely responsible for this choice (Chignola, 2018, pp. 117-120). However, the information needed for the consent is often unattainable: it would require time, data, exchanges of opinion, medical skills and skills to read the data that are not and cannot be rapidly at disposal. Therefore, the patients have to *trust* one doctor or another, and, at the same time, they have to and also want to believe that they have made a fully independent choice, while accepting the responsibility-evading pretence of being able to have real-time access to a wealth of skills and experience that others have amassed over years and years. The web of trust relations making up society is shrunk as much as possible –through a series of acquittances and personal assumptions of responsibility– and where it is not possible to eliminate, it is sterilized and hidden. When it emerges again in all its reality, it is thus seen as a usurpation of individual sovereignty, as unmotivated as it is violent.

The trembling that Diane feels is fully understandable, but it is not the disappearance of truth that is causing it. More than cause of the state of crisis of contemporary liberal democracies, post-truth is the visible symptom of a deeper problem, which in philosophical terms could be rendered as hyper-individualism or radical subjectivism, which is perhaps best expressed using a word from ordinary language: solitude. When taken to the extreme by the nominalistic world image, the thought of autonomy as counterposed to relations, and freedom as absolute individual sovereignty, implies the loss of that objectivity –which can be called truth or shared opinions– able to connect individuals together. Diane's problem is that she is alone in a world of lonely people, she is afraid of asking others for confirmation of their perceptions and has no public or political room in which to fiercely argue with those who do not share her truths, without stopping at agreeing to disagree.

In short, the demand of the day cannot be to restore a mythical (and unattainable) dominion of truth, dotting the ontological statute with those 'truths deemed evident', but instead to work on rebuilding relationships: by breaking isolation, reclaiming and

de-stigmatizing trust. If changing or imposing a new world image is the task of prophets, it could be more sensible to imagine radically new institutions, capable of breaking the echo chambers and reopening spaces of conflict, confrontation and construction of a bare minimum of shared opinions, reconciling autonomy as the aspiration towards self-government with the frank acceptance of mutual dependence. As Duso writes on reconstructing and commenting the genealogy of the State-form, it is the idea of freedom as the possibility of *isolation* that enables the conjunction –or even the reciprocal implication– between individual and state sovereignty. The human material on which the State-form is based is the individual, individuals who are *free because they are alone* –and therefore free to privately pursue what is good for them–:

we find a close tie between (...) the affirmation of individual rights and the position of an absolute power as the only possibility of their implementation. Being superior to all individuals, this gave them room to privately seek their own good, while avoiding mutual encounters and disturbance, that is, by creating the conditions for their isolation. (...) The term ‘society’ (... is taken) to mean a situation in which freedom is created as the single people’s independence and therefore the possibility of their isolation. (Duso, 2007, pp. 73-74, own translation)

Perhaps we should start to imagine forms of institutionalization of our political co-existence different from the State, by trying to exploit that performative force of political language to give strength, relevance and power to forms of cooperation which, more or less “clandestinely”, already exist. The third season of *The Good Fight* begins with Diane Lockhart joining a group of militants called *The Resistance*.

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LATOUR, FOUCAULT, AND POST-TRUTH: THE ROLE AND FUNCTION OF CRITIQUE IN THE ERA OF THE TRUTH CRISIS¹

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Abstract

This paper, first published in German in *Le Foucaldien* 4(1) 2018 and in English in *Le Foucaldien* 6(1) 2020, explores Bruno Latour's critique of contemporary critical theory. According to Latour, poststructuralist conceptions of critical inquiry are becoming increasingly outdated. In our "post-factual" era, attempting to expose facts as results of power-laden processes of social construction plays into the hands of anti-scientific obscurantists. This is not to say, however, that one ought to opt for some reductionist notion of objectivity. Instead, Latour proposes a new form of critical realism. While we agree with Latour about the necessity of widening our epistemological paradigm, we deem his critique of poststructuralism unfair and exaggerated. Moreover, we argue that he fails to account for the relationship between epistemology, power, and subjectivity. Since Foucault, on the other hand, succeeds where Latour falls short and probes into this very relationship, his is a form of critique that remains crucial to tackling the current crisis of truth.

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Keywords

Critique, post-factuality, post-truth politics, thing, gathering, new realism, matters of concern, poststructuralism, problematization, Latour, Foucault.

Resumen

Este artículo explora la crítica de Bruno Latour a la teoría crítica contemporánea. Según Latour, las concepciones posestructuralistas de la investigación crítica son cada vez más obsoletas. En nuestra era “postfactual”, intentar exponer los hechos como el resultado de procesos de construcción social cargados de poder acaba haciendo el juego de los oscurantistas anti-científicos. Sin embargo, esto no quiere decir que uno deba optar por una noción reduccionista de objetividad. En cambio, Latour propone una nueva forma de realismo crítico. Si bien estamos de acuerdo con Latour sobre la necesidad de ampliar nuestro paradigma epistemológico, consideramos que su crítica al posestructuralismo es injusta y exagerada. Además, sostenemos que ella no tiene en cuenta la relación entre epistemología, poder y subjetividad. Dado que Foucault, por otro lado, tiene éxito donde Latour se queda corto e investiga esta relación, la suya es una forma de crítica que sigue siendo crucial para abordar la crisis actual de la verdad.

Palabras clave

Crítica, post-factuality, política de la posverdad, cosa, reunión, nuevo realismo, asuntos de interés, posestructuralismo, problematización, Latour, Foucault.

Introduction: The Fate of Critique in the Post-Truth Era

At the beginning of his 2012 volume *Modes of Existence*, Bruno Latour evokes the following anecdote to illustrate the social challenges we face today. During a discussion on climate change between French industrialists and researchers from the Collège de France, a professor was asked why he should be more believed than others. Tellingly, for Latour, the scientist did not point to data and facts, to established scientific procedures and universal transparency. Instead, he complained about the lack of trust in scientific institutions. Both the question and the answer puzzled Latour. Apparently, it no longer suffices to simply highlight the difference between the rationality of science and conspirative irrationalism “to settle the debates over the components of the *common world*” (Latour, 2012, p.6).

Here, Latour addresses a problem that is at the center of the current debates revolving around the term “post-truth”. If all views are judged equally valid, then scientific results lose their significance. According to the diagnosis of a post-truth era, all opinions seem to be on the same par, without there being a generally accepted standard by which to compare and evaluate them.

Latour’s analysis of the social problematization of truth and factuality dates back to the early 2000s. In several publications, he anticipates reflections and arguments that indeed come up frequently in today’s debates on post-truth politics, and he aims to offer an explanation of our current predicament. Latour ponders the possibility, status, and preconditions of social criticism, the underlying argument being that such criticism can no longer content itself with debunking dominant ideologies and exposing commonly accepted facts as social constructs. For if it did so, it would, willy-nilly, play into the hands of those trying to undermine facts, thereby becoming yet another cog in the machinery of “post-truth” arbitrariness that renders profound criticism impossible.

In what follows, we explore Latour’s analysis of contemporary—mostly poststructuralist—forms of critique and reconstruct the alternative he provides. The form of critique Latour has in mind is rooted in a reconception of realism and a complex understanding of facticity and objectivity. We argue that Latour’s plea for a new realism based no longer on isolated facts but on matters of concern allows us to rethink facticity in a way that goes beyond positivist reductionism. In the final analysis, however, Latour’s claim that all contemporary forms of critical theory adhere to a naïve notion of social constructivism is untenable. Accordingly, and against Latour’s wholesale rejection of poststructuralist models of critique, we turn to Michel Foucault, whose genealogical

critique not only meets the criteria Latour sets for critical thinking in a purportedly post-truth era but also addresses questions left out in Latour's own account. Whereas Latour's new realism confines itself to broadening our epistemological perspective, Foucault's approach makes it possible to analyze epistemic quandaries by shedding light on their political, social, economic, and discursive conditions, without, however, reducing epistemology to power.

Latour's Claim: Toward a New Realism

In his famous 2004 article "Why Has Critique Run out of Steam? From Matters of Fact to Matters of Concern," Latour draws a gloomy picture of today's intellectual scene. Investigations in the philosophy of science have repudiated all notions of objectivity. Given that the categories we employ and our being situated in a specific way determine our worldview, there seems to be no unmediated access to truth. This notion has made its way into public consciousness so that now science carries no more weight than the most far-fetched conspiracy theories:

Of course, we in the academy like to use more elevated causes—society, discourse, knowledge-slash-power, fields of forces, empires, capitalism—while conspiracists like to portray a miserable bunch of greedy people with dark intents, but I find something troublingly similar in the structure of the explanation, in the first movement of disbelief and, then, in the wheeling of causal explanations coming out of the deep dark below. (Latour, 2004, 229)

When it comes to finding the culprits responsible for this unfortunate development, Latour is quick to point the finger at poststructuralism.² By casting doubt on all criteria for scientific evidence, so Latour argues, poststructuralism draws close to conspiracy theories. In this regard, his text oscillates curiously between self-criticism—after all, he produced many important insights into how scientific knowledge is constructed (see, for example, Latour, 2000)—and an explicit reckoning with discourse analysis, social constructivism, and deconstruction. These, he holds, partake in the destruction of the

² Foucault, Bourdieu, and Baudrillard are mentioned by name, as are Nietzsche and Benjamin, the ancestors of French theory. Additionally, Latour alludes to Derrida's deconstruction and Butler's reflections on the social constitution of subjectivity.

critical spirit. In times of post-truth politics and fake news, arguments as to the relativity and constructedness of facts appear commonplace, and “French” social criticism cannot but seem an anachronistic endeavor. Insofar as poststructuralism questions the givenness and inalterability of facts, it is no longer able to draw a line between scientific findings and mere opinions. This, Latour thinks, leaves us with the task of reconsidering the terms of critique.

To do so, Latour examines the tools available to critical theory and tries to specify more clearly the initial aims of his own research. For his part, it had never been intended to “get away from facts but *closer* to them” (Latour, 2004, p. 231). Accordingly, he proposes a *new realism*—a realism that focuses no longer on mere *matters of fact* but on *matters of concern*.³ This, he argues, leads not only to a sophisticated concept of experience but also to an ethos that protects and cherishes the world’s richness. And it allows us to reconfigure critique in such a way that it does not treat objects in isolation but respects their relationality.

In order to achieve this goal and define his notion of matters of concern, Latour draws on Heidegger’s late thought on the concepts of the “Thing” and the “Fourfold”. Thus, it is necessary that we turn to Heidegger before homing in on Latour’s own account.

Heidegger on the Given: From the “Totality of Involvements” to the “Fourfold”

Heidegger begins by asking how we encounter things in the world. He rejects reductionist approaches to experience, trying to regain a notion of its richness and multiple facets. He shows that we do not experience things as present-at-hand objects that

³ Latour anticipates the labels the German philosopher Markus Gabriel uses by more than a decade, both in substance and as regards the latter’s polemics. Like Latour, Gabriel proclaims a “new realism,” drawing heavily on Heidegger in doing so, and blames “postmodernism” for conjuring up the evils of relativism (see Gabriel, 2016). What is typical of the return of postmodernism-bashing in the German feuilleton is that its proponents usually do not deign to discuss, let alone quote, what thinkers such as Foucault, Lyotard, Derrida, or Butler actually say. In this vein, Michael Hampe refers to the supposed failure of contemporary critical theory when it comes to explaining post-truth politics, without, however, offering evidence for his claim (see Hampe, 2016, 48). Remarkably, such different thinkers as Hampe, Gabriel, and Latour all seem to find it unnecessary to support their accusations with actual references to “postmodernist” or poststructuralist texts. Instead, they invoke the mood in academia, impressions, and what they believe to be the popular feeling. Hampe contents himself with a reference to the present atmosphere in “leftist cultural studies;” Gabriel settles for some Nietzschean dicta to sum up his hypotheses about “postmodernism;” and Latour appeals to a watered-down and popularized standard model of critique to make his claim about the naivety of critical theory plausible. In doing so, Hampe, Gabriel, and Latour repeat the post-truth gesture *par excellence*: They no longer refer to scientific evidence and data – such as quotable hypotheses and arguments – but focus on feelings and moods.

may be used and exploited. Against such an impoverished conception of objectivity, Heidegger seeks to restore things in their full diversity and abundance of experiential possibilities by highlighting their constitutive relationality—that is, their being located within a web of references.

Starting with *Being and Time*, Heidegger criticizes the tendency to interpret all things in terms of an “ontology of presence-at-hand” (*Vorhandenheit*) that conceives of things as isolated objects presenting themselves readily to an equally isolated subject (Heidegger, 1985, p. 66-72, see also Posselt/Flatscher, 2016, pp. 180-186). According to Heidegger, such a view cannot do justice to our relatedness to the world—to the fact, that is, that our relation to the given is always already embedded in an intricate web of references. Think, so Heidegger suggests, of a workshop. Picking up a hammer, we do not first register and process sense data to then identify the object we are holding in our hands as a hammer. Rather, we use the hammer without hesitation to, say, knock a nail into the wall. We encounter the hammer as *equipment* (*Zeug*), as a tool that helps us accomplish a task. As such, the hammer is embedded in a „totality of involvements“ (Heidegger, 1985, p. 115-117) that makes us understand it as something ready-to-hand. The hammer refers to the other tools in the workshop, to the bodily condition of its user, to a certain usage, to activities related to hammering, and to other possibilities, all of which have a specific history; it refers to its producer, to the materials it is made of, etc.⁴

In his later writings, Heidegger reformulates and radicalizes his reflections on the relationality and historicity of objects. Starting in the mid-1940s, he draws on the Old High German word *thing*, which used to refer to a *people's assembly* or *trial*, to suggest that the *Ding* (*thing*) be construed as a *gathering*.⁵ No object, Heidegger argues, simply presents itself to a subject. Rather, each thing assembles within itself an intricate web of relations. Heidegger's prime example is that of a jug (see Heidegger, 1971a, p. 171). Since a jug is a man-made thing, it refers to its producer and the process of its production; moreover, it establishes a certain relation between the drinker and the drink (wine, as Heidegger has it); and it even refers to the grapevines, the fertile soil on which they thrive, and

4 “In the environment certain entities become accessible which are always ready-to-hand, but which, in themselves, do not need to be produced. Hammer, tongs, and needle, refer in themselves to steel, iron, metal, mineral, wood, in that they consist of these. In equipment that is used, ‘Nature’ is discovered along with it by that use—the ‘Nature’ we find in natural products.” (Heidegger, 1985, p. 100)

5 “Our language denotes what a gathering is by an ancient word. That word is: thing.” (Heidegger, 1971a, p. 171) Latour criticizes Heidegger for establishing „a dichotomy between Gegenstand and Thing“ (Latour, 2004, p. 234), overlooking that Heidegger himself withdraws this distinction in his later work (along with the transcendental-horizontal conception of Dasein). In retrospect, it can even be shown that Heidegger's notion of “equipment,” as he elaborates it in *Being and Time*, combines reality and relationality in the same that his conception of the thing does.

the auspicious weather that helped them grow.⁶ Heidegger terms this complex web of relations “the fourfold” (*Geviert*). In each thing, the fourfold gathers together „earth and sky, divinities and mortals” (Heidegger, 1971a, 171)—that is, to put it in more modern terms, it assembles all possible references. Heidegger’s central thesis is this: *Apprehending something always means co-apprehending something else*. The complex referentiality designated by the fourfold cannot be reduced to a simple object or mere sense data but must be grasped as something that concerns us and that we are involved in. Here, Heidegger goes beyond the transcendental-horizontal approach of *Being and Time* (and, at least in his view, Husserl’s phenomenology as such). For he stops viewing the world in terms of Dasein’s projects, instead regarding the “mortals” —at whose plurality Heidegger hints without further elaborating on it—as but one of the fourfold’s poles (see also Heidegger, 1971b). Thus, Heidegger not only puts forward a new phenomenology of the thing but also proposes a theory of subjectivity that runs athwart the modern understanding of the subject as a sovereign and transparent agent. We will come back to this aspect in our discussion of Foucault’s conception of a genealogical critique.

A New Concept of Facticity and a New Concept of Critique

Applying Heidegger’s reflections on the thing to the present situation, Latour brings to the fore the complex processes by which “mere” objects become “matters of concern” and, conversely, “matters of concern” congeal into unambiguous, clearly defined objects. Exemplifying the former process, Latour does not, like Heidegger, turn to a relatively simple “object” but rather chooses a complex one—namely, the space shuttle *Columbia*—a supposedly highly accomplished, fully understood, and readily available object—that, while reentering the Earth’s atmosphere, broke apart and crashed in 2003. The events following the crash—the technical, scientific, and juridical investigations into its causes, the mourning discourses, and the literal collecting and gathering of the many pieces scattered across the land—show how “suddenly, in a stroke, an object had become a thing, a matter of fact was considered as a matter of great concern”:

⁶ In Heidegger’s “powerful vocabulary” (Latour, 2004, p. 233), this reads as follows: “the drink [*Trank*] abides in the whole gathering involved in the event of drinking [*Getränk*]. This gathering is the belonging-together in the event of drinking of what is offered and received as drinkable. The whole gathering of the drink [*Getränk*] consists of the drink offered [*Trank*] and the drink received [*Trunk*]. What is offered as drinkable is among other things wine. The one who drinks is the human. The whole gathering of the drink as what is offered abides in the wine, which abides in the grapevine, which abides in the earth and in the gifts from the sky.” (Heidegger, 2010, p. 87)

If a thing is a gathering, as Heidegger says, how striking to see how it can suddenly disband. If the “thinging of the thing” is a gathering that always connects the ‘united four, earth and sky, divinities and mortals, in the simple onefold of their self-unified fourfold,’ how could there be a better example of this making and unmaking than this catastrophe unfolding all its thousands of folds? (Latour, 2004, p. 235)

To exemplify the opposite process—the reduction of a matter of concern to a matter of fact—Latour turns to the decision of the US government to attack Iraq. The many debates and reflections preceding the US campaign, Latour holds, were indeed “a Thing—with a capital T,” but they worked toward coalescing “in one unifying, unanimous, solid, mastered object, masses of people, opinions, and might” (Latour, 2004, p. 235). Colin Powell’s notorious speech at the UN Security Council in 2003 illustrates this reduction perfectly. To make the case for an invasion of Iraq, Powell pulled out what seemed to be a vial of anthrax, thus condensing the question of war into one tiny “object”.

For Latour, both examples show that we must reject the effort of modern epistemology to reduce objects to mere matters of fact in favor of a new realism. This new realism teaches us to perceive facts and objects as “highly complex, historically situated, richly diverse matters of concern” (Latour, 2004, p.237).⁷ As Latour sees it, contemporary critique primarily focuses on the constructed character of facts, tracing them back to a power-laden process of social construction and thus transforming them into mere fairies. He wants us to know, however, that his own sociological investigations were not aimed at debunking facts:

The mistake would be to believe that we too have given a social explanation of scientific facts. No, even though it is true that at first we tried, like good critics trained in the good schools, to use the armaments handed to us by our betters and elders to crack open—one of their favorite expressions, meaning to destroy—religion, power, discourse, hegemony. But, fortunately (yes, fortunately!), one after the other, we witnessed that the black boxes of science remained closed and that

⁷ In a similar way, but distancing himself from Heidegger, Hans-Jörg Rheinberger differentiates between “technological” and “scientific” objects. Although the latter depend on the former in order to appear in experimental settings, they are “fragile,” remaining, as it were, *in statu nascendi*. Aside from drawing attention to this precarious status of epistemic objects, Rheinberger, like Latour, argues that by having their identity established, scientific objects may petrify and become technological objects (see Rheinberger, 1992, p. 67-82).

it was rather the tools that lay in the dust of our workshop, disjointed and broken. Put simply, critique was useless against objects of some solidity. (Latour, 2004, p. 242)

Latour suggests that we go beyond the dispute between positivism and social constructivism. Rather than side with either the “fact position” or the “fairly position,” we should strive to arrive at a “fair position” (Latour 2004, p. 243)—a position, that is, that respects the peculiarity and autonomy of things while at the same time accounting for their relationality. Seeking support for this new approach, Latour can no longer refer to Heidegger, who, he holds, reaches an impasse when he indulges his hostility toward science. Instead, and rather surprisingly, Latour turns to Alfred Whitehead. Whitehead, Latour claims, has furnished us with a complex understanding of nature and objectivity. In his Tanner lectures *The Concept of Nature*, for instance, Whitehead refuses to confine himself to analyzing but a limited set of paradigmatic natural objects and instead urges us to consider the complexity of our engagement with the things that affect us: “For us the red glow of the sunset should be as much part of nature as are the molecules and electric waves by which men of science would explain the phenomenon.” (Whitehead, 1995, p. 20) According to Latour, this practice of gathering together and assembling the ways in which we approach phenomena provides us with a standard by which critique can operate: “The critic is not the one who debunks”—that is, the one who reduces the given to the social conditions of its construction— “but the one who assembles.” (Latour, 2004, p.246) The “assembling” or “gathering” critic analyzes, and preserves, the referential web of relations that make a thing a thing. Critique thus becomes a cautious care for the fragile, requiring that we bring into relief the multidimensionality of the gathered.

A Gathering Epistemology as a New Form of Critique?

Latour does not bother to verify his accusations against poststructuralist models of critique by, say, quoting from texts that would actually try to debunk facts and expose them as mere fairies (see above note 2). Instead, he repeats the very gesture he takes issue with, reducing a complex and conflictual field (the “assembly” of contemporary models of critique) to a seemingly unambiguous and clearly defined “object”. By misrepresenting the plethora of critical theories as a single failed project, Latour strays from

the path that he thinks a critical analysis must follow. In short, in his critique of critique, Latour is not a gathering but a debunking critic.

On top of that, Latour's rhetoric is deeply disturbing. Not only does he employ a beligerent vocabulary, evoking scenes of combat, weaponry, generals, strategies, etc.,⁸ but he also produces obscurities that elude the reader. For instance, he accuses traditional critique of "fight[ing] the wrong enemies" and of having been "considered as friends by the wrong sort of allies" (Latour, 2004, p.231) without further specifying what he means. These and other obscurities add a conspirative note to his text.

What is more, Latour's claim about poststructuralism unwittingly forming an alliance with post-truth strategies that seek to undermine scientific facts does not bear scrutiny. True, if one trawls through online forums of climate change deniers or visits websites promulgating the idea of intelligent design, one will, indeed, find an occasional reference to "postmodernism" as a potential ally in the effort to defend anti-evolutionary religious propaganda,⁹ as well as harsh denials of any such affinities on the part of the "creationists" (see e.g. Reynolds, 2010). The great majority of these publications, however, do not draw on "postmodernist" concepts but rather resort to scientific positivism to make their claims. In this vein, "religious" or "skeptical" deniers of climate change or evolutionary biology continuously point out either that these theories are not falsifiable and therefore unscientific (see e.g. already Morris, 1974) or that they are "mere theories"¹⁰ and thus "falsifiable" and possibly wrong.¹¹ From this it follows that, against what those riding the bandwagon of postmodernism-bashing might believe, the involuntary godfather of post-truth obscurantism is Popper, not Lyotard.¹²

8 "Of course conspiracy theories are an absurd deformation of our own arguments, but, like weapons smuggled through a fuzzy border to the wrong party, these are our weapons nonetheless. In spite of all the deformations, it is easy to recognize, still burnt in the steel, our trademark: *Made in Criticalland*. Do you see why I am worried? Threats might have changed so much that we might still be directing all our arsenal east or west while the enemy has now moved to a very different place. After all, masses of atomic missiles are transformed into a huge pile of junk once the question becomes how to defend against militants armed with box cutters or dirty bombs. Why would it not be the same with our critical arsenal, with the neutron bombs of deconstruction, with the missiles of discourse analysis?" (Latour, 2004, p. 230)

9 For a collection of some references, see Robert Pennock (2010). He shows that, for the most part, it was but a single prominent proponent of the creationist movement that referred to "postmodernism".

10 Laurence Moran deals with these accusations; see Moran, 1993.

11 There is, especially as regards climate change denial, a third, particularly inane "skeptical" position—one that is based on a blinkered, naïve realism à la "It's freezing cold outside—and these eggheads talk about global warming!" One of the most prominent proponents of this position is Donald Trump, the President of the United States. In 2007 he twittered the following: "In the East, it could be the COLDEST New Year's Eve on record. Perhaps we could use a little bit of that good old Global Warming that our Country, but not other countries, was going to pay TRILLIONS OF DOLLARS to protect against. Bundle up!" (28.12.2017)

12 The Wikipedia article "Objections to Evolution" illustrates this perfectly. While it reconstructs and refutes pseudo-falsificationist and pseudo-positivist positions, the article makes no mention of objections inspired by "postmodernism." Note, however, that we do not want to claim that there is some unacknowledged affinity between positivism and post-truth obscurantism. The reason why climate change deniers and their kind resort to the parlance of scientific positivism is that it

Latour's weaker claim of a mere "structural analogy" between poststructuralist critique and conspirative-obscurantist positions (without identifiable interaction) derives its plausibility from being predicated on a watered-down, popularized version of post-structuralism. If, however, we direct our gaze toward thinkers such as Foucault, Lyotard, Derrida, or Butler, we will not only find ideas and arguments that Latour, without noting it, uses for his own account¹³ but also come across tools that help us analyze the present predicament.¹⁴

To substantiate this claim, let us, first, zoom in on Latour's exclusive focus on epistemology.¹⁵ As we have seen, Latour dismisses the reductionist epistemological paradigm that construes the epistemic subject and its object as isolated entities in favor of a much more complex concept of object-relatedness. The main problem with the reductionist view, Latour argues, is its notion of mere facts, because it leads to an ill-conceived understanding of experience: "matters of fact are a poor *proxy* of experience and of experimentation" and "a confusing bundle of polemics, of epistemology, of modernist politics that can in no way claim to represent what is requested by a realist attitude" (Latour, 2004, p.52).¹⁶ Latour's gathering realism, on the other hand, knows what the proponents of reductionist empiricism ignore—namely, that the given presupposes a web of relations and cannot be understood in isolation of its relationality. For the project of a new critique, this means that it has to defend these relational entities against reductionism, constructivism, and obscurantism. Accordingly, if we were to respond to climate change deniers, we would neither (like the reductionist) refer to isolated facts and data nor (like the constructivist) try to expose

dominates the academic discourse of our times. In other words, they would be ill-advised if they tried to justify their claims by drawing on what are but marginalized positions within academia.

13 Judith Butler, for instance, responds to critics of *Gender Trouble* (1990) who accuse her of proposing an implausible version of social constructivism by advancing, in *Bodies that Matter* (1993), a theory of bodily materiality and materialization that aims at analyzing the processes by which human bodies are constituted as bodies that matter—that is, as matters of concern. In this sense, Butler anticipates Latour's change of focus from matters of fact to matters of concern.

14 Here, we can also turn to Donna Haraway's feminist epistemology. With her concept of "situated knowledges," Haraway anticipates both Latour's claim that we ought to realign critical theory and his plea for a new, non-reductionist concept of experience. Haraway argues that "it is not enough to show radical historical contingency and modes of construction for everything." Rather, a feminist epistemology must engage with standard science in order to gain "enforceable, reliable accounts of things not reducible to power moves and agonistic, high status games of rhetoric or to scientific, positivist arrogance" (Haraway, 1991, p. 187-188). Her concept of *situated* knowledge highlights that knowledge is constitutively embodied. As such, it involves a concrete positioning and ethico-political responsibility. Latour ignores these aspects.

15 Dagmar Comtesse presented a similar argument in her IPW-lecture "Fake News und Kontingenzdenken. Für Machtanalyse statt Wahrheitsglauben" (University of Vienna, 19.4.2018), helping us to clarify our own position.

16 In light of this passage, Latour's position could also be interpreted as a normative reversal of what he takes to be the dominant version of contemporary critique. For as these lines make clear, Latour shares the view that the given is constituted within (social and political) relations. What he rejects, though, is the normative evaluation that accompanies this position.

the fabricated nature of all factual positions; as gathering critics, we would, rather, make explicit the complex scientific, historical, ethical, and social processes of assembly that are necessary for an “object” such as climate change to come into existence and be recognized as such. Drawing on Heidegger’s parlance, the position of the critic would thus be that of a “shepherd of being”.

What is missing in this picture is the institutional framework in which the gathering of relations and the preservation of diverse approaches are supposed to come into play. When Latour conjures up the possibility of “a multifarious inquiry launched with the tools of anthropology, philosophy, metaphysics, history, sociology to detect *how many participants* are gathered in a *thing* to make it exist and to maintain its existence” (Latour, 2004, p. 246), he seems to assume that all problems disappear as soon as a large number of disciplines have their say. It is not clear, however, how such a multifarious inquiry may help us solve concrete problems such as climate change denial (not to mention the fact that a number of disciplines already work together). Even more troubling is that, in the final analysis, Latour’s gathering critique amounts to scientific pedagogy. Indeed, Latour seems to think that it suffices to explain to climate change deniers how it came that we accept climate change as real (that is, what had to be gathered) in order for them to renounce their skepticism.

Latour fails to take into consideration the strategic, economic, and political interests that play into post-truth obscurantism, or, for that matter, climate change denial. Indeed, he restricts himself to offering an expanded and transformed epistemology—from matters of fact to matters of concern—and a new concept of objectivity—from the object to the thing-as-gathering. He does not, however, explicate the relation this expanded notion of epistemology bears to the spheres of social power, economy and politics. In fact, Latour hardly ever addresses the question of power—and when he does, he uses mostly dismissive and negative terms. Contrary to what Latour seems to think, pondering the relation of power and knowledge does not in any way mean conflating the two. In other words: Why should power relations not play a role in the gathering that makes a thing a thing? There has been no one more meticulous in the study of the complex relationship between knowledge and the formation of truth, social power, and subjectivity than Michel Foucault, who argues that these factors are constitutive of, but not reducible to, one another. Therefore, it is to him that we now turn in order to address the lacuna in Latour’s reflections—that is, the question of power.

Between Truth, Power, and Subjectivity: Back to Foucault

In our attempt to evaluate Foucault's reflections on critique in terms of Latour's criteria for critical thinking, we do not, as one might expect, draw on Foucault's more popular and oft-quoted ponderings on critique (see Foucault, 1997). Instead, we concentrate on two strands in the intricate fabric of his oeuvre that respond directly to the challenges Latour sets. There are two steps to our argument. First, we focus on Foucault's reflections on the complex of knowledge and power, to which Latour refers rather contemptuously in "Why has Critique Run out of Steam?" In the 1970s Foucault analyzes the paradigm shift in epistemology from "inquiry" (*enquête*) to "examination" (*épreuve*). In doing so, he goes beyond traditional epistemology, taking into consideration the question of power via an analysis of the discursive transformations that accompany the rise of capitalism, civil law, and the Humanities and in which economic, political, and juridical aspects come into play against an institutional background (Foucault, 2002). Second, we draw on Foucault's late lectures on the antique concept of *parrhesia* or truth-telling. Here, Foucault not only analyzes the interrelation between truth, power, and subjectivity but also examines a specific "truth crisis" that hit Greek antiquity (see Gehring/Gelhard, 2012, Posselt/Seitz, 2018).

Foucault describes the decisive shift from the paradigm of inquiry to that of examination along the following lines: Since the beginning of the nineteenth century, several transformations have caused the decline of inquiry as the primary means to acquire knowledge. The procedure of inquiry, originating in juridical practice and well-established since antiquity, aims at reconstructing an event by interrogating witnesses and gathering evidence. In modernity, the method of inquiry morphs into "panopticism." Now, a multitude of different institutions—schools, factories, mental hospitals, prisons, etc.—surveil, control, and normalize subjects in order to gather knowledge. In his 1973 lecture *Truth and Juridical Forms*, Foucault describes this as follows:

It was no longer a matter of reconstituting an event, but something—or, rather, someone—who needed total, uninterrupted supervision. A constant supervision of individuals by someone who exercised a power over them—schoolteacher, foreman, physician, psychiatrist, prison warden—and who, so long as he exercised power, had the possibility of both supervising and constituting a knowledge concerning those he supervised. A knowledge that now was no longer about

determining whether or not something had occurred; rather, it was about whether an individual was behaving as he should, in accordance with the rule or not, and whether he was progressing or not. (Foucault, 2002, p. 59)

As this passage makes clear, the shift away from matters of fact—the primary concern of the method of inquiry—occurs two hundred years earlier than Latour thinks. Additionally, Foucault traces inquiry’s origins back to Greek antiquity and the investigation into the regicide in Sophocles’ *Oedipus Rex* (see Foucault, 2008). Unlike Latour, Foucault carries out a discursive and genealogical analysis of the practices that aim at gathering and assembling knowledge. He probes into the compulsory urge to control implicit in these practices of examination by turning to the institutions that play a fundamental role in what he terms the “disciplinary society,” whose mechanisms, along with panopticism, still affect how we live. Here, thinking about the constitution of the subject always entails contemplating a history of power. According to Foucault, knowledge refers not only to natural or produced objects but to human beings—a fact that Latour merely alludes to in his object-oriented conception. Importantly, the control of human beings also plays into the hands of capitalism. When wealth ceases to be defined primarily in terms of landownership and money and instead is understood in terms of movable forms of capital, such as resources, commodities, and machinery, that require protection from thieves and looters, new instruments of control have to be invented. In this context, surveillance should not only respond to crimes already committed but rather forestall possible offences.

Foucault shows how these apparatuses of control combine prototypes of state and non-state coercion, and he elaborates on how this combination manifests itself in a variety of institutions, ranging from schools to factories and barracks to mental hospitals and prisons. Starting in the nineteenth century, these institutions exercise more and more control, handing over the subjects individualized by the disciplinary apparatus to work, keeping them under constant surveillance and even checking on their bodies:

[I]f one closely analyzes the reasons for which individuals’ entire existence was controlled by these institutions, one sees that, at bottom, it was not just a matter of appropriating, extracting the maximum quantity of time but also of controlling, shaping, valorizing the individual’s body according to a particular system. (Foucault, 2002, p. 82)

These institutions represent a new kind of power that can be neither identified with sovereignty nor traced back to the state or a specific class. Rather, it is a polymorphous power that sustains the capitalist system and the bourgeois legal order (Foucault, 2008). What Foucault seems to have in mind is a complicated fabric made up of many strands: economic aspects of production, political aspects of inclusion and exclusion, juridical aspects, and the epistemic claim to knowledge.

It is important to note that Foucault's reflections on power and knowledge are predicated on his not reducing the latter to the former. Otherwise he would lose sight of the specifics of the various practices of knowledge he analyzes. Although—or, rather, because—power and knowledge are not the same, probing into forms of knowledge, so Foucault argues, requires that we reflect on their power-laden social and political conditions. By the same token, we should be aware of the fact that the practices of gathering and assembling (knowledge) have a complex and dark history—a history that Latour's presentist conception of gathering largely neglects.¹⁷ As should have become clear by now, Latour misses the point when he concedes that Foucault's historical investigations are more complex and subtler than conspiracy theories. For, in fact, Foucault's reflections have nothing in common with them. Whereas conspiracy theories assume that social phenomena have a simple and identifiable origin, a doer behind the deed, Foucault vehemently rejects all explanatory models of this type.

In his late lectures in Berkeley and at the Collège de France, Foucault reframes and radicalizes the notion that the investigation of experience must focus on epistemic practices, forms of power, and modes of subjectivation, without, however, losing sight of their irreducibility to one another. To do so, he turns to the ancient practice of *parrhesia*, a form of truth-telling that is not regulated by institutions. As Foucault points out, it is when the polis faces an institutional crisis that *parrhesia* becomes a topic to be debated in philosophical, ethical, and political discussions. Here, what Foucault terms *problematization* plays a decisive role. Foucault uses this concept to address the historical processes by which objects and practices—in the case of *parrhesia*, a certain mode of veridiction—that have been accepted as unproblematic givens turn into focal points for experience and epistemic, ethical, and political debates:

The history of thought is the analysis of the way an unproblematic field of experience, or a set of practices, which were accepted without question, which were

¹⁷ As for the figure of the critic that Latour proposes—the critic as an innocent and caring shepherd of the gathering of knowledge—one may also think of Foucault's analyses of the pastorate and pastoral power (see Foucault 1982).

familiar and 'silent,' out of discussion) becomes a problem, raises discussion and debate, incites new reactions, and induces a crisis in the previously silent behavior, habits, practices, and institutions. The history of thought, understood in this way, is the history of the way people begin to take care of something, of the way they become anxious about this or that—for example, about madness, about crime, about sex, about themselves, or about truth. (Foucault, 2001, p. 74)

By drawing his attention to problematizations, Foucault does not mean to merely analyze purported facts and locate them in the course of history; nor does he subscribe to the view that phenomena such as sexuality, crime, madness, and truth are but social constructs. Rather, Foucault wants to find out why and how something becomes a (scientific, ethical, and political) problem. In this sense, Foucault anticipates Latour's analysis of the shift from matters of fact to matters of concern, matters of concern being things that people care about—that is, complex realities embedded in heterogeneous discourses, institutions, and apparatuses within a specific historical constellation. Crucially, and contrary to what Latour claims, Foucault does not deny the reality of the objects he analyzes:

[W]hen I say that I am studying the 'problematization' of madness, crime, or sexuality, it is not a way of denying the reality of such phenomena. On the contrary, I have tried to show that it was precisely some real existent in the world which was the target of social regulation at a given moment. The question I raise is this one: how and why were very different things in the world gathered together, characterized, analyzed, and treated as, for example, 'mental illness'? What are the elements which are relevant for a given 'problematization'? And even if I won't say that what is characterized as 'schizophrenia' corresponds to something real in the world, this has nothing to do with idealism. For I think there is a relation between the thing which is problematized and the process of problematization. The problematization is an 'answer' to a concrete situation which is real. (Foucault, 2001, pp. 171-172)

To sum up, to investigate problematizations is to investigate the paradigmatic *matters of concern* of a given historical epoch. In this sense, Foucault's approach does indeed, as Latour thinks critical theory should, get "closer" to reality—closer, that is,

than positivist positions, which revolve around an impoverished concept of facts or data, and constructivist positions, which think of reality as a mere effect of power relations. Only if we untangle the intricate web of epistemology, power, and subjectivation, may we understand a “Thing” such as *parrhesia*—or, for that matter, the present “crisis of truth.” Accordingly, the (epistemic) “analysis of forms of veridiction” must be combined with the (political and discursive) “analysis of procedures of governmentality” and the (subject-oriented) “analysis of the pragmatics of self” (Foucault, 2010, p.5).¹⁸

Conclusion

The above should have made clear that, on the whole, we agree with Latour’s diagnosis of the present. On top of that, we have argued for a thorough analysis of post-truth obscurantism. Like Latour, we are concerned about there not being a proper understanding of experience, and we think that this problem has to do with the positivistic reduction of experience to mere facts or data. In this sense, it is symptomatic that today we bemoan the alleged loss of all facts when, *in fact*, there is a strong possibility of us being soon ruled by algorithmic regimes—regimes that aim at the calculability of all behavior and in which *matters of concern* only matter insofar as they can be commodified and used as data sets, the zero-grade version of *matters of fact*.¹⁹

In light of the current problematization of truth, factuality, and objectivity, it would be mistaken to think of Foucault’s reflections as being obsolete. In fact, if we are to tackle our current predicament, in which what is at stake is precisely the intricate entanglement of truth, power, and subjectivity, we must consider this very triad

¹⁸ In the epilog to Foucault’s lecture *The Courage of the Truth*, Frédéric Gros emphasizes the necessity of considering all three perspectives without reducing them to one another: “The three dimensions of Knowledge, Power, and the Subject (or rather, of veridiction, governmentality, and subjectivation) [...] are not like three distinct parts to be studied in turn, like three separate domains. Foucault insists on the idea that the identity of the discourse of philosophy since its Socratic-Platonic foundation consists precisely in a structure of reciprocal correlation: never studying discourses of truth without at the same time describing their effect on the government of self and others; never analyzing structures of power without at the same time showing the knowledge and forms of subjectivation they rely on; never identifying modes of subjectivation without including their political extensions and the relations they have to the truth. And we should not hope for one of these dimensions to be consecrated as the fundamental dimension: political violence or moral postures will never disappear in a general logic; the demands of knowledge or ethical constructions will never be reduced to forms of domination; and finally, it will never be possible to found forms of veridiction and modes of government on subjective structures” (Gros, CT, 346)

¹⁹ One could argue that the machine-aided process of abstracting experience does not even come to halt at the level of mere data but, instead, goes on to reduce these data to metadata.

with respect to its genealogy. Rather than repeat Latour's gesture and jettison all the tools that critical theory offers, we should focus on the gist of his argument and switch from debunking to gathering: As for critique, this would mean reassembling its many complex and contradictory facets. Accordingly, critique itself would have to become a matter of concern in order for it to again shatter ossified positions and analyze troublesome developments.²⁰

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THE REAL OF FAKE NEWS¹

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Abstract

Fake news generated nowadays broad debates. The spread of fake news intertwines with the phenomenon of populism and the crisis of democracy. Indeed, the cornerstone of democracy, the freedom of public opinion, is the assumption that authenticity of facts is not altered. The separation of opinions from facts as the basis of democratic participation in political scene is the emblematic position of Hannah Arendt. But If it is acceptable that fake news must be countered by correct realism, we must be aware of the mutual implication of both terms at stake: subjects and reality. What is the real of fake news?

Key words

Fake news, populism, real, imaginary, symbolic, subject.

Resumen

Las noticias falsas generan hoy amplios debates. La difusión de noticias falsas se entrelaza con el fenómeno del populismo y la crisis de la democracia. De hecho, la piedra angular de la democracia, la libertad de la opinión pública, es la suposición de que la autenticidad de los hechos no se altera. La separación de las opiniones de los hechos como base de la participación democrática en la escena política es la posición emblemática

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de Hannah Arendt. Pero si es aceptable que las noticias falsas deban ser contrarrestadas por el realismo correcto, debemos ser conscientes de la implicación mutua de ambos términos en juego: sujetos y realidad. ¿Cuál es la realidad de las noticias falsas?

Palabras clave

Noticias falsas, populismo, real, imaginario, simbólico, sujeto.

Truth and subjectivity: A Lacanian approach

The debate on the spread of false news in communication and its political effects is now very broad and intertwines with the themes of populism and the crisis of democracy, whose cornerstone has always been the freedom of public opinion, on the assumption that the truths of the facts were not altered. This is the emblematic position of Hannah Arendt: the separation of opinions from facts as the basis of a widely democratic and participated approach in the definition of the political scene (Arendt, 1968, p.227-264). An approach that highlights the truth of facts accessible on the cognitive level, as a ground for a correct clash of interpretations.

On this basis we try to cope with a flood of pseudo-information spread worldwide on the web, often taken up explicitly or allusively by politicians, to be refuted after a short time. The political damage has already occurred. While it is true that lies and politics have always had a deep connection, and the manipulation of facts is an ancient instrument of power, the legitimate complains is that the excess of fake news and the impossibility of an effective control on the web changes the terms of the issue, threatening the very possibility of democracy. However, in this perspective there are no real solutions, except for the emphatic and poorly effective promises of web giants' self-censorship, which claims to introduce filters on social networks. Of course they do not block the fake news, but at least the hate messages that follow.

This legitimate and justifiable approach is embodied in a liberal and modern ontology and anthropology that clearly separates the planes of knowledge, will and power; the plane of factual knowledge – verifiable and 'objective' – by the one of emotion and passion. An aspiration that goes back to Plato. This approach is comprehensible and, I repeat, justified, but if it took on the complexity of subjectivity and reality in its relationship with the subject, it could pose the problem in a different way. Perhaps more effective than that.

If it is acceptable that fake news must be countered by correct realism, then it is necessary to become aware of the complexity and mutual implication of both terms at stake: subjects and reality. What is the real of fake news?

The true question here, is not in the wake of an often misunderstood Nietzsche, that there are no facts but only interpretations: on the contrary, the hardness of the facts, the material impact of discourses and powers on bodies, crossed by benevolent or repressive powers, the influence of imagination and ideology on concrete choices are unavoidable. If it is true that the analytic gaze is always immanent, situated and biased, this does

not mean the plane of facts is evanescent and manipulatable at will. On the contrary, the analysis is immanent to the plan of discourses of true, in their effects of power, it is involved in the power struggles that define them: a very concrete and material plan. Holocaust deniers - one of the most notorious fake news - are disproved by the hardness of material effects that have affected millions of bodies.

This essay limits the very wide issue of fake news and post-truth to the problematization of what is called reality, which is produced in the global communications network producing political effects.

The reality, which banally should coincide with the plane of the facts, is presented to the receptive and active digital instruments as the symbolic and imaginary multiverse in which we are immersed: it does not coincide with the Real. With his ultimate truth. What we affirm as reality therefore produces effects of truth, but the sense of the latter sinks in the Real, in the role that it plays in the subjections: fake news are a symptom of this game.

The terms I used announce the Lacanian angle of the speech. I believe that Lacan offers useful tools to analyze this issue because it problematizes the plan of ontology and that of subjectivity that is always involved in it (Zafiropoulos: 2001; Melman: 2002). Lacan is inserted in its turn in a post-foundational horizon that - starting from Nietzsche that constitutes its revolving door - problematizes the statute of truth, opening as much to a post-modern and deconstructionist devaluation of its statute as (and this is the case with Lacan) to the immanent dimension of discourses, processes of subjectivity constitutionally dependent on the social context, which separate the subject from himself and his truth (Stavrakakis: 1999, 2007).

In the Lacanian perspective, It is impossible, to separate the subject from the symbolic, linguistic, institutional and normative network in which the process of subjectivity takes place, but also to separate the cognitive from the pathetic, practical and unconscious. Language - the vehicle of communication with the world - is involved in subjectivity in a dynamic that we can define as pathetic and practical. Language is a cut in the living, a castration operated by the symbolic and the signifiers. Cutting and castration - necessary for the process of self-representation and identification - generate the surplus of the imaginary, the fantasy sustained by the libidic investment (Lacan: 1966, p. 495; Chaumon: 2004; Pagliardini: 2011). Taking its roots in the relationship of the speaking being with the drive and the insertion of the latter in the field of language, every human practice and all the more the communication can be thought as manipulation of the signifier, manipulation which, in turn, must be conceived in terms of prac-

tice and work (Mazzotti: 2000). This practice/work inscribes the impulse of language giving it form: it builds and invents forms through the linguistic symbolic apparatus in tension and surplus with the meanings: things and facts (Lacan: 1986). Evidently, a complex and impossible to interpret uniquely, at the centre of which lies the structural non-compliance of the symbolic and the imaginary itself: the defeat of symbolization and subjectivity. Today's chess is emphasized by the spread of the imagination, which shifts the symbols (which refer to coded meanings) towards the simulacra. This chess is the Real: the truth of the whole dynamic (Lacan: 1953, 1966). The third pole of the *borromean knot*. The real that never ceases not to enroll... cryptic definition that says together the failure of the symbolic transcription of the truth drive and at the same time the necessary and incessant repetition of the attempt of inscription (Lacan: 1974). I want to emphasize that the not inscribed residual drive is inherent to the same symbolic system. It is not something that is not grasped by language: The Real is within the communicative process and within the singular and collective subjectivities.

In short, the term *real* marks the distance from social and codified reality and refers to its true, real meaning: to the way in which the singularity seeks a precarious expressive and defensive balance in the world.

None of the terms is ever less completely, penalty the destructiveness of psychosis; but the latest writings of Lacan emphasize how, in the era of late capitalism, with the progressive evanescence of the limit (which, for our theme, is the authoritative truth function of the symbolic inscription-castration) spreads the imaginary identification of the ego, and the real, glowing nucleus of unregulated drive, "registered-not registered" expands to Lawless, becoming the center of the system (Pagliardini: 2016).

In the interminable decline of the Oedipus, the Real, which had remained in the classical-modern process of sublimation, becomes the pivot of unpublished subjectivities. A labile social bond/unbond is spreading, seeking immediate access to the *Thing* - while the Name of the Father becomes weak, pluralist, increasingly empty, whatever. You lose contact with the principle of Reality, you weaken the impact with the difference, submerged by signal differences, the virtuality: variants repeated without contradiction or opposition. In the rampant imaginary of narcissism and hyper-virtual social presentism it is a fact the removal of the laborious process of self-building through the limit set by truths that transcend the immediacy of desire. The enormous bubble of the imaginary - which, as Carmagnola says, is the condition in which the surrender of a system of rules allows the exhibition of singularities - replaces the fatigue of sublimation and resolves in itself the symbolic (Carmagnola: 2002): the

signs are without delay, even affirmations, the *lalangue* spreads as background noise and a more or less conscious repetition of the already seen and already heard. It is the triumph of the social-web.

The friction of language with the truth of the real irreducible sign is lost. What remains is a *synthome* which does not *sign* anything, and does not testify anything: There is nothing to overturn, nothing to cross, no braking friction: just symptoms to enjoy. What remains of the truth guaranteed by the Father's authority? It remains a hyper-production of forms, horizontal, disconnected, immersed in the urge of death, in the senseless repetition: *Lawless*.

Credit credulity belief: knowledge and/or communication

This attention to the truth of reality has nothing to do with a theoretical-cognitive judgment on the enunciations, and is clearly separated from knowledge and skills - what Lacan calls the university's discourse - which perform their function by distinguishing the true from the false. The discourses of science belong to a different plan that objectifies and stabilizes the ontological reality: a plan that is certainly precious, but to them escapes (or better consciously excludes) the complexity and the real truth of the relationship between subjectivity and the world, which governs much of digital communication and, in it, the formation of beliefs; therefore, directly or not, political consensus (Gori, Hoffmann: 1999, p.306-307). Functional to support the master/capitalist discourse, knowledge stabilizes an epistemic truth (the speakable and thinkable, Foucault would say); a truth which is not testimonial, immune and neutral to the galaxy of forces that revolve around the void of the subject: they programmatically ignore the real that motivates the beliefs and ignore its operativity in human affairs. The theoretical pretense of these knowledge takes them away from the dynamics of passions and the immense planet of the unconscious: they offer a solid and unquestionable platform, to a political rationality such as the neo-liberal one that tends to depoliticize social ties, so that they are managed by the acephalous and irresponsible mechanism of the market. This is not the place to discuss the claims of neoliberal governance and the naturalization of capitalism, but it is symptomatic that this neutralization of politics in the name of knowledge has managed the lives colonizing the subjective imagination of self-government and entrepreneurship. Denied by the endemic crisis, this imaginary has allowed a continent of removed passions and

emotions to emerge, pouring it into the net without the brake of cognitive knowledge, of the criterion of truth, right on a pathetic and practical level.

What is the nature of the famous fake news? At what level the fight against the threat to the Truth – still a pillar of politics – should be placed? If we accept the anti-fundamentalist assumption of the historicity of truths, of their taking place in the practices and contexts of power - and this is the post-structuralist perspective - it perhaps means that who-is-believed-true ceases to play the leading role that in the processes of subjectivity and in the organization of legislation, had in the West? Privileged place, which appears besieged by perspective, constructivism... But Foucault reminds us that we need to speak in terms of truth and falsehood, that believing in a truth is the root of our subjectivity, and therefore of politics (Foucault: 1976). The same fake news has effects on subjectivity in terms of belief, of believed truth. Only truth has power and only through subjection to a regime of truth it is possible to exercise power.

The need for a stable statute of truth, at the end of the theological foundation, passes through science and the naturalization of the human. Everything that is declared nature and therefore scientifically objectionable, is stolen from political contention, by offering to human relations and politics a steady link to its naturalistic and scientific representation. The supposed neutrality of expert knowledge is constantly summoned by politics in order to silence any alternative politicization. What the living human is – how predictable he is, what is functional to his optimal growth – becomes less questionable, thanks to the decomposition of the same anthropomorphic figure in the molecularity of genomics and statistics that aggregate behaviors within algorithmic profiles transversal to individuals, so that they are manageable.

People know that. Politics know that. The space for contention and confrontation can no longer be found at the level of truth, if by this term we mean the codified processes of veridiction, assessed by scientific evidence and the control of expert communities. The truth is not a matter for everyone and not even for the many. Even in a Foucaultian and Nietzschean perspective of the irreducible connection of knowledge, power and subject - highlighting the government effect of truthful speeches on which the devices are incardinated - it is impossible to disassemble from within the today's dominant scientific statements. Starting from statistically verified data (even if they are elaborated without alternative perspectives to the productive optimization) they present the result as indisputable truth of the empiry: and the subjects, I repeat, are built around what is believed to be true.

The truth of knowledge is elusive for ordinary, inexperienced people.

So what? While the rationality of government mobilizes to its support the expert knowledge that obliges the political “consensus”, the tumult of social coexistence seeks support rather than on the codified and certain truth, on the much larger galaxy of belief and belief-of-knowledge where the subjective and collective demands of survival and precarious affirmation are freed in an increasingly uncertain world. Starting from the domination that mainly determines living conditions - the economy - where the predominant role of finance, is only the emphasis on the centrality of credit.

Credit - rather than debt, a term burdened by theological, sacrificial and culpable ambivalences - is the heart of the socio-economic system. On credit and credibility - of individuals, states, enterprises - is based the game of risk: *game* rather than *play*. This game generates speculative profits, by betting on possible changes, *futures*, on trusts and vague expectation allocated by investors and savers, in a framework of unavoidable uncertainty. No truth, no certainty, just volatile news, rumors able to generate contagion, imitation, panic: only credit, probability, risk trust. Even the political consensus works on this feeling beyond the truth, which still – compared to the necessity shown by cognitive rationality – opens up spaces for expression and action. It works on not knowing but believing-to-know, trust, entrusting their expectations to a mediation that is believed to be reliable, to promises that seem closer to expectations, to desires... With inevitable reverses of mistrust, disappointment, emerging anguish of the lack of certainty. The diabolical combination of too much scientific certainty and absolute non-certainty - exasperated by the complexity of global interdependence, but also by the increasingly marked exclusion of the many from the elaboration of truth (an advanced company is distinguished by the role of ‘expertise) - develops a paradoxical mixture of credulity (reliance, passionate abandonment to the other, dependence) and cynicism (basic unbelief that winds up at the same time as each allocation of credit). Cynicism as shameless display of falsehood, as exhibited disloyalty that fails to the true claim that should ethically bind those who affirm something as true (Ahi, sad end of the Arendt’s promise and the courage of the Foucaultian parresiasista!) and that refutes without any problem what he has just said.

The capitalist economic *modus* to govern society has always been based on credit and uncertainty: to put it better, those are its driving factor. But the borders which used to stabilize the symbolic chain of credit/risk/promise through the moral or legal commitment guaranteed by the State (in Lacanian terms, the paternal function of limit) are now drastically weakened. So, the productivity of credit finance – in its inventive part

– is now ramping, multiplying the real weight of production. And this imbalance – beyond any realistic material basis of the economy – is reflected by the imbalance of web communication, by the eradication from places, territories, information, and from that kind of local knowledge that could be directly and intersubjectively verified (Mucchielli e Pommier: 2000).

Yet, the proxemics control, tangible even if imprecise - the world of the “more or less”, faded into the abstraction of the “Universe of Precision” - finds a paradoxical recovery in digital media. As the abstraction of science moves drastically away from current experience and the expertise takes away any direct availability of truth, the uncertain returns in the combination of very remote and uncontrollable realities, medial and evanescent, and their visibility in live, shared, at hand, of touch. What we see live on the web, others see it at the same time, it seems more real and at hand...

A lot has already been written about these things by sociologists of communication (Furedi, Tyndall, Ferraris: 2017; Sunstein, Cass: 2017; Abbruzzese, Mancini: 2007; Fine: 2005).

What I would like to highlight is that the prevalence in human relationships of unbalanced credit and credulity with respect to certain and expert truths, shifts the theme of fake news from the cognitive regime of knowledge (with their aporia and power effects) to the practical, largely unconscious and non-cognitive dynamics of subjectivities. These depend on interrelations that are communicative and not informative, on imaginary and often paranoid identities called to compensate phantasmatically for the lack of solid grips. Fake news are a symptom of this dynamic.

The practical and pathetic self-referentiality of communication

What is or should be a communication? Evidently the semantic depth of the word refers to *cum*, and therefore to the relationship, to dialogue. Communication, better communicative action, is not by chance the ethical pivot of the political theory of Habermas which has a great influence on the liberal-democratic horizon. It tries in fact to face the sunset of the objective foundation indicated by Nietzsche or Foucault, with a symmetrical and reciprocal intersubjectivity that allows to legitimize or delegitimize the social arrangements. Once again, however, we must draw attention to the type of subject/subjects that are presupposed by this key of interpretation so influential, from which come the most heartfelt laments about the degeneration of

the media full of falsehoods. The habermasian subjects are in fact potentially rational and free subjects: the colonization operated by capital or passions does not affect the potential of the ethical and rational control of the intersubjective relationships. The “true” communication is dialogue and symmetrical and reciprocal relationality, to the point of being the ethical foundation to politics (Habermas: 1991).

Faced with this claim, there is the problematic reality of the relationship between world and subject.

A lexicon other than Lacanian could also be used: the important thing is that a dynamic of relationality appropriate to contemporary practices emerges. Lacan pushes the constituent relationship of the subject with the Other (symbolic and linguistic or simply the other from itself: however normative function of the true-believed), their mutual dependence, up to the extreme radicality: to the subject barred by the symbolic, formed through the gaze and desire of the Other, in a noncognitive but pathic dynamic, corresponds to an evanescent Other, in no case superimposable to Hegelian ethos or to us (lacan: 2006; soler: 2016; Hounie, beans: 2018). The Other-Truth (the authority to believe and trust, except that it holds the chain of signifiers) is an ordinary signifier, placed in being by the same barred subject and therefore always revocable. There is no stable pivot to build subjectivity. And this void is saturated in an only phantasmatic way.

This last thing that has a great political importance: the communitarian and communitarian aggregations are revealed more and more labile attempts to inscribe the real drive within a function of truth that is known to be precarious, the more emphatically asserted the more momentary and unstable it is, the less credible or temporarily believed. On the precarious transcending or point of aggregation represented by a false news, is thickened the mobile credulity in search of the lost father. The fickle and always disappointed imagination fills a real void that - in a Moebius ring - is a full of drive and obeys the need of this.

This interweaving is the true reference of communication, which does not look at the truth of symbols but at their use, at the practices in which they are introduced (Abbruzzese, 2001, p.218). The ubiquitous diffusion of symbols, images, icons shows a diabolical (from *syn-bolon* to *dia-bolon*) invasive will of meaning: symbolic and imaginary become generic terms, carriers of multiple uses. The superimposition of symbolic and imaginary makes the symbols - words, images - immediate, certain, unreflective and at the same time fleeting (Debray, 1992, p.17): we believe we know what we are talking about, but we cannot define it: winks, willingness to believe what confirms our feeling and doubt that it is really as we believe. Credulity and cynicism. It is a system of plat-

itudes that also applies in many different contexts, relatively stable but resistant to an analytic deepening, because its function is not theoretical.

The communication “takes for granted” an approximate but sufficient understanding within a conceptual cloud where repeats and changes what is repeated. Jean Jacques Wunenburger uses the term “proliferating image” for the penetration of media images into an active space of generation of the imaginary and symbolic (Wunenburger, 1997). The aim is not to know, but to pursue the Real which is enjoyment, satisfaction of anxiety, saturation of lack and uncertainty without subjecting to the normative nor to the unattainable scientific truth.

This allows us to reposition the question outside the theme of truth. Use prevails over representation. On the other hand, communication itself has no objectives outside of itself: it is always more contact, put in relationship. It would be better to use instead of communication the term connection, which gives the pulse of a relationship of signifiers without passage of meanings, a horizontal contact that it is possible to interrupt uniquely, that is given and taken away if it does not satisfy. A connection seeks the real of enjoyment.

The media space increases the decline of the informative purpose and focuses it on the self-referential drive to be there, to the enjoyment of contact, of the recognition without mediation of the struggle, without risk of life. To the imagination of a reality that revolves “all around you” autistic, at your fingertips, touch, you add the unmediated enjoyment, the direct satisfaction of the desire to affirm the self, of a supposed power capable of influencing the facts of the world.

The digital device builds the world around a subject intended as an “I”, not as a “Self”. All within easy reach, the mouth talking, the hand touching the screen images. The compulsive exchange of messages and news is an exchange of all with all, but the contents, the meanings are calibrated on being expressive, affirming the ego, of the own image, being tiring and problematic to build it through truths concretely experienced.

Lacan affirms “Even if it communicates nothing, discourse represents the existence of communication; even if it denies evidence, it affirms that the word constitutes truth; even if it is destined to deceive, it speculates on faith in witness”(Lacan, 1966, p.245). and specifies: “the function of language is not to inform but to evoke. What I seek in the word is the answer of the other. What constitutes me as a subject is my question. To be recognized by the other, I utter what was only in view of what will be. To find him, I call him by a name he must take or refuse to answer me”(Lacan, 1966, p.292-3). It is the practical and pathetic purpose of communication: to show oneself as a subject, to

see the imaginary ghost in which one identifies oneself recognized. The main thing is not the meaning as such, but the meaningful function and the libidic economy that supports it.

The medium becomes fine. The staging of the means - and such are the false news - is significant of the way of being of the subject and is, as already for Simmel, the only true and only end of human action. But when the other/authority/truth that should operate the recognition and decide the true limit, is whatever and is placed by the subject himself, the dynamic turns on itself, becomes self-referential. This is what the conference on cybernetics observes (Lacan: 1978). From the anthropogenic desire that comes from the forbidden of an authoritative Other, we pass to the autistic enjoyment as real immediately accessible.

Foreseeable, in this perspective, the observations of Heidegger on the chatter and the misunderstanding:

Rather than understanding the entity to which he speaks, we are concerned to listen to what the speech as such says. What is understood is speech, the over-a-what is only understood in an approximate and superficial way. The same things are meant because what is said is understood by all in the same medium...communication does not 'participate' the original ontological relationship with the entity of which one discovers, but the being-together is realized in discourse-together.

The authority and strength of this discourse does not depend on the meaning of this around which it discovers but on its pure spreading and repeating itself. " what it communicates is not the original appropriation of the entity, but the diffusion and repetition of the discourse. What-what-has-been-said as such spreads in ever wider circles and draws authority from it...the reader's average understanding will never be able to decide if something was created and conquered with originality or if it is the result of simple repetition of time. The average understanding will never even feel the need for such a distinction, since it already includes everything"(Heidegger: 1927, par 35).

Heidegger - anchored in the truth and its possible revelation - argues that the chatter (which today is assertive and to get attention, often violent and excessive) betrays the word, which is in itself openness, and the reversal in closing because it neglects to trace back to the foundation of what is said, preventing it from being re-examined. The philosopher therefore leads the theme back to truth and its betrayal, but

it also overshadows the self-referential dimension of the apparent relationality, the perverse dynamics of the which shifts the pivot of the authoritativeness of discourse from the relationship with truth to horizontal and unlimited repetition. Thus, obviously in different terms, both the enjoyment as unlimited compulsion to repeat, and the enjoyment of the paranoid closure in which the opening of the word is reversed (Bazzicalupo: 2012).

The truth of falsehood is given at this level: real because not conscious, yet operative. The prospect of a radical and rigorous Lacan shows that many criticisms of the digital world and its proliferating aberrations (as well as the exaltation of its possibilities) fail to grasp the heart of the matter. They place it on the level of the true and false, attributing to the denial of the true criterion, the responsibility of waves of credulity and reckless trust to the more or less populist leaders.

This digital communicative effervescence has indeed a political dimension full of risks, but its real is not of the order of knowledge, but rather of the subjectivity and the specific trade that, in the spread of the imaginary, the subjects have with the real of the enjoyment. Of course, it is not the network that has generated the uncontrollable need for recognition, self-affirmation, the need to be reassured about its existence and identity, socially threatened by global anonymity, by expertise that expropriates the living and personal fiduciary roles on which subjectivity was built. What is at stake, in the drive to communication/continuous connection and in real time, is something that has to do with subjectivity and its excess from the process of subjectivity, has to do with the relationship with reality, the drive. Obviously, digital tools have facilitated and intensified this need by changing the links between human beings. With the fluidity of texting, blogs, social networks, the relationship intensifies and becomes fluid: it becomes a connection, a contact that has the brand of power and offers a virtuality without obligation. Reality appears in the dimension of ungoverned, self-referential enjoyment, compulsion to repeat, without sublimation,

Unregulated, which is rather saturated with a *clik*, an access without prohibition... It does not exceed the word, but spreads in a language (*lalangue*) without restraint (Lacan: 1975). Enjoyment of any subject, even the most peripheral and least powerful, to have contact and availability of the whole world. It exasperates the dynamics of the signifier who loses contact with the meaning; the word is assertive affirmation: of a fact as of an evaluation, without differences. He is able to use any meaning to attest to the subject. The web allows to enter the scene, to be potentially always present, thanks but at the same time also independently from the meanings used to be it.

Paranoia and fidelity to the friction of the symptom

Communication becomes a *modus* for the affirmation and enjoyment of the ego. The drive must be looked at, rather than cognitive, if we want to diagnose and eventually combat the effects of the fake. The ease with which it is possible to aggregate through a like to the news-announcements - of which it is important not the cognitive content but the emotional impulse, the appeal to side - pushes towards paranoid communities, marked, that is, by the pure sign without reference. The paranoid entanglement is defensive of the unlimited schizophrenic and individualistic dispersion that characterizes neoliberal management. It is the classic response to the anguish induced by the excessive openness of globalization and the web and the weakening of the codes generated by the evaporation of the father, function of normative truth. But the anguish of excessive openness to the world is accompanied by the loss of control over the truth of one's own self, which expert knowledge dissolves into numerical and statistical aggregates in which it is impossible to recognize one's own history, their pains and memories and their discomfort. The hunger for identity aggregation in which to recognize, takes shape through antagonism, enemy friendly borders, inside-out, that just the most excessive and improbable fake news mark, in an atonal, ambivalent world in which no clear and contrasting definitions are possible. The fake news and hate polity foment the paranoid politics that neither argues nor deliberates: mobilizes bodies and drives (which systematically deliberative theories ignore and exclude) through identity contrasts that draw enjoyment. Its success is linked to knowing how to deal with the complexity of subjectivity, with the Libyan background of in-common, with the practice of reality.

It is not a question of truth or lie, but of mobilizing - and exaggerated lies serve this - the imagination of people, soliciting the anxieties emerging from the uncertainty and instability of beliefs, and more or less directly, offer access to enjoyment. Both at the level of the immediate sensation of affirmation, power and participation, and at the level of covering personal fragility through belonging to a side, within a resentful and discontented group, which turns fragility into aggression. The right has traditionally a primacy in these practices.

These are not new observations and are probably shared by the same deliberative and rationalistic theory. The point is, however, that it merely condemns them as irrational, while it is only by taking on realistically this galaxy's drive and its ambiguous relationship with the symbolic, that it is possible to address the issue of web lies. We should not be shocked by the enormity of the lies, because it is not a problem of truth - which

is a very important issue of political criticism - but of practices of affirmation of the subjects that attest to a decisive change in the processes of subjectivity both individual and collective.

The subject of the imaginary, in the time when, as Lacan says, the master's discourse is the speech of the capitalist, modifies his phantasmatic production (Lacan: 1991). The desire is oriented by the consumer drive that saturates the void with gadgets, goods... objects... or - mixing the figures of the consumer and the producer, in prosumer - saturates impotence and lack to be with the production and consumption of news, virtual facts. These for their own enormity attract the attention of the followers: and so the subject, the ego, exists and draws from the enjoyment. While in turn followers, with a touch of the hand, are no longer alone, they become imaginary partners of a paranoid community.

Yet... the non-saying in communication, which exceeds the meaning of the totally devalued, is the ghost that governs the scene. The way of access to this non-saying, Real, is not the word as such, subject to satisfy the pathetic drive, but its being readable as a symptom, a symptom of the discomfort that is not composed. A discomfort so dense in libido and material that it can be active collectively and politically.

It would be necessary to recover that discomfort, the material friction of life, not expressed by the imagination but by the symptom not saturated by news-gadgets. And that's what people don't want. The *synthome*, if not silenced by the immediate satisfaction of enjoyment, within touch, would be the voice anamorphic, distorted, precisely falsified, unexpressed and unconscious psycho-physical discomfort. If it were taken over without occlusion, *synthomes* would give real power to the communication exchange insignificant or false. The lacanian injunction to be faithful to the *symptom*, means to be faithful to the breaking point that is at once heterogeneous to the dominant ideological field and but gives it form as it is the liminary of its closure (Lacan: 2005). Unfortunately, the critique of ideology reveals the extent to which this division has been blocked today.

In fact, the mixture of credulity and cynicism signals a desire adhesion that seems today to lose the character of the symptom - precious carrier of discomfort and conflict - to become the life form of our present, perverse-psychotic, incapable of distance, exposed to command while he seems to deny it, unable to structure himself around a truth that is not paranoid.

And then? All that remains is to propose again the laborious path of partial truths, but experiences and materially shared. By incardinating it on the partial and fallible truth of practices and experiences a critical subjectivity can be formed. And it is the

widespread practices of direct management, proxsemica of the local reality that indicate that this is possible, and that some, not all, feel the need. The need for truth and real reality, however much it may upset and cause suffering. The biopolitical dimension of politics is itself an indication of a renewed attention to the concreteness of bodies. The truths are experienced in the experiences of struggle or self-government located and shared, where the sense of action, of managing problems is not dictated by experts. But it emerges with the thickness and the friendly gravity of things lived on body, around which we can hope to construct a less *un-sensed* subjectivities.

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VERDAD Y RIGORISMO DE LA VERDAD¹

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TRUTH AND RIGORISM OF TRUTH

Resumen

En este artículo trataré de esbozar la evolución de la idea de verdad en la experiencia moderna. Al hacerlo, trataré con tres autores: Koselleck, Weber y Blumenberg. Analizaré la idea de verdad en estrecha relación con la cuestión de la política, es decir, con la cuestión de la *res publica*, de la formación de la comunidad, de la totalidad social, pero también con el espacio cada vez mayor de la técnica en nuestra condición actual.

Palabras clave

Rigorismo, síntoma, consuelo, entropía psíquica.

Abstract

In this paper, I'll try to sketch the evolution of the idea of truth in the modern experience. In so doing, I'll deal with three authors: Koselleck, Weber and Blumenberg. I'll take the idea of truth in a close connection with the question of politics, that's to say with the question of *res publica*, of the formation of community, with the social totality, but also with the growing space of technics in our present condition.

Keywords

Rigorism, Symptom, Comfort, Psychic Entropy.

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Deseo ofrecer un ensayo apresurado de algunas posiciones sobre la evolución de la idea de verdad y nuestra condición presente. Nadie puede esperar de mí una exposición lógico-trascendental de la idea de verdad. Como se puede suponer, asumo los planteamientos básicos kantianos y procuro darles un sentido desde nuestra condición histórica como culminación, por ahora, de la experiencia moderna. Para ello, partiré, en el primer punto, de Reinhardt Koselleck, pues ha elaborado el cambio de sentido de la idea de verdad, aunque curiosamente no ha desplegado todas las consecuencias de tratarlo como un concepto político. En el segundo, haré referencia a que esta evolución viene marcada por la especialización como formación de comunidades particulares, sin pretensiones de totalidad, algo que afecta a la cuestión de la política, de la *res publica* y de la formación de una comunidad soberana. La forma fundamental de conexión de estas comunidades particulares de especialistas con el todo social, una vez cuestionada la forma de la política, ha sido la praxis técnica, y de este modo se puede desplegar una crítica a la idea de verdad que generó la línea de Hegel-Marx. Por ello, en el tercer punto propondré a Weber como otra forma de relacionar la idea de verdad con el todo social, ajena a la técnica, lo que implica en cierto modo reconectarla con la cuestión de la política. En cuarto lugar, propondré cómo, a pesar de todo, estas formas generan tensiones que hacen muy difícil que se abra camino una idea de verdad unitaria.

1 Koselleck

En “Cambio de experiencia y cambio de método”, ese artículo central de su libro *Estratos del Tiempo* (Koselleck, 2000, pp. 27-78), analiza Koselleck el cambio fundamental experimentado por la filosofía en medio de la evolución de la sociedad occidental. Se trata del cambio que podemos resumir de este modo: se pasó de la experiencia a la vivencia. Así establecido, este cambio representó el fracaso definitivo de Hegel y el paso a la romantización general de la sociedad mediante la democratización general del tipo de subjetividad que hasta el momento caracterizaba al genio, al héroe o, incluso, al espíritu del mundo. Koselleck lo caracteriza adicionalmente como el paso del activo investigar al percibir pasivo, que desde luego es un asunto paralelo a la diferencia hegeliana entre la verdad y la certeza. Aunque Hegel entendía que estas dos formas de conciencia eran expresiones de la autonomía del espíritu siempre seguro de sí mismo, comprendió que la certeza era la forma de relacionarse la intimidad

con las señales propias de la recepción del Espíritu, tal y como había evolucionado el espíritu religioso reformado, mientras que la segunda, la verdad, era la forma en la que vive el espíritu que se sabe destinado a realizar su propia experiencia inmanente como *Verweltlichung*, mundanización o secularización, un proceso que, lejos de considerarse como una traición a las premisas teológicas, se vio como el intento fructífero de apreciar lo que existía de real en el fondo de ideas abstractas. De este modo, Hegel asoció de forma radical el proceso de verdad y el proceso de secularización, pues para él esa era la estructura de un Dios que no puede ni quiere ni debe abandonar el mundo. El mismo Hegel tuvo que luchar contra toda esa aspiración a considerar absoluto el contenido de la certeza y esa fue la índole de su combate contra el liberal Fries. Sin embargo, podemos decir que el siglo XIX, a través de la centralidad de la hermenéutica, primero de Schleiermacher y luego de Dilthey, y tras el derrumbe de la filosofía de Hegel tras 1848, vio el triunfo de la certeza entendida como vivencia cierta de sí, como *Erlebnis*. Fuese cual fuese el sistema de mediaciones que la búsqueda hermenéutica producía, el final del proceso siempre acababa en la autoconstatación de la propia intimidad. En realidad, fue este sentido de la vivencia consciente de sí completamente determinada por la apertura ante la vida lo que motivó la necesidad de la *epoché* husserliana, que reinició de nuevo el camino hacia una comprensión fuerte de la verdad como esencia.

Este cambio de la experiencia activa atravesada por la necesidad de implementar un método a la vivencia como apertura regida por la disponibilidad inspiró la nueva conciencia burguesa y dotó a sus elites de la identidad de una nueva forma aristocrática. Este cambio se registró de forma arquetípica en el arte y fecundó la literatura. No hay mejor ejemplo de esta nueva actitud que el de Hans Castorp, el héroe de la *Montaña Mágica* (1924), de Thomas Mann, que, instalado en la conciencia superior del *Berghof* de Davos, mira el mundo del llano con irónica distancia. Por supuesto que el personaje conoce ejercicios íntimos de la perseguir la vivencia destacada, pero en último extremo la matriz de la donación y de la gracia se abre paso en intimidad mediante una cierta sorpresa que se nos impone. La experiencia, el método, el trabajo de la realidad, los procesos de mundanización hegeliana, todo eso pasó a ser considerado como manifestaciones de la conciencia científico-natural, o de la conciencia material proletaria, mientras que esta apertura a la vivencia, con los peligros que encerraba, significaba más bien la configuración libre de la personalidad, la palabra mágica en la que se concentró todo el carisma de la nueva forma de ver el mundo. "*Placet experiri*", dice ese antihéroe de Thomas Mann, que necesita anclarse a la vida, para la que no está dotado, mediante

continuos estímulos o vivencias capaces de llenar una vida vacía. “*Experiri*” es la forma pasiva de conducir una experiencia. Si tenemos que ponerle verbo al proceso, la transformación se dio entre experimentar y experimentar.

Este proceso puede considerarse en paralelo al que, según Simmel (2000), caracterizó el paso desde el siglo XVIII al siglo XIX, de los ideales de igualdad del gran siglo kantiano al ideal de libertad del siglo XIX, una evolución que podemos también describir como el tránsito de la universalización a la singularización y que de forma tan extraordinaria fue impulsado por Nietzsche. En todo caso, podemos decir que este proceso no se ha revertido. Y lo que es más importante: ni siquiera se ha pensado de forma clara lo que en realidad significaba en todos sus extremos. En todo caso, Koselleck no está interesado en lo que ha podido significar esta evolución para la cuestión política ni ha reflexionado sobre lo que había detrás de las aspiraciones de algunos pensadores de negar la premisa mayor de esta ordenación de la inteligencia, a saber, que las disciplinas que tienen que ver con el ser humano tienen una racionalidad esencialmente diferente de las disciplinas científicas objetivas, o como diría finalmente Gadamer: que la verdad de las primeras no tiene posibilidad alguna de ser objetivada mediante un método. Esta ha sido la perspectiva triunfante en nuestras disciplinas mediante la imposición general de los estudios culturales, cuyos resultados siempre dependen del arsenal de asociaciones subjetivas que aporte el propio científico respecto de un tema dado. El capital científico de esta forma de entender cualquier disciplina cultural se alcanzaba así sobre la base de la excepcionalidad o la novedad, la rareza o la singularidad de las asociaciones. El autor más virtuoso en esta corriente no es otro que Slavoj Žižek.

2 Latour

Uno de los primeros en investigar de forma material y concreta el significado de la experiencia y de la verdad en su sentido clásico ha sido Bruno Latour en su libro *Nunca fuimos modernos* (2007). La manera en que describe el proceso por el que se llegó a descubrir las propiedades elásticas del aire y se mejoró la bomba de vacío, impulsada por Robert Boyle, en el ambiente generado por el *Colegio Invisible*, nos indica que la ciencia moderna de la experiencia, en este caso la nueva química, fue un asunto compartido entre caballeros mutuamente obligados a la lealtad y la franqueza, a la sinceridad y la claridad, todas ellas virtudes sociales que, en el fondo, como mostró en su día Charles

Webster, en su magnífico libro *The Great Instauration* (2002), recogió las formas secularizadas de la comunidad eclesial puritana. Es una pena que Latour no pusiera en relación este Colegio Invisible con el programa de los *Hartlibianos*, los seguidores de Samuel Hartlib, quienes a su vez estaban inspiradas por Francis Bacon (Lynch, 2017; Yates, 1972, pp. 220-247). Habría mostrado entonces la genealogía puritana de la ciencia experimental moderna (en una línea paralela a la de Max Weber para la economía y la de George Gellinek para la política). Pero, sobre todo, se habría podido preguntar por las relaciones entre la conformación de una idea de verdad, de una idea de derecho y de una de economía, y el tipo humano que configura no cada una de ellas, sino la base general de todas ella.

En este sentido, varias observaciones se imponen. La práctica activa de la verdad como experiencia metodológicamente guiada fue siempre un asunto comunitario y se forjó en la primera modernidad como hábito de conversación vinculada en el seno de grupos de caballeros relacionados entre sí previamente por su procedencia de comunidades de fe. Esta conexión de la comunidad de fe puritana con la comunidad de método y de experiencia es el gran logro teórico de lo herederos de Bacon, desde el Colegio Invisible a la Royal Society. La conexión entre superación de la certeza, búsqueda activa de la verdad y prácticas sociales comunes ya es perfectamente autoconsciente en Hegel, y los esfuerzos de Husserl o de Freud por garantizar la supervivencia de la escuela fenomenológica o psicoanalítica no constituyen sino la última consecuencia, una, por cierto, más o menos consciente, de la tensión entre esta aspiración que pasa por la comunidad y las bases cartesianas de los planteamientos modernos, que en el caso de Husserl pueden prescindir de esa comunidad desde la certeza del *Cogito*. De ahí la propuesta freudiana de la condición social de la formación de la forma yo y, más claramente, de la dimensión del superyó. Por el contrario, la emergencia de la experiencia como vivencia, que deja al singular entregado a las ilusiones de la soledad, se debe caracterizar como la desconexión del singular y sus intereses absolutos respecto de las estructuras comunitarias, ya completamente atravesadas por las dimensiones disciplinarias del Estado y capaces de producir un malestar en la cultura que ninguna comprensión compensatoria hegeliana pueden reducir.

Aunque el proceso por el que se disolvieron aquellas estructuras comunitarias es muy complejo desde el punto de vista histórico, podemos decir que viene caracterizado por el repliegue evolutivo de la comunidad eclesial hacia las tareas auxiliares de la disciplina estatal tal y como se conoció a partir de 1648 (Villacañas, 2010, pp. 11-38). Las comunidades particulares de fe se integraron en la comunidad estatal, que ahora las

reconocía y a la que sirvieron de forma central con las mejoras técnicas que desplegaron las bases económicas de una razón de Estado previamente definida desde Botero en su *ratio* económica. Surgieron así todo tipo de utopías que vieron en esa alianza entre ciencia, Estado y economía la bases de una nueva edad de oro. En estas condiciones, en aquellas realidades sociales que no llegaron a la formación de esa Razón de Estado, basada en ese pacto, se conocieron otras formas de vida social no orientadas precisamente hacia el futuro, sino hacia el pasado, como fue el caso de la sociedad católica hispana. En los ámbitos reformados continentales no es difícil pensar que los intereses absolutos se dirigieran hacia la interioridad como objeto infinito otrora receptor de la gracia. Incapaces de entregarse a tareas mundanas de relevancia en un campo fragmentado por pequeños Estados plurales y mediocres, los talentos alemanes se replegaron en esa vida de la intimidad pendiente de sí misma y obtuvieron de ella el sentido irrenunciable de libertad que la noción de Espíritu ofrecía. Fueron los ancestros de lo que Hegel llamaría *almas bellas* y de los amantes de la vivencia. En todo caso, como vio Plessner de forma acertada, ni conocieron el sentido místico del Estado ni supieron reconciliar la vida religiosa con aspectos mundanos como la ciencia, a la que vieron como una dimensión fáustica y diabólica.

Verdad fue así la experiencia formadora de la sociedad burguesa atlántica y por eso, en cierto modo, llegó a su cima en la obra de Hegel, que la dotó de la legitimidad propia de ser la cumbre del Espíritu. Podemos asumir que la noción activa de verdad encontró defensores cualificados en aquellos pensadores que, como Marx, vieron con claridad hasta qué punto las certezas de la época burguesa construían formas fenoménicas porque en sí mismas no eran sino visiones naturalizadas. De este modo, recogiendo el legado hegeliano, Marx aceptó sus premisas a condiciones de que la historia no se detuviera en ellos. Así se esforzó por desplegar un discurso cuya finalidad fundamental era disolver las evidencias de lo que él llamaba sociedad burguesa, que había logrado ofrecer certezas a la totalidad social desde la configuración de una noción activa de verdad. Esta se caracterizó por traducir y ocultar el desarrollo histórico de la humanidad que la burguesía culminaba, fruto de la acción histórica del ser humano en la producción de su propia vida social a partir del despliegue de medios productivos, en una búsqueda de la naturaleza de las cosas. Así la sociedad burguesa se autopresentó como la sociedad natural. No pretendo recordar estas obviedades por recrearme en ellas. Simplemente deseo hacer pie en el mayor hallazgo anti-intuitivo de Marx. La sociedad, que parecía un continuo unitario, en el fondo estaba dividida en dos clases asimétricas con dos formas de representación y auto-representación completamente diferentes. Una vivía anclada

en sus certezas como formas fenoménicas fetichizadas, mientras que otra, animada por la verdad de la evolución histórica abierta, estaba segura de su punto de vista científico y además podía disolver y explicar las formas falsas de la conciencia de la otra clase y traducirlas a su verdadera realidad. Solo porque había verdad, en cierto modo, algo podía ser ilusión, ideología. Sólo porque había historia, una clase podía aspirar a presentarse como la natural (Ruiz Sanjuán, 2019; Ramas De Miguel, 2018). Pues bien, esta consideración no logró triunfar finalmente porque, en su propio corazón teórico, renunciaba a algo decisivo: a la dimensión universalmente accesible de la verdad. En efecto, si bien la verdad de la época burguesa había sido fruto de su estructura comunitaria y de su práctica social, la verdad del marxismo no podía ser fruto de la experiencia compartida social. Este principio, conquistar la verdad al precio de la división sustancial de la sociedad en clases asimétricas, constituye la violación de un principio que en el fondo soporta cualquier teoría de la verdad: estar en condiciones de ser una nueva forma de recomposición general del mundo de la vida que unifica la sociedad. El marxismo de Marx exigía violar este principio. Carente de una forma específica y unívoca de producir una praxis inspirada en la teoría, la consecuencia fue su rebajamiento a lo que él mismo combatía: una comprensión fetichizada de ciertos elementos teóricos, que podían ser tan ideológicos como los que atacaba. De este modo, reducido a una ideología autorreferencial, se hundió como último muro capaz de defender la verdad en la sociedad actual.

Los intentos de Gramsci de configurar una idea de verdad capaz de ser compartida potencialmente por la totalidad de los estamentos sociales, y así fundar una nueva hegemonía, al final, reclamaban una filosofía de la historia que implicaba replantearse la teoría de la revolución. El marxismo no fue capaz de seguir esta estela. Tras refugiarse provisionalmente en una idea de ciencia tanto más formal cuanto menos seguida, la consecuencia fue la paradójica universalización de la ideología. De este modo, buena parte de la filosofía se reencontró con el principio de una subjetividad que no podía aspirar a otra cosa que a sus vivencias y certezas falsas, con lo que se aseguró de otro modo el triunfo radical de esa forma hermenéutica especialmente ligera que son los estudios culturales. Con ese triunfo, la sociedad de clases se derrumbó hasta convertirse, sencillamente, en sociedad de masas, donde cada uno hace su experiencia pasiva como vivencia, reservándose en ese flujo de vivencias la plena soberanía decisionista acerca de lo que es la verdad. Por supuesto, esta entrega al decisionismo de la verdad (que no es sino el bloqueo de todo camino activo, compartido y metódicamente conducido desde la certeza a la verdad) tiene como contrapartida la insignificancia de esas decisiones frente a la genuina verdad de eso que Heidegger caracterizó como *Gestell*, el verdadero

trascendental de cualquier ver y comprender de todas esas decisiones, pero que resulta velado por la aparente soberanía de estas. Ese *Gestell*, ese conjunto desconocido, formidable, imponente de dispositivos, no necesita de los métodos de la vieja actividad de búsqueda de la verdad, y no prevé actividad alguna por nuestra parte para refinar nuestras certezas. Al contrario, nos anima a producirlas de forma continua como forma de mantenerse en su propio anonimato. Es de nuevo liberalismo: concede este ámbito pasivo de libertad a condición de ignorar la totalidad invisible en que se mueve.

3 Weber

Por supuesto, de todos los que resistieron este curso de las cosas, yo siempre invoco la figura de Max Weber, quien jamás aceptó algo parecido a la separación gadameriana de verdad y método, ni siquiera para aquellas disciplinas que reclamaron el aparente privilegio de carecer de él. En el fondo, el desmontaje de esta profunda asociación de la modernidad histórica entre verdad y método, con sus implicaciones de repetición, observación compartida, comunidad de formas de ver y apreciar, fue impulsado por una sociedad que entregó la defensa de valores absolutos trascendentes al prestigio de cleros especialistas, de mandarines filósofos o teólogos, herederos de las figuras de la Reforma ministerial, que creían tener asegurado su carisma como intérpretes autorizados de la tradición o que lucharon por conquistarlo como críticos radicales de la misma, como el caso de Nietzsche, pero que no pudieron detener de ningún modo la indisciplinada proliferación de las interpretaciones que da su versatilidad a los estudios culturales.

Max Weber escapó a este camino justo porque lo veía dominante en su medio social alemán. Y lo hizo porque reivindicó un sentido de la verdad todavía como práctica activa y metodológicamente asistida, pero de tal manera que no pedía el alto precio, contradictorio con esa práctica, de romper el mundo unitario de la vida; no defendió una teoría de la verdad al precio de hacerla de acceso imposible a una parte de la población, de escindir la sociedad en dos clases legitimadas en último extremo por el virtuosismo de la conquista exclusiva de la verdad en eso que se llamó teoría. Weber no rompió nunca la conexión entre la verdad y el mundo de la vida unitario porque no había verdad alguna sin referencia a un valor, y el valor no era sino la respuesta a una dolorosa fractura de las evidencias del mundo de la vida, experimentado por algún tipo de sufrimiento social. Sostenido por un agudo sentido de la pluralidad de los bienes y de los

sufrimientos que muestra un mundo de la vida tan estable como frágil, su ciencia jamás se distancia de esta pluralidad consciente de intereses que encierra la noción de valor, y que tiene tan poco que ver con las pretendidas objetividades de una intuición esencial fenomenológica. Si recordamos este texto, nos damos cuenta de hasta qué punto Weber se aleja de la línea Dilthey-Gadamer, pero sobre todo de la consecuencia de esta entrega a la soberanía de la decisión que convierte la certeza en verdad y la verdad en mera certeza. El texto dice así:

Es preciso romper la opaca uniformidad del vivenciar [*Erleben*] si queremos dar el primer paso hacia una genuina comprensión de nosotros mismos. Cuando se dice que cada vivencia [*Erlebnis*] es perfectamente cierta, es obvio que con ello se quiere decir que hemos tenido una vivencia. Pero de qué cosa hemos tenido un vivenciar [*Erleben*], esto es algo que puede ser accesible a la interpretación solo si se abandona el estadio de vivencia misma y se hace de lo vivido un objeto de juicio cuyo contenido, a su vez, no pueden ser vivido [*erlebt*] en su uniforme opacidad, sino que es construido como válido. [...] Hace referencia a la validez de los juicios, sean nuestros o ajenos. (Weber, 1992, p. 124)

En este texto, Weber hacía un llamamiento a diferencia la *erlebt Einheit*, y el pensar reflexivo sobre ella, que implicaba el reconocimiento de la validez. Pero para dotar de validez a un juicio se requería todo un proceso activo-reflexivo compartido que implicaba desde la formación de conceptos hasta la posibilidad de asentar la comprensión de una vivencia mediante su incorporación a procesos explicativos que incluían dimensiones de causación adecuada. Su tesis fundamental podría decir que no hay verdad sin que estemos en condiciones de incluir algún tipo adecuado de causación. En todo caso, entre *Erleben* y *Erfahren* hay una gran diferencia, hasta el punto de que se trata de dos procesos antitéticos. La primera era un vivenciar pasivo no elaborado lógicamente. El segundo siempre implicaba una lógica y una elaboración activa que podía ser descrita y discutida sobre su adecuación a fines y, por tanto, metodológicamente establecida.

Aunque es muy difícil identificar el sentido de la ciencia y de la verdad en Weber de un solo vistazo, al menos podemos reflexionar para ofrecer algunos detalles adicionales. Si recordamos, he hecho relación al problema del mundo de la vida. Esa categoría, ciertamente, guarda muchos parecidos con la noción de “imagen manifiesta” de Wilfrid Sellars (1979), que debería elaborar más, pues él también estaba interesado

en vincular pasividad y actividad en la línea de Kant, pero sin asumir esta naturalidad de lo dado en la intuición. En principio, el asunto del mundo de la vida ha alcanzado relevancia en el presente a partir de la publicación de Hans Blumenberg (2013) sobre el tema y su proceso de distanciamiento de Husserl. Aquí no puedo detenerme mucho, pero sí decir que el mundo de la vida es aquel del que no se puede prescindir, pero en el que no se puede permanecer. Por supuesto, tenemos aquí un índice de la finitud humana. El ser humano no puede permanecer en su condición ni en aquello que mejora su condición. No puede permanecer en su indeterminación originaria, ni en los mundos de la vida que elabora para superarla. Esta es la estructura más profunda de su finitud. Con este concepto invocamos, sobre todo, un desajuste originario insuperable. Por mucho que el ajuste de vivencias esté realizado mediante el complejo mundo pre-predicativo husserliano, este siempre se rompe en su temporalidad básica y en sus retenciones y protensiones. Por supuesto, muchas de sus fracturas de expectativas se recomponen de forma mítica: se varía en las narraciones y en las historias que lo atraviesan. Debemos recordar que esta estructura mítica simbólica de todo mundo de la vida fue el legado de Cassirer a Sellars (Sellars, 2018). Esa era la base de la imposibilidad de naturalizar una ontología. Pero hay fracturas que llevan consigo un sufrimiento de tal índole que no hay a mano una variación del relato mítico para recomponerlo o, lo más probable, que los relatos recompuestos ya hayan agotado su capacidad de consuelo. Entonces, esa pérdida, ese sufrimiento, genera una reflexión, de la que se identifica un valor justo a través de la experiencia de una falta. Weber concedió prioridad al sufrimiento sobre el conocimiento y la conciencia de valor no es sino un derivado de aquél. Ahora bien, ese valor, conciencia de una pérdida de algo que estaba supuesto, implícito, asumido en la estructura estable del mundo de la vida, activa el recuerdo, y permite reactualizar latencias fruto de vivencias y de experiencias pasadas. Con ello se inicia la vida reflexiva que permite elaborar conceptos, formas de unir recuerdos, diversidad, etcétera.

Invoco aquí mi trabajo sobre la categoría de latencia para aclarar el punto decisivo: que todo sistema inteligente está atravesado por la latencia. Este es el elemento insuperablemente platónico de la filosofía. Sobre ella tiene funcionalidad la reflexión. Toda elaboración de la temporalidad tiene significado por esta referencia a valor, la clave de la comprensión de las ciencias sociales o ciencias de la cultura en Weber. Por lo tanto, todas ellas tienen como finalidad no romper con el mundo de la vida, sino recomponer sus pérdidas irreparables. Por eso no habla para una clase. Sigue teniendo vocación de universalidad, solo que relativa. Habla a los que se sienten concernidos

por esa pérdida cristalizada en valor. Si las cartas de Goethe a la señorita Ulrike von Levetzow son relevantes es porque encierran un extraordinario significado para aquellos que han perdido o son conscientes de la fragilidad del sentido del amor. Las prestaciones de la elaboración de la interpretación de estas cartas revierten sobre el mundo de la vida y recomponen sus fracturas. Pero para ello debe relacionar de alguna manera relevante las estructuras objetivas de la experiencia de Goethe con las estructuras objetivas del mundo del lector. De otro modo: debe disponer de alguna verdad, de alguna elaboración. Por supuesto, que esto siempre sucede de un modo u otro, pero el problema es que suceda de manera consciente y capaz de dar cuenta del proceder. De no ser así, estas interpretaciones no pueden sino ayudar a fracturar el mundo de la vida, a desajustarlo y a producir mayor dolor, anulando la posibilidad de que incorpore valor, de que pueda restituir las pérdidas.

Aunque soy muy consciente de lo mucho que hay que refinar, creo que cuando miramos las cosas desde esta perspectiva apreciamos una convergencia entre el programa de Weber y el de Freud. Por supuesto que ambos anclan en una aspiración de verdad. Lo importante es que ambos, discípulos de Nietzsche, a fin de cuentas, parten de que solo el sufrimiento nos pone en el camino de esta. Freud, como Weber, parte de los pequeños sufrimientos que interrumpen el mundo de la vida y para los que el que los padece no tiene relatos mitológicos sobre los que variar. Su respuesta es impulsar la reflexión hasta que el paciente realiza el relato mitológico singular adecuado a sí mismo, con el que avanzar a través del mundo de la vida con suficiente protección para controlar la irrupción de los síntomas. Por supuesto, esto es imposible de llevar a cabo sin una forma reflexiva metodológicamente orientada y ante la atenta observación del analista como garantía de adecuación metódica. La consecuencia es la producción de una verdad singular, sin la cual no veo posibilidad de impulsar el cuidado de sí. El resultado de este proceso de producción de verdad es fortalecer al paciente frente a las fragilidades del mundo de la vida, la irrupción de lo siniestro, la permanente posibilidad de la decepción y la culpa. El carácter complementario de Freud y Weber es que, mientras que Weber ofrece la posibilidad de obtener verdad acerca de acciones sociales particulares orientadas a diversos bienes frágiles o valores (ciencia, estética, política, economía, eros, religión), Freud ofrece todavía prestaciones más básicas sobre nuestro sentido libidinal y nuestro propio superyó, ideal del yo o yo ideal con el que componer la imagen narcisista secundaria capaz de unificar el sentido de todas estas esferas de acción. Esto es posible porque el nivel de reflexión antropológica metapsicológica de Freud es más básico que el nivel de antropología histórica de Weber.

4 Blumenberg

Ahora debemos ver los obstáculos que en la sociedad contemporánea se levantan frente a una teoría de la verdad integral. Para este análisis utilizaré libremente las reflexiones de Hans Blumenberg, para mí el filósofo más relevante de la segunda mitad del siglo XX. Uno de los últimos libros póstumos de Blumenberg tiene este curioso título *Rigorismus der Wahrheit* (2016). Editado por la prestigiosa editorial Suhrkamp, de Frankfurt, defiende la siguiente tesis: “Nada es menos seguro que la verdad quiera ser amada, pueda ser amada, deba ser amada”. Es una frase que causa extrañeza. Finalmente, Blumenberg es el analista de la revolución copernicana, de la legitimidad de la modernidad, de la legibilidad del mundo y, finalmente, de la descripción del ser humano. Ninguna de estas temáticas puede avanzar sin una teoría de la verdad. La impronta de su pensamiento, sin embargo, viene marcada por lo que podemos llamar una Ilustración consciente de su propia dificultad. Una de estas dificultades es el rigorismo de la verdad. Para empezar a comprender esta paradoja, tal y como yo la entiendo, hemos de recordar una tesis que analicé en mis *Dificultades con la Ilustración* (Villacañas, 2013). Hace referencia a lo que conocemos como “Ilustración considerada”. Esta es aquella que no se deja llevar por el rigorismo de la verdad. Podemos decir que los dos autores a quienes Blumenberg acusa de rigorismo de la verdad, el Freud del *Moisés y el origen de la religión monoteísta*, por un lado, y la Arendt de *Eichmann en Jerusalén*, por el otro, son otros tantos representantes de la Ilustración desconsiderada. Y esta consiste en que irrumpe de tal manera que tiene efectos que destruyen las formas de consuelo humano que fortalecen el mundo de la vida. En el caso de Freud la escritura del *Moisés* fue el fruto de la desesperación, lo que le indujo a cambiar el sentido de sus propias investigaciones. Lo que es desconsiderado en la Ilustración que se entrega al rigorismo de la verdad son los consuelos del mundo de la vida. Se usa la verdad, no para asentarlos y recomponerlos, sino para agitarlos y desestructurarlos más. Así, Freud escribe su *Moisés* para demostrar que el fundador del pueblo de Israel no fue un israelita y que toda su tarea implicó un desprecio profundo por ese pueblo, sin considerar el hecho de que en 1939 esa verdad retiraba a un pueblo sufriente el sentido de sus ceremonias de consuelo. De la misma manera, el escrito de Arendt venía a decir que, sin la propia organización de los judíos a favor de la solución final, la eficacia del aparato nazi no habría sido tan alta. Esta culpabilización de los propios judíos en el Holocausto retiraba el consuelo de los supervivientes.

¿Por qué ha mostrado Blumenberg la necesidad de limitar los efectos desestructurantes del rigorismo de la verdad en las ciencias que tienen que ver con el ser humano? Básicamente porque, muy buen lector de Freud, Blumenberg asume que la ciencia no cesa de darnos malas noticias. En suma, él no podría lanzar contra Einstein, a Darwin, o a Schrodinger el cargo de rigoristas de la verdad. La ciencia natural no forma parte de la Ilustración. Sirve a su propio fin y basta. Pero esa ciencia, como definió magistralmente Freud, no cesa de humillar al ser humano. La estructura de la revolución copernicana, que es la estructura de la modernidad, no es sino la acumulación de humillaciones a las que el ser humano responde con otras tantas formas de autoafirmación. Se comprenderá mal el sentido de la autoafirmación como lo que presta legitimidad a la modernidad, si no se repara en que la autoafirmación es tal porque supera una humillación cada vez más radical. De ahí procede la valentía: reacción contra la humillación. Pues bien, esa humillación desestabiliza todavía más el mundo de la vida, le retira todas sus evidencias, destruye todas sus estables facticidades a las que substituye por una insoportable contingencia que deja sin aliento, porque no nos ofrece las garantías de habitar en un cosmos eterno, sino en un proceso azaroso y abierto. Y la forma en que la ciencia se despliega en la técnica ha mostrado sus límites de estabilización del mundo de la vida, porque sin duda, primero, los costes del mantenimiento de la técnica destruyen la estabilidad de la Tierra como escenario general del mundo de la vida, y segundo, porque cada nuevo avance técnico genera efectos en nosotros que desestabiliza también nuestros hábitos, nuestras relaciones humanas básicas, nuestro sentido de lo sobreentendido, y nos conmina a una adaptación costosa. Así, la técnica destruye continuamente aspectos del mundo de la vida personal y social que además amenazan el sobreentendido básico, el que hace del ser humano un animal de la Tierra. Por supuesto que la técnica forja mundos de la vida técnicos, pero sus costes reflexivos son muy altos. Por mucho que miremos ansiosos a la ciencia en todos sus descubrimientos, porque pueden mejorar el tiempo de la vida del singular, comenzamos a preguntarnos si mejoran también el tiempo de la vida de la especie. En todo caso, el tiempo de deber que reclama el trabajo de la ciencia y de la técnica cada vez imponen más restricciones al tiempo de poder, lo que perturba la economía de la vida personal.

La ciencia reduce el campo de los consuelos. Si la técnica lo reduce todavía más, la Ilustración no puede asumir el rigorismo de la verdad dejando al ser humano sin los consuelos que han sobrevivido y están insertados en el mundo de la vida. Este círculo condiciona nuestra vida sin poder darle una forma. Miramos hacia la ciencia para encontrar soluciones, pero de esta mirada extraemos siempre decepciones. La ciencia

técnica ha encontrado medios de superación del sufrimiento más eficaces en el corto plazo, pero no ofrece un horizonte de consuelo en el largo. Si aceptamos la antropología freudiana, la necesidad de consuelo se basa en la dificultad de dar respuesta a la pulsión de muerte. Esta dificultad determina que el principio de placer no esté en condiciones de dar los rodeos y retardos característicos y se entregue a su propia pulsionalidad sin equilibrios, por no hablar de los desarreglos de la propia pulsión de muerte carente de orden interno. Si todo síntoma en sentido freudiano es señal de sufrimiento, vivimos en la sociedad en que todos los síntomas se exponen, pues encuentran sólo alivio en su propia exposición. En suma, los síntomas son su propia forma de consuelo. Al reverberar y reflejarse unos en otros, se aplacan en su propia circulación. No producen un malestar que exija reflexión, puesto que se expanden en reflejos. Por lo demás, la experiencia del malestar ha cambiado: ya no se considera que el malestar se pueda recomponer mediante procesos reflexivos, porque en realidad procede de la existencia de los otros. El malestar en la cultura, que Freud cifró en las imposiciones que al aparato libidinal impone la civilización, ya no funciona así. El principio de placer no encuentra mayores obstáculos en la sociedad y eso es lo que Foucault ha caracterizado como la capacidad productora de libertad del neoliberalismo y su potencia biopolítica. El malestar en la cultura actual viene más bien caracterizado por la desproporción entre la libertad absoluta del principio de placer y la carencia de trabajo cultural sobre el principio de muerte, que sobrecarga pulsionalmente el principio de placer con dimensiones de aceleración que presentan todo el aspecto de caminos disolventes, formas de canalizar la pulsión de muerte desarreglada. La aparente armonía del mercado, como lugar donde todas esas libertades ya pulsionales se realizan, es la otra cara de la exposición sintomática en las redes, donde todos los síntomas se exhiben reflejándose recíprocamente y de este modo justificándose y gozándose en su normalidad.

Desde Pascal, las malas noticias que traía la ciencia para el ser humano, al presentarnos un cosmos tenebroso e insondable en el que apenas somos como hormigas para un observador externo, se pretende compensar con una verdad propia del ser humano, aquella verdad que solo puede ser resultado del mirarse a sí mismo del ser humano, singular o como especie. Freud y Weber, cada uno en un campo, fueron las últimas de estas compensaciones, cuya finalidad última era contribuir a un orden de la pulsión de muerte. Sin embargo, en nuestra vida no solo hemos perdido el sentido de todas las compensaciones reales que antes gozamos, sino incluso la idea de que el ser humano necesita compensaciones. Esta situación es la que determina que no dispongamos de un estilo de vida, lo que en modo alguno es posible sin contar con un sentido de la verdad.

Escindidos entre una ciencia que jamás nos brinda el sentido de una totalidad vital, una técnica que avanza siempre en el sentido del autismo pulsional y la autosuficiencia, y un mundo de la vida atravesado por la exposición libérrima de los síntomas, sin necesidad de verlos como señales de una verdad que espera ser conocida, el ser humano contemporáneo vive escindido entre un ansia de verdad acerca del mundo en el que pone todos sus anhelos y un rechazo de que él todavía tenga que responder a una verdad acerca de sí mismo. En suma, hemos olvidado que la verdad no es la respuesta a una necesidad humana, sino a varias.

Entre ellas, la necesidad de explorar el horizonte material para estabilizar el mundo de la vida de los asaltos de los imprevistos, pero también la necesidad de orientación en el horizonte temporal de la existencia en lo que tiene de humana, justo para lo mismo. Los grandes esfuerzos de Weber y de Freud fueron convergentes en la tarea de mostrar una verdad acerca del tiempo colectivo social y del tiempo personal singular, y por eso estuvieron a la altura de los grandes avances del conocimiento de las realidades materiales. El abandono de su programa de historia social y de historia singular nos ha llevado a la carencia de prácticas globales de verdad sobre nosotros, de tal modo que solo queda el mercado como institución que dice algo del fragmento de la verdad de lo que pulsionalmente somos. Pero el mercado no ofrece verdades que respondan a las necesidades de orientación ni pueden brindarnos cuidado de sí. Y por eso, carentes de una verdad sobre nosotros mismos, de la que se derive una respuesta a la orientación como grupos y como singulares, carentes por tanto de una solución a la pulsión de muerte, solo nos queda el consuelo de la exposición brutal del síntoma. Eso es lo que se ha llamado posverdad. Adónde nos lleve esta escalada de brutalidad no será nada nuevo. El ser humano ha conocido muchos momentos en los que carecía de un sentido de la verdad de sí mismo y no tenía a la mano consuelo alguno. Solo nos queda decir que no han sido momentos dichosos. Ignoramos cuál será la forma de la desgracia del futuro que vendrá. Pero como se dijo un día del Reino: “Ya está entre nosotros, aunque todavía no ha llegado”.

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FICTION, TRUTH, POLITICS: THE AESTHETICAL DIMENSION OF ACTUALITY. FROM ARENDT TO RANCIÈRE¹

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Abstract

Actuality works in a medial dimension, in which the real only expresses itself, without referencing anything else. That of *medium* is a spurious space, loaded with cognitive and libidinal stains that the subjects leave behind in their relationships. Politics, in the neoliberal period, wears itself out in this context that has no links with stable facts, that is not shielded from human affairs. Starting from some of Hannah Arendt's considerations about the relational character of truth, it is possible to think of political praxis in this rigorously post-foundational context. With Jacques Rancière, we will then observe how the real, in order to be thought, needs to be turned into fiction: politics is a dispute about fiction of the common space, about how its material and symbolic configuration is imagined. But faking equality of anyone with everyone means in fact practicing it.

Keywords

Rancière, Arendt, mediality, fiction, truth, coexistence.

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Resumen

La actualidad se desarrolla en una dimensión medial, en la cual, es decir, lo real expresa sí mismo, sin referirse a nada. El del *medium* es un espacio espurio, opacado por las incrustaciones cognitivas y libidinales que los sujetos dejan en sus relaciones. La política, en la fase neoliberal, se consume totalmente en este contexto que no tiene conexiones con hechos que sean estables, separados de las vicisitudes humanas. A partir de algunas de las reflexiones de Hannah Arendt sobre el carácter relacional de la verdad, es posible pensar en la praxis política en este contexto estrictamente post-fundacional. Con Jacques Rancière, luego, se verá que lo real, para ser pensado, se tiene que hacer ficción: la política es una disputa sobre la ficción del espacio común, sobre cómo se imagina su configuración material y simbólica. Pero fingir la igualdad de cada uno con todos significa practicarla.

Palabras clave

Rancière, Arendt, medialidad, ficción, verdad, coexistencia.

In the introduction to the French edition of his novel *Crash* (1974), James Ballard says:

We live inside an enormous novel. For the writer in particular, it is less and less necessary for them to invent the fictional content of their novel. The fiction is already there. The writer's task is to invent the reality.

What could “inventing reality” mean? And most of all, what is the relationship between this invention, which according to Ballard is the writer's duty, and politics, which is everybody's duty?

If from a literary, and more broadly aesthetical, standpoint, it is conceded to thread with ease through reality and fiction or lie and truth, in politics it is necessary to exercise extreme caution: the principle of reality is often the only thing holding back the power's temptation of manufacturing reality through systematic lying. In her analysis of totalitarianism, Arendt stated that the dissolution of the boundary between reality and fiction produces the perfect servants, deprived of any political power and any contact with their peers and with the world:

the self-compulsion of ideological thinking ruins all relationships with reality. The preparation has succeeded when people have lost contact with their fellow men as well as the reality around them; for together with these contacts, men lose the capacity of both experience and thought. The ideal subject of totalitarian rule is not the convinced Nazi or the convinced Communist, but people for whom the distinction between fact and fiction (*i.e.*, the reality of experience) and the distinction between truth and false (*i.e.*, the standards of thought) no longer exist (Arendt, 1973, p. 474).

But to *us*, *today* it is important to understand how the scenery has changed compared to the age in which Arendt was writing, how the relationship between politics and truth presents itself, and verify whether this relationship allows space for a politically productive use of fiction. It's therefore necessary to check what our age has in common with what Arendt defined as the “total dominion” and how they differ instead.

The aestheticization of the scene

Our time and the first decades of the past century share a post-foundational condition (Marchart, 2007). In fact, the whole modernity has acknowledged that being in common is built around a void that has to be *artificially* filled. But while the Hobbesian answer was merely formal and nominalistic, meant to make the engine of the State work with the complete elimination of any purpose that is external to the system (Good, Truth); the late modernity will, instead, bring into play the resources of *mimesis*. Starting from Hegel, and Romanticism in general, the crisis of the ground is perceived as definitive, and in this precise historical phase “un spectre a hanté l’Europe, le spectre de l’imitation” (Lacoue-Labarthe & Nancy, 1991, p. 37). The nation States seek out in the ancient times models to replicate – Athens, Sparta, Rome – in order to build their identity; but without a past to emulate, Germany (that never knew anything such as the Italian Renaissance) adopted, according to Lacoue-Labarthe and Nancy, an eminently aesthetical strategy that consisted in the *building* of a myth, the Aryan myth, as a means of identification. That is where fiction comes into play:

le mythe est une fiction en sens fort, en sens actif de façonnement, ou comme le dit Platon, de la ‘plastique’: il est donc un *fictionnement* dont le rôle est de proposer, sinon d’imposer des modèles ou des types [...] à l’imitation desquels un individu – ou une cité, ou un peuple tout entière – peut se saisir lui-même et s’identifier. (p. 34)

In the totalitarian regime, the myth as a mimetic tool produces, far beyond Benjamin’s aestheticization of politics, an actual “fusion de la politique et de l’art, *la production du politique comme œuvre d’art*” (Lacoue-Labarthe & Nancy, 1991, p. 49). This fusion of arts and politics, this hyperbole of *mimesis* as imposition of a shape, is exactly the dissolution of the boundary between reality and fiction, with the related loss of any relation between subjects and with a common world, of which Arendt has spoken.

There is undoubtedly a continuity linking our age to the late-modern environment, when the germs of the totalitarianism that set Europe on fire in the early twentieth century took root. In this sense Foucault (2001b) shows, in a rarely mentioned essay, how it was in Jena that the main interests of our age were shaped. We share with the men and women of the late nineteenth century the same disillusionment: we are aware of working with and within the void. But, as observed in the same essay by Foucault, in Ro-

manticism the effort to bring the multiple to a coherent synthesis comes to its maximum tension, the dispositive of representation cracks and the differences start to leak out. The social ontology becomes fragmented and disorganic, there is the shaping of a paradigm that first glorifies the individual and then tears down this pretentious atom too.

On one hand, in fact, the romantic subject sees itself as towering, separated from the world since it is forced to experience the inability of the universe to accommodate the genius consciousness. On the other, the imagination – skill “discovered” by Kant, in which Arendt will find a political power – “disgrega l’ordine in una confusione di oggetti parziali, spettrali, frammenti, colori, brandelli di realtà” (Bazzicalupo, 2013b). It is Hegel who points out

questa produzione di disintegrazione, di destituzione dell’ordine esistente, è un nodo, a mio avviso, cruciale. Il gesto negativo dell’immaginazione pre-sintetica pre-discorsiva distrugge ogni unità (della Realtà, dell’ordine immaginario e simbolico) smembra l’esperienza, instaurando le membra disiecta. Emerge un soggetto out of joint che coincide con l’immaginazione disordinante: lo dobbiamo prendere in carico in luogo di quel Soggetto della tradizione umanistica, feticcio fantasmatico che supporta l’ordine della realtà e si subordina agli interessi della vita.

The synthesis of the multiple, the project of which modernity consisted, gets harder as the production and proliferation of images do not simply populate the world, they *make* the subject itself. Obviously the spread of imagination will happen at a later time, after the tragedy of totalitarianism, and after the victory of liberal democracies. Shouting “*Imagination to Power!*”, the 1968 will blow up the logic of representation, of the *reductio ad unum*: now alongside the crisis of Keynesianism – which brings the “impossibilità di una sintesi di linguaggio economico e politico” (Bazzicalupo, 2006, p. 106) –, the differences start disseminating, “il singolo vivente, attraverso la rivendicazione della propria differenza, rivendica la propria concretezza non più sacrificata all’ideale, rivendica la corporeità, il corpo proprio che era stato disciplinato e normalizzato nelle reti di controllo sociale e morale” (Bazzicalupo, 2013, p. 65).

In this situation, the representation shatters: “the self-compulsion of ideological thinking” Arendt talks about, the manufacturing of a “fictional truth” to encompass the subjects, depriving them of any relationships with reality, becomes impossible. In fact, Politics now deals not anymore with citizens – legal entities framed in a status – but with

living bodies stating their wishes and needs, asserting their imagination. The engineering of truth, or, which is the same, the lie systematically elevated as reality, can't measure up against the centrifugal force of bodies expressing each its own unique truth. The subjects escape the representative cone and establish themselves outside of any fusional or sacrificial logic.

This means that truth itself changes status: it is no longer something transcendental, impassive about the experiences of the single subjects. On the contrary, the latter are themselves bearers of their own truth, they do not refer to anything external, and they outline their own unique and singular truth in the world. As perfectly summarised by Blanchot – who was able to grasp, not by chance, the idleness of 1968 as mere manifestation or manifestativity (1983) – “Je ne représente plus, je suis; je ne signifie plus, je présente” (1949, p. 317).

Imagination and mediality

Although quick and lacking, the *excursus* carried out so far has shown how in current social ontology the relationships between truth, lie and politics are such that the “ideological” dispositive stigmatised by Arendt (1973, pp. 460-479) will surely no longer take a hold. However, it is not licit to draw from this the conclusion that the lie is not a danger anymore and that we live in the triumph of truths.

First of all, it should be pointed out that the economical-political system immediately catches the libidinal push that takes away the subjects from the representative cone. Therefore, the productive system does not castrate but rather encourages this differential exuberance, this narcissism of self-exposure. The new capitalism has absorbed and bent to its own ends the most radical concepts expressed during the protests of 1968:

c'est en s'opposant au capitalisme social planifié et encadré par l'État – traité comme obsolète, étriqué et contraignant – et en s'adossant à la critique artiste (autonomie et créativité) que le nouvel esprit du capitalisme prend progressivement forme à l'issue de la crise des années 60-70” (Boltanski & Chiapello, 1999, p. 313).

What matters the most with regard to our topic is the fact that imagination, whose negative aspect we previously mentioned, loses exactly this fundamental political power of destroying the existent: of conceiving the given not as a destiny, but rather as a con-

tingency that can always be altered. “L’immaginario dilagante, annullato ogni interdetto edipico, si manifesta nell’ingiuunzione superegoica a godere, a autorealizzarsi, a lasciar proliferare la libera produzione di fantasie che offrano immediata soddisfazione e godimento” (Bazzicalupo, 2013b). If the imagery is the “surplus libidico che sostiene [ogni] assetto di poteri”; today, imagination is no longer able to dismantle such structure, since both – imagery and imagination – vanish into the dimension of simulacrum (Baudrillard, 1981).

In the *age of the world picture*, the age in which images propagate without overlapping any original given, but rather building the world itself as pure surface that does not refer to anything underneath (Ferari & Nancy, 2002; Nancy, 2002), the exercise of suspicion becomes problematic: there is no hidden reality beyond the ideological curtain. Modernity has thought emancipation starting from the idea of an original separation: the community, separated from itself according to the law of capital, met its own essence as something alien to stand up against; the liberation could only be thought in terms of a restoration of unity, a reappropriation of the alienated essence. The emancipation was the reappropriation of the truth hidden behind the ideological curtain.

It’s hard to still conceive emancipation, politics in general, in these terms, in a world that no longer distributes itself according to depth and ulteriority, but according to surface. In the age of constant simulation, the fundamental category seems to be undecidability, that is the impossibility to oppose the fact to the lie. By virtue of all of this, it is right to consider, alongside Ferraris, the post-truth as “*l’essenza della nostra epoca*” (Ferraris, 2017, p. 10). Detached from any adherence to facts, and still imposed thanks to the “trumpets” (pp. 7-19) of the new media as incontrovertible truths, opinions constitute the dimension in which the whole modern politics operate.

Starting from this diagnosis, there are two viable paths. The first aims to rebuild ontology to make it the foundation of politics and ethics. According to this perspective, it is possible to conceive something like politics or ethics only on the basis of a univocal reality, taken away from the arbitrariness of the opinion. This is the very path consistently developed by Ferraris, who has been committed for years to the rebuilding of a new realism (Ferraris 2012; 2011; Putnam, 2005). However, it is also possible to think of a kind of politics that takes the impossibility of a legislative transcending not as a limitation but rather as a specific resource. In other words, although it is no longer possible to perform the unmasking, the tearing of the veil that hides or distorts the facts to make the truth emerge, it is still possible to break into the scene and disarticulate the relations of power and the effects they produce.

In the meantime, only incidentally, one could say that the “populist moment” (Cacciatore, 2019) identifies a phase of radical transformation in the political space that, in so far as it finds in Laclau its theoretical basis, conceives hegemony as a *strategy* rather than a truth (Bazzicalupo, 2010). The populist logic adjusts itself to the extreme social fragmentation which is the premise of the neoliberal scenery, and it does not oppose to it an identitary subject responsible of showing the real and coherent movement of history, but builds a front of antagonism that has rhetorical basis, rather than ontological.

Regardless, it is necessary to acknowledge that in the current neoliberal form – leaving out the question about the end of neoliberalism (Crouch, 2011; Fraser 2017; De Carolis 2017) – democracy

con la sua legittimità neutralistica e procedurale lascia vuoto o quasi, lo spazio cavo, il trono dell'imperatore assente e sposta la sua invadenza dai luoghi istituzionali del governo al *medium*, la comunicabilità stessa, esattamente ostruendo, in dominio latamente politico, lo spazio che dovrebbe rimanere aperto alla interrelazione e alla politica. (Bazzicalupo, 2000, p. 7)

We are in a “medial reality”. The expression is paradoxical, but it shows how there is no reality beyond the spurious space – loaded with cognitive and emotional stains that cloud the Habermasian communicative action – in which the subjects occur mutually to assert their own difference, their singularity. There is no reality beyond the *medium* and the *medium* is counterfactual. It is not compared to an external referent, but rather, as McLuhan stated many years ago, *the medium is the message* (McLuhan, 1964). The political life wears itself off in this aesthetical, medial dimension, in the emotional and cognitive surges that arise in this space.

From this perspective, Arendt's appeal to a substantial, factual reality, which is separated and independent from human conflicts, appears problematic: “in their stubbornness, facts are superior to power; they are less transitory than power formations” (Arendt, 1968, p. 259). According the philosopher, truth “possesses a strength of its own: whatever those in power may contrive, they are unable to discover or invent a viable substitute for it. Persuasion and violence can destroy truth, but they cannot replace it” (p. 259). The very idea of replacement suggests that factual truth might be somewhat safe, separated from the dimension in which human interactions occur. Arendt concludes, “truth it is the ground on which we stand” (p. 264).

Great democracy

It is possible to introduce a new theoretical hypothesis starting from cues offered by Arendt herself. Starting from the relational character of factual truths. Distinct from rational truths, such as logical-mathematical axioms, “facts and events – the invariable outcome of men living and acting together” (Arendt, 1968, p. 231) immediately deal with an intersubjective space: “factual truth is always related to other people: it concerns events and circumstances in which many are involved; it is established by witnesses and depends upon testimony; it exists only to the extent that it is spoken about, even if it occurs in the domain of privacy” (p. 238). It is *this* truth that, according to Arendt, is “political by nature” (p. 238).

This emphasis on the conditional nature of truth overturns the reasoning: in an exquisitely political logic, it's not the men who stand on the ground of truth, an it is rather responsibility of the political actors, not just in terms of its transmission, but its *formation* as well. In other words, politics exist because there is a narrow space between harmful and deceitful manipulation of facts, and the generative shaping of truth: it's

the very narrow path between the risk of considering them the result of some kind of necessary development men could not prevent, and hence can't do anything against it, and the risk of denying them, of trying and manipulating them away from the world” (Arendt, 1968, p. 259).

The political action needs to make room for itself between the “coercion of truth” (p. 246) and that delicate contingency of facts and events “which is the price of freedom” (p. 243).

It's this very space that Rancière tries to explore, firmly proposing a knot between politics and fiction. To make this clear, it is necessary a short digression to go back to what Rancière consider the historical preconditions – the material *a priori* – of contemporary democracy. In fact, Rancière pinpoints what he calls an “aesthetical revolution” happening in Europe at the end of the XVIII century. This revolution wasn't acknowledged by political theory, or even sought out as a project by political praxis. It is a transformation of subjectivities that concerns their way of being in the world, of perceiving themselves and their relationship with their context. In this strong sense this is about an “aesthetical” revolution: it's about the sensation what overwhelms the senses, in the

material and symbolic chiasm that constitutes it; it is a transformation of the living forms, of the “ways of speaking and acting”, as Rancière frequently says.

Secondarily, it is an aesthetical transformation that, as in the field of arts, reaches self-awareness, self-representation. In fact, what from this period onwards will be called “art”, in the singular, is a set of practices that become identifiable within a new material and symbolic configuration of the common world. In order to define this configuration, Rancière refers to the meaning ‘aesthetics’ took on with Hegel, rather than to the one it had with Baumgarten and Kant. While the latter regards the field of sensory knowledge – an inherently confused knowledge, awaiting to be refined by intellect – with Hegel, and generally within the context of Romanticism,

sous le nom d'esthétique, s'opère une identification entre la pensée de l'art – la pensée effectuée par les œuvres de l'art – et une certaine idée de la ‘connaissance confuse’: (...) non plus une moindre connaissance mais proprement une *pensée de ce qui ne pense pas*” (Rancière, 2001, p. 14).

“Aesthetics’ is not, therefore, the sphere that deals with art, but ‘une idée de la pensée selon laquelle les choses de l'art sont choses de la pensée’” (p. 12). Thus, it is the development of a new artistic regime of identification, one that Rancière calls “aesthetical”, by virtue of which the objects of art are identified according to their belonging to a specific field of the sensible.

In the previous regime, instead, the “poetic or representative” one was the concept of *mimesis*, the one organising the ways of doing that make a work eligible of being considered artistic; but “la *mimesis* n'est pas la loi qui soumet les arts à la ressemblance. Elle est d'abord le pli dans la distribution des manières de faire et des occupations sociales qui rend les arts visibles” (Rancière, 2000, p. 30). This means that some practices were acknowledged as artistic within a specific distribution of the sensible which was hierarchical and divisive: manual workers are banned from both creative leisure and genuine political capability, as they live submerged in the blind dimension of necessity; instead, intellectuals are properly active men, as they have a vision of the whole, so they are able to conceive common purposes and the means to achieve them. This division of humanity is symmetrical to the one establishing itself in the realm of arts: comedy befits the humble, tragedy befits aristocrats, and it is tragedy's duty to represent a rational, no longer aleatory, concatenation of events that in their causal order trace a rational structure, with a beginning, a development, a fulfilled purpose.

La distinction poétique entre deux types d'enchaînement des événements repose sur une distinction entre deux types d'humanité. Le poème, dit Aristote, est un agencement d'actions. Mais l'action n'est pas simplement le fait de faire quelque chose. C'est une catégorie organisatrice d'un partage hiérarchique du sensible. Selon ce partage, il y a des hommes qui vivent au niveau de la totalité, parce qu'ils sont capables de concevoir de grandes fins et de chercher à les réaliser en affrontant d'autres volontés et les coups de la fortune. Et il y a les hommes qui simplement voient les choses leur arriver. [...] Ceux-là sont appelés hommes passifs ou 'mécaniques', non parce qu'ils ne font rien mais parce qu'ils ne font rien d'autre que faire, qu'ils sont exclus de l'ordre des fins qui est celui de l'action. (Rancière, 2014, p. 22)

At the end of the XVIII century this partition of the sensible collapses, shattering "la barrière mimétique qui distinguait les manières de faire de l'art des autres manières de faire et séparait ses règles de l'ordre des occupations sociales" (Rancière, 2000, p. 33). The aesthetic regime places all the practices on an only plane and breaks down the walls that divide humanity and that assign each one to a specific place, a specific role and a proper self-representation. This transformation is the root of our democracy as it constitutes "le moment de formation d'une humanité spécifique" (p. 33). These new forms of life tear apart the representative logic because they discover "une capacité inédite des hommes et des femmes du peuple à accéder à des formes d'expérience qui leur était jusque-là refusées" (Rancière, 2014, p. 20). Anyone is granted any experience.

Literature acknowledges this revolution "changeant non plus la mécanique de l'État et des lois mais les formes sensibles de l'expérience humaine" (Rancière, 2008, p. 12). For example, (and Rancière shows this applies to any 'hero' of this new literature, from Woolf's Mrs. Dalloway to Conrad's adventurers) Emma Bovary is "désireuse de vérifier dans sa vie le sens de quelque mots dérobés aux livres destinés aux âmes d'élite (*félicité, ivresse, passion*)" (Rancière, 2014, p. 28), just like the protagonists of the French workers movement between 1830 and 1848. As Rancière shows in a remarkable archival research (Rancière, 1981), they projected themselves out of the status of "workers", "proletariat", "laborers", men whose bodies and minds were shaped by manual labor, who presumably are not expected to think. Instead, they devoted their nights, the time reserved for rest, to intellectual activities, reading, studying, discussing amongst themselves and with their masters, they altered the partition of times, spaces and roles they were destined to,

they did not act as workers anymore: to reclaim the rights they are entitled to as workers, they take on an identity that is not the one of workers.

The most important point to our discussion is the rise, within the context of this aesthetical transformation, of a new fabric of the sensible in which, any axiological division being crumbled, all the entities coexist on the same plane without the possibility of establishing a normative and organizative principle that would transcend this very plane. Just as in the novels of Flaubert, Proust or Woolf, everything is on equal plane, worthless objects, thoughts, desires, dreams, overwhelming passions, moods, sounds, scents, ethereal sensations. Nothing is subjected to anything, everything expresses itself in a scene made of mere multiplicity, that in turn does not move forward to a development and a teleologically oriented concatenation of specific actions, but that simply expresses itself. There is only one cosmic concatenation keeping together the lives of everyone through “la puissance des éléments atmosphériques, les intensités du soleil et du vent et la multiplicité des événements sensibles dont les cercles s’élargissent à l’infini” (Rancière, 2014, p. 25). Rancière uses the expression “grande démocratie” to define this system of sensible coexistences “qui revoque l’étroitesse de l’ordre ancien des conséquences causales et des convenances narratives et sociales” (p. 26). This paratactic coexistence of all the entities is the *a priori* of democracy as it makes possible to disidentify, to create an interval regarding the place and role, the shift of anyone towards any region of being. Rancière defines as “metapolitics” the fundamental figure of modern political philosophy that aims to eliminate this egalitarian coexistence and reinstate a normative and axiological principle. A discourse of Marxian character makes political philosophy “une symptomatologie qui, dans chaque différence politique, par exemple celle de l’homme et du citoyen, détecte un signe de non-vérité” (Rancière, 1995, pp. 119-120). It’s this very interval that metapolitics aims to remove, filling it through a reality that it locates in the social:

La méta-politique c’est le discours sur la fausseté de la politique qui vient doubler chaque manifestation politique du litige, pour prouver la méconnaissance de sa propre vérité en marquant à chaque fois l’écart entre les noms et les choses, l’écart entre l’énonciation d’un *logos* du peuple, de l’homme ou de la citoyenneté et le compte qui en est fait, écart révélateur d’une injustice fondamentale, elle-même identique à un mensonge constitutif. (p. 119)

According to Rancière, the temptation of removing this interval is the illusion that it is possible to restore an allegedly lost unity, eliminate the alienation and erase the

improper element in which politics sets itself. The idea of a separation that must be suppressed supports the whole discourse of critical theory: separation between immediate experience and truth of the experience itself; separation between the world of appearances, the spectacle maliciously put on by the power, and the truth of this spectacle that stands outside: separation, then, between fiction and reality. In so far as it boosts the political productivity of fiction, Rancière's solution may sound *naïf*, ingenuous. It is actually based on the previously mentioned revolution of “*formes sensibles de l'expérience humaine*”, a transformation that, when it fully deploys its effects, cannot be disregarded today: let's consider commoditized technologies like Deepfake, augmented reality experiences, wearable devices like Google Glasses or more invasive ones that promise a perfect symbiosis with the AI (Cuthbertson, 2019; Montani, 2014). All of this makes the truth/fiction distinction more difficult. The world of sensible equality is the one where emotions, dreams, volitions, desires and 'things' coexist on the same plane.

Fiction and truth

The very concept of separation needs to be reconsidered. On one hand, contemporary subjectivations wish to erase that “separation perfected” from which Debord starts, in 1967, his analysis on the society of the spectacle (Debord, 1996): they do not want to be in front of a performance, they want to be in it, be a part of it. On the other hand, this projecting oneself into the “show” does not equate the reappropriation of a previously alienated essence; it is not the access to a solid reality beyond the prism of illusion.

In the neoliberal scenery, as previously described, to be inside means to coexist on a plane of “*simultanéité non coordonnée des choses ou des êtres, la contingence de leur coappartenances, la dispersion des profusions d'aspects, d'espèces, de forces, de fomes, de tensions et d'intentions*” (Nancy, 2011, p. 90). This is how Nancy defines “struction”, that is “*l'état de l'avec' privé de la valeur de partage, ne mettant en jeu que la simple contiguïté avec sa contingence*” (p. 90). Ontology of actuality displays the simple heap, the mass, the multiplicity deprived of synthesis, the *separation* that is necessary to touch, the proximity. Not the separation from the alienated essence, but rather the distance that allows proximity.

Now, this mere coexisting outside of any shared essence is, for Rancière, what makes emancipation possible: “*la distance n'est pas un mal à abolir, c'est la condition normale de toute communication. Les animaux humains sont des animaux distants*”

qui communiquent à travers la forêt des signes” (Rancière. 2008, p. 16). Emancipation is not the process that leads men into meeting again in the element of truth. On the contrary, it’s anyone’s ability to experience a “dissociation”, the opening of a distance from the place and the role they were assigned. An emancipated community, Rancière says, it’s not a community ascribing its immanence to an original essence, a harmonious community, in which “chacun est à sa place, dans sa classe, occupé à la fonction qui lui revient et doté de l’équipement sensible et intellectuel qui convient à cette place et à cette fonction” (p. 48). An emancipated community is rather one made of “conteurs et de traducteurs”, that is, made of subjectivities that relentlessly produce signs, open intervals, separate themselves from any alleged place of election. It’s a community that imagines, that gives up the dream of obtaining a proper body beyond its own imagination:

congédier les fantasmes du verbe fait chair et du spectateur rendu actif, savoir que les mots sont seulement des mots et les spectacles seulement des spectacles peut nous aider à mieux comprendre comment les mots et les images, les histoires et les performances peuvent changer quelque chose au monde où nous vivons” (p. 29).

In the aesthetical, medial dimension, in which politics sets itself today, rather than building a solid ontology to entrust with a universal truth, separated from the ups and downs of human affairs, it is perhaps possible to discover the political potential of fiction. On the other hand, it is not the science of truth that is necessarily going to enlighten the political praxis: “il n’y a pas d’évidence que la connaissance d’une situation entraîne le désir de la changer” (Rancière. 2008, p. 33). Fiction, for Rancière, is not lying: “feindre, ce n’est pas proposer des leurres, c’est élaborer des structures intelligibles” (Rancière, 2000, p. 56). In some sens, one can never get out of fiction, as real, in the Lacanian sense; to be thought needs to be preliminary woven into a symbolic and significant texture:

Le réel doit être fictionné pour être pensé. Cette proposition est à distinguer de tout discours – positif ou négatif – selon lequel tout serait ‘récit’, avec des alternances de ‘grands’ et de ‘petits’ récits. La notion de ‘récit’ nous enferme dans les oppositions du réel et de l’artifice où se perdent également positivistes et déconstructionnistes. Il ne s’agit pas de dire que tout est fiction. Il s’agit de constater que la fiction de l’âge esthétique a défini des modèles de connexion entre présentation

de faits et formes d'intelligibilité qui brouillent la frontière entre raison des faits et raison de la fiction, et que ces modes de connexion ont été repris par les historiens et par les analystes de la réalité sociale. (p. 61)

Political praxis is therefore a quarrel on fiction: against the logic of (hierarchical and divisive) representation one can pit the fiction of the great coexistence putting all entities ('real' or 'fictional') on the same plane. But faking equality means in itself practicing it. Strangely enough, then, in the knot that ties politics and fiction, there is a politics of truth reconnecting Rancière to Foucault (Foucault 2008, 2012): not a universal, ontologically anchored truth, but rather a truth that is "testimoniale ed esistenziale, dove *logos e vita, concetto ed ergon* coincidono" (Bazzicalupo, 2016, p. 501). The political struggle, in the aesthetic dimension of actuality, plays out on the "effects" (Foucault, 2001), on the articulation of the symbolic-material framework. To paraphrase Foucault, fiction is not made for understanding, it is made for cutting.

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FROM POST-DEMOCRACY TO POST-TRUTH POLITICS: THE CRISIS OF CONTEMPORARY DEMOCRACY IN THREE ANALYTICAL MOVES

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Abstract

This essay is aimed at thematising the topic of post-truth in the ‘post-democratic’ constellation. From this perspective, it firstly illustrates contents and features of the broad concept of post-democracy, therefore analysing both the issue of the crisis of democracy and the impact of contemporary neoliberal platform capitalism on these process. Hence, it addresses the related topics of new technologies and changes in political communication, along with the unfolding of the neo-populist phenomenology. A number of concluding meta-theoretical reflections on the relationship between democracy, knowledge and political representation are also developed.

Keywords

Post-democracy, neo-populism, post-truth, public sphere.

Resumen

Este ensayo tiene como objetivo tematizar el tema de la posverdad en la constelación ‘posdemocrática’. Desde esta perspectiva, en primer lugar, ilustra los contenidos y las características del amplio concepto de posdemocracia, luego analiza tanto el tema de

la crisis de la democracia como el impacto que el modelo de capitalismo neoliberal contemporáneo tiene sobre estos procesos. Por lo tanto, aborda los temas relacionados con las nuevas tecnologías y los cambios en la comunicación política, junto con el desarrollo de la fenomenología neopopulista. También se propondrán, como conclusión, una serie de reflexiones metateóricas sobre la relación entre democracia, conocimiento y representación política.

Palabras clave

Posdemocracia, neopululismo, posverdad, esfera pública.

Introduction

One of the most influential concepts developed within the political theory debate over the last two decades, has certainly been the term “post-democracy”. Indeed, in 2003, the political sociologist Colin Crouch devised an interpretative category to read democracy changes which would soon become a ‘paradigm’. He illustrated how, along a democratic trajectory, democracies first followed a developmental path during the XX century, then, since the 1990s, they have started to decline as regards the content and scope of citizenship rights and participatory practices, returning¹ to the XIX century starting point of democratisation development, characterised by an elitist society, weak on citizens’ rights and expectations.

The philosopher Rancière also uses the same term for a similar diagnosis, namely that contemporary XXI century democracies have lost their rootedness in popular sovereignty, having reduced themselves to the ordinary ‘technocratic’ “administration of things”, to quote the Sant-Simon dictum. Similarly, another influential scholar, Oakeshott, maintained that democracy is being fed by two kinds of politics, namely the politics of scepticism and the politics of faith. Whilst the former entails the development of democracy within institutions, the rule of law and the pragmatic governing of collective life, the latter entails mobilisation of popular enthusiasm, direct participation and a “quest for increased power to accomplish it, and confidence that such power can be safely entrusted to human beings” (Canovan, 1999, p. 8). The balance between the two is deemed to be the ‘right way’ for democracy to flourish and develop.

From this perspective, Margaret Canovan, one of the most influential scholars on the topic, renames these definitions of democracy as ‘redemptive’ and ‘pragmatic’ and maintains that democracy can be better defined as a double-face regime, considering not only that the redemptive and pragmatic faces are opposed but also that they are interdependent. It is within this spectrum that the crisis of democracy is unfolding today, since the ‘neo-populist’ wave seems to challenge the negative technocratic version of the ‘pragmatic’ face of democracy, whilst the balance between the two faces seems to move back and forth erratically. Indeed, the technological revolution has had a deep impact on the day-to-day functioning of democratic processes, understood as government by public opinion (Urbinati, 2014), in a contradictory way. Expected to increase the quantum of rationality and knowledge within the democratic process, it

¹ The historical comparison has been formulated not to envisage a strict similarity but in order to capture both the significance of the ongoing deep transformations and the democratic ‘decline’ in contemporary democracies.

ended up introducing emotional elements and irrationality within this very process, causing what is regarded as the post-truth syndrome or post-factual democracy, in terms that we shall clarify further (D’Ancona, 2017; Engesser, Ernst, Esser & Büchel 2017).

Here below, I will address the democratic crisis issue in three fundamental analytical steps. Firstly, we will thematise the main accounts of the ‘crisis’ developed within political theory and the most recent political sociological debate. Then, I will analyse the emergent features of the neo-populist wave, not only as far as the transformation of the political landscape is concerned – namely the map of contemporary political cleavages which have undergone deep changes – but also as regards the structural transformations of capitalism strictly connected with the spread of the new technologies, as well as its relationship with democracy and its ‘regime of (post)-truth’. In this vein, I maintain that these changes, from the Fordist-Keynesian constellation to the bio-capitalist and digitalised economy, hugely influence both forms and substance of democracy. The third analytical element pertains to meta-theoretical reflections on these transformations, as far as the relationships between democracy, knowledge and political representation are concerned (Fumagalli, 2011).

The Crisis of Democracy, Theories of the Crisis and the Post-democratic Account: Setting the Theoretical Landscape

The “democratic paradox” of recent decades, consisting of the contextual celebration of the global diffusion of democratic regimes along with the announcement of the crisis of democracy as both a ‘technology of government’ and a model of political constitution (Agamben, 2010), has defined the perimeter of both the theoretical and political debate on representative democracy (Bobbio, 1995; Zolo, 1992). It is worth trying first to unpackage the various accounts and interpretations of the concept of the crisis, considering how the “crisis of democracy” is deeply embroiled in the various ‘narratives’ which represent the crisis itself. From this perspective, the post-democratic diagnosis formulated by Colin Crouch allows us to observe a long-term process “whereby all the institutions of liberal democracy survived and functioned, but where the vital energy of the political system no longer rested within them, but had disappeared into small private circles of economic and political elites” (Crouch, 2019, p. 126). The author then specified that

for democracy to be flourishing [...] movements emerging from the population at large, unprocessed by the elite's political managers, must from time to time be able to give the system a shock, raising new questions that elite would sooner not discuss. I mentioned three movements that had been still capable of doing this in recent years: feminism, environmentalism and xenophobic populism. What I did not anticipate was that the lead would be taken by the last of these to a massive extent.

In other words, while there seems to be agreement among scholars about the diagnosis of post-democracy and the impact of the transformations of capitalism, namely the reduction of welfare policies, the crisis of political parties, along with deep changes in political representation mechanisms, doubts persist about the prognosis, namely about the possible reactions and remedies which could ensue. Whilst social movements, and feminist and environmental movements in particular, were expected to counteract the elitist, technocratic version of XXI century democratic regimes, as Crouch in particular maintains (and, similarly, as one of the main scholars in social movement studies such as Donatella della Porta has testified) (Della Porta, 2015), conversely it seems to be neo-populism gaining centre stage in opposing the "sceptic", technocratic, 'elitist' face of democracy. Certainly, the global recession bursting onto the scene in 2007-2008, and the unfolding of austerity measures and the social disease which followed, brought a broad wave of global protests – in 2011 – in various countries, but also a cultural backlash of xenophobic, conservative and neo-populist movements. Thus, two different waves of protest manifested themselves in the aftermath of the global recession, developing the neo-populist wave, wherein scholars distinguish two different strands (Diamanti & Lazar, 2018)², namely right-wing populism and its left-wing version (Anselmi, 2017; Moffit, 2016).

It is worth developing an overview of the main accounts formulated within the different 'narratives' about the crisis of democracy starting with some preliminary considerations. Regarded as a mass-political regime, representative democracy has been depicted alternatively as ineffective, incomplete, too demanding or not demanding enough on the normative ground, according to the different 'notions' of representative democracy, namely the liberal model of political representation, born in the age of

² For an account of leftist social movements and parties such as, for instance 15-M and Podemos in Spain or Corbyn in Great Britain, Sanders in the USA, and the movement Five Stars in Italy (whose political collocation within the leftist domains seems to be at least contending), see Diamanti & Lazar (2018).

modern revolutions, the elitist and neoclassical Schumpeterian democratic model, or the social-democratic Welfarist version, within which broader forms of political participation were achieved up to the 1970s (Held, 1997; Lo Schiavo, 2014; Palano, 2012).

However, since the 1970s, two main accounts of the crisis of democracy, which became one of the main debate topics in that period, have been formulated by scholars. These are the “conservative” diagnosis elaborated by the Trilateral Commission (Crozier, Huntington, Watanucki) in 1975, and the “progressive” interpretation of the “systemic crisis” of the political rationality of the democratic state insofar as its functions of reproduction of capitalism were to be reconciled with “democratic” and Welfarist performance (Habermas, 1973). Thus, the conservative diagnosis (which functioned as a self-fulfilling prophecy) formulated by the Trilateral Commission, classified the social movement waves of protest since the end of the 1960s, as the manifestation of an overload of participatory democracy and as a radical challenge to the integration processes that democratic political systems as such were expected to perform (Mastropaolo, 2011).

To clarify that point it is possible to observe how, within the framework of the cold war order, the Liberal-Welfarist representative western democracies had institutionalized and widened social citizenship within “real” democratic regimes. A specific Welfarist economic constitution that contributed to the development of legitimacy and trust within western societies has been targeted by a profound process of reconfiguration of economic rationale, namely from the Keynesian regulation of economics to monetarist and neoliberal rules. Thus, spending cuts and surveillance of inflation rates, the reduction of tax revenues and the lowering of the redistributive effects of fiscal burdens, have been implemented within the framework of neoliberal policies (Lo Schiavo, 2014; Moini, 2016).³

A sort of “anti-egalitarian mutation” of representative democracies has taken place over the last three decades, reducing the substantial legitimacy of contemporary democracies (Urbinati, 2013). As far as the impact of the economic “crisis” is concerned, insofar as it has been considered a catalyst of the social problems caused by the neoliberal restructuring of economic regulation, what seems to be theoretically needed is to analyse the extent to which the crisis can be considered merely the result of casualties in financial market gambling or rather if it can be better grasped as the structural

³ In other words, it is possible to say that the ‘name’ of the crisis of democracy is that of the hegemony of neoliberal ‘ideologies’, techniques of government, forms of knowledge – according to the analytical view of Foucault, who saw power as always deeply intertwined with knowledge and models of ‘governing’; see Lo Schiavo (2014); Moini (2016).

effect of the profound process of ‘neoliberalisation’ of the market and social relations. In fact, the “principled belief” of market competition seems to have become a widespread normative assumption within globalized societies. In this vein, the long-lasting global economic recession of 2008 can be considered as both the triggering event of populist distrust toward democratic representative institutions or rather as one of the main causes of the populist syndrome in itself.

It is worth underlining here that the critical account of the post-democratic interpretation of the crisis of democracy seems to corroborate the latter hypothesis. It is also worth highlighting here that, in a recent highly influential contribution, Ronald Inglehart and Pippa Norris have clarified in which terms we can interpret the relation between the economic crisis and a deep political cultural transformation of contemporary democracies along with the consequent unfolding of global neo-populism. According to them, we are witnessing “the silent revolution in reverse”, that is a cultural backlash which has diverted western democracies from post-materialistic values (which put emphasis on freedom of expression, environmental protection, gender equality, and tolerance of gays, handicapped people, and foreigners) to a conservative, if not xenophobic, populist and authoritarian orientation. As the two authors specify,

we may be witnessing a shift in political cleavage comparable to that of the 1930s, which saw the rise of Fascism, on one hand, and the emergence of the New Deal and its West European parallels on the other hand. The reaction against rapid cultural change and immigration has brought a surge of support for xenophobic populist parties among the less secure strata. But rising inequality as also produced an insurgency on the Left by politicians like Bernie Sanders [...]. So far, emotionally-charged cultural issues cutting across economic lines have hindered the emergence of a new coalition. But both the rise of populist movements and the growing concern for inequality reflect widespread dissatisfaction with existing political alignments (Inglehart & Norris, p. 452).

The present wave of populism, renamed neo-populism, differently embodied in different countries, at least presents some recurrent elements that allow us to recognize a sort of minimum common denominator of the contemporary populist syndrome. Firstly, the paramount reference in political discourse to the “people” as the source of democracy, neglecting any form of intermediate organization between the people itself and the leader who is able to interpret and manifest the will of the people as a whole; the

verticalization of political space, which is no longer designed on a horizontal axis (that is on the contraposition between the Left and the Right), since it manifests the contrast between elites and the people, the powerful and the powerless. The refusal of cultural diversity and xenophobic manifestations against immigrants regarded as scapegoats in the face of the huge social problems, the manifestations of populism from above – according to some scholars who have identified as neo-populist the politics of some contemporary political leaders (from Trump to Macron, to Renzi, Salvini and the Five star movement, Cameron, Orbàn even with some differences between them) – are part and parcel of this syndrome (Anselmi, 2017; Moffit, 2016). The crisis of the role of political parties within representative democracies on one hand, and the transformations of political communication in social media on the other, along with the ‘structural’ impact of the economic crisis, are deemed to have contributed to the unfolding of the current populist wave (Mair, 2016; Mazzoleni & Bracciale, 2018; Sustain, 2017).

Neo-populisms, Bio-hypermedia, Post-truth and the Public Sphere

This analytical account begins with an overview of the main characteristics of the current neo-populist waves, regarded as the main symptoms envisaged within the worst-case scenario of an irreversible crisis of representative democracy, or rather as the manifestation of deep transformations. The recurrent usage of the prefix ‘neo’ before the term populism in recent political debate testifies not only to a revamping of the old phenomenon of XX century populist parties, but also the emerging of new forms of populism in the XXI century.

Thus, although elements of continuity in the constitutive components of the populist syndrome have been recognized, new features of populism as a ‘political style’ have emerged, showing a sort of ‘elective affinity’ between this new wave and the impact of new media in political communication (Demata, 2016; Waisbord, 2018). In this sense, at least conceptually, an element of continuity is given by the composed, complex, contradictory and contested configuration of populism as a socio-political phenomenon, which has been pictured by scholars as a slippery concept, or rather a fuzzy concept, also recognizable as a ‘constellation’ or ‘configuration’ of elements in a Weber and Eisenstadt conceptual lexicon (Anselmi, 2017). Regarding changes, it is possible to identify a specific “populist communicative ideology”, articulated in these

dimensions: an appeal to ‘the people’ as “a catch-all expression that politicians use, irrespective of their political affiliation, to unite the electorate” (Mazzoleni & Bracciale, 2018, p. 4). Other elements, such as “attacking the élite” since the concept of populism is built on anti-elitism and anti-establishment stances” (2018, p. 6), which also implies “ostracising the others”, that is developing a narrative “based on the dangerous others concept that targets a common enemy within groups of population that are stigmatised and excluded from ‘the people’” (2018, p. 4).

Based on these considerations, here below we will first account for the main characteristics of populism and neo-populism, then we will try to ascertain the nature of the nexus between neo-populism and new media. In this framework, our observations will also draw on the literature that analyses the impact of platform capitalism, namely the structural dimensions of contemporary capitalism as it deeply affects the various social domains and ‘lifeworld’. Indeed, ‘bio-hypermedia’ is one of the most influential neologisms diffused in the contemporary lexicon unfolding since the fourth industrial revolution has deeply transformed contemporary societies.

Bio-hypermedia is the conceptual term devised by assembling the concept of biopolitics (Foucault, 2005)⁴ and hyper-media, the latter being considered as the epitome of the paramount influence of new technologies on societies. The hyper-connecting and ‘wearable’ technologies that then become parts of our own bodies, subjecting us to multisensory perceptions as real and virtual dimensions’ merge, extend and amplify emotional stimuli and change the way we interact and communicate (Griziotti, 2018). According to Han, not only a biopolitical account of this new human condition produced by the interfacing and intertwining of humans and machines, but also a more proper “psycho-political” (Han, 2016) interpretation of this new ‘reality’ may clarify the revolutionary impact of these new technologies on everyday life. In this vein, technological and capitalistic changes have to be read conjointly and conceptualized.

Platform capitalism is the new paradigm of XXI century capitalism, which is also regarded as the product of its financialization, that since the 1990s has become more influential than production; new technologies have fostered these transformations, which in turn affect the organisation of labour (Fumagalli, 2018). In other words, post-modern capitalism, which is based on the information economy, is undermining the fordist model of work: the creation of value no longer depends on (or not so much) the exploitation of

⁴ This conceptual term can be considered one of the most influential if not paradigmatic expressions within the contemporary social sciences lexicon. In fact, Foucault identified this term to pinpoint the nature of power and politics in modernity; see Foucault (2004a; 2004b).

traditional workers' subjectivity and its form (wage labour), whilst a new kind of worker is emerging, namely the 'knowledge worker'. Neoliberal post-modern capitalism has found the new oil for the capitalist accumulation of the XXI century: data mining, machine learning, the algorithm economy, big data; thus, platform capitalism constitutes the new capitalistic 'structure'.

The process of digitalization and datification has made the engineering of everyday life possible; today there is no area of our digitally-mediated existence that is not the result of an algorithmic calculation (2018)⁵, from social networks on Facebook to recommended products on Amazon, from personalized advertisements to short-cuts to return home from work on Google maps. What matters more here is the political impact of these technologies and their "neo-populistic" effects on political communication and political lexicon. There are multiple effects to be taken into account. Firstly, it is worth considering what, according to the literature, are the main features of populism and of neo-populism. No simple account can be given, due to the complex, composed and contested 'nature' of populism itself.

To put it simply, it is possible to say that scholars recognize populism as made up mainly of: "a) the existence of two homogeneous units of analysis [namely] "the people" and "the elite"; b) the antagonistic relationship between people and elites; c) the idea of popular sovereignty; d) the positive appreciation of the people and the denigration of the elite" (Stanley, 2008, p. 102). These have been recurrent elements of populism waves since the second half of the XIX century, namely in the United States and in Russia⁶, whilst at least a part of the history of the democratization processes in the long run has been characterized by the quest of the people to be included in the public space. Thus populism, meant as "populist democracy" (Canovan, 1981) is part and parcel of the history of democracy. From this perspective, the historical experience of popular mobilisation with Peronism in Argentina, exemplifies this component of the populist phenomenology.

⁵ By definition, by algorithm we mean a set of mathematical rules and procedures aimed at transforming a given input into a specific output; an actual assessment or decision process, performed according to a set of explicit rules. Each algorithm is the result of a human modelling of a problem to be solved and of the context in which it is situated; on this topic see Fumagalli (2018), *Per una teoria del valore-rete*, in Gambetta D. (a cura di), *Datacrazia*, cit., pp. 46-64.; Grizziotti G. (2018), *Big emotional data*, in D. Gambetta (a cura di), *Datacrazia*, cit., pp. 70-91.

⁶ Populism first appeared in Russia in the XIX century. It was the political organisation *Zemlja Volija* (Land and Freedom) to connect the mobilisation of student movements, peasants, to oppose the tsarist regime. In the same period, that is during the second half of the XIX century, People's Parties were born in the USA as an expression of rural society opposing the industrial elites of the West Coast. It is possible to consider well beyond this brief account the analyses of Damiano Palano, (2016).

Recent accounts on neo-populist manifestations, appearing in the theoretical debate, illustrate the xenophobic, authoritarian orientations of political parties, which draw on the cultural backlash against post-materialist values, as Inglehart and Norris explain (2017). Conversely, there is also a 'leftist' interpretation of the quest for a revamped popular sovereignty against supranational, intergovernmental, capitalistic, elitist and neo-colonial power such as the South-American "pink wave" of leftist governments (from Evo Morales to Lula, to Kirchner in Bolivia, Brazil and Argentine) or Bernie Sanders in the USA and Corbyn in Great Britain. Being considered the epitome of the neo-populist wave, two main events in recent years have marked the recent political history of (neo)-populism. The case studies of Trump's election in the USA and the Brexit referendum in Great Britain have given rise to an astonishing number of analyses in scholarly debate, both in political theory and sociology. What has mainly been highlighted relates to the impact of social media and social networks in political communication, in that they seem to embody the new post-truthful physiognomy of the (former) Habermasian public sphere.

A series of concepts exemplify the conceptual nexus we are addressing: there seems to be an elective affinity between post-truth and populism, which in turn derives from the structural transformation of the public sphere produced by the impact of social media and social networks. The latter shape a process of fragmentation and radicalisation of the "publics" participating in the political debate and forming public opinion within the public sphere; a transformation that, in turn, can be brought back to the impact of digitalized capitalism (Fumagalli, 2018). To clarify that point here, it is possible to see how "the current 'populist moment' brings up important questions within the scholars' community. Populism calls into question the fundamental principles of democratic communication, namely the need for fact-based, reasoned debate, tolerance and solidarity – essential principles for viable public life in today's globalised and multicultural societies" (Waisboard, 2018, p. 2). According to this interpretation, "the kind of post-truth politics represented by populism thrives in the current conditions of public communication" (2018). From this perspective:

Post-truth captures new conditions for public communication that signal the impossibility of truth as shared assessments about reality. 'Post-truth' should not be confused with deliberate distortion, fake news, and alternative facts – that is, with the intentional production of falsehoods to deceive public [...]. Instead, 'post-truth' communication denotes the absence of conditions in the

public sphere for citizens to concur on objectives and processual norms to determine the truth as verifiable statements about reality. Recent developments have deepened the obstacles for truth-telling and revealed social and communicative rifts that foster post-truth politics. [...]. Post-truth implies the levelling of opportunities for making any statements about reality that can potentially be deemed credible. The modernist notion that truth is determined by the convention of the scientific paradigm or by intersubjective agreement over norms clashes with the ample circulation of widespread fact-less beliefs popularly considered to be accurate representation of reality (2018, pp.3-4).

In other words, post-truth political communication pertains to a structural and functional transformation of the conditions of public debate within the public sphere. Since the Habermasian theory of communicative action has been established in political theory, the historical and theoretical analysis of the 'public sphere' emphasised the centrality of the 'cognitive' and moral premises of this cultural and societal space: the claims of validity, truth, correctness and sincerity are the building blocks of this 'moral' and 'cognitive' construction.

On the normative ground, solidarity between strangers, an attitude shared by private individuals who gather as a 'public' in order to care about public affairs, who still maintain different opinions while debating them, being able, at the end of a 'deliberative process', to achieve a common understanding, whenever the 'normative' force of the 'better argument' posed on a rational and 'moral' level, may prevail. In this sense, the normative conditions⁷ of the public sphere in democratic regimes draw on the fact that "the prerequisite for any functional public sphere is that all citizens must be given equal access to it, and they must have freedom to express their opinions publicly and without restraint on matters of public interest" (Demata, 2016, p. 85). The characterising features of contemporary social media are so diversified that it is impossible to draw general conclusions on the nature of political discussion on the Internet. Therefore, it is worth noticing that "while the availability of technology is not in itself the cause of political discussion, it should be said that technology may facilitate (or impede) discussion and deliberation" (2016, p. 86).

⁷ The concept of the 'ideal speech situation' in the Habermasian theory of action has been repeatedly contested in the theoretical debate and within critical theory. It is thus of particular interest the differing position of Foucault as far as the 'argumentation as a practice of critique'. In this sense, for Foucault it is possible to think of communication (and communicative action) as a possible strategy of criticism and struggle that may be privileged, but not utopistically substituted for other strategies, while 'power' is hardly divisible in different contexts by different regimes of 'truth' and knowledge; see Sorrentino (2008).

Thus, social networks affect the public sphere in both its structure and functioning. The abstract public sphere, namely the more ample and inclusive dimension of the Habermasian construction (Habermas, 1992), along with its “organized” intermediate level are changing profoundly⁸. Algorithms and internet profiles of Web navigators and ‘customers’ are key in the construction of what we can call the individual preference-laden communication system. Within so-called “echo-chambers” a “community” of internet navigators share the same views, convey the same preferences, share and deem true the same stories, transforming a free and innumerable ‘swarm’ (namely free people on the web) into a broad beehive with ‘individualised’ closed cells. This framework then ends up reducing and/or excluding room for manoeuvre for the formation of an open, broad, multiple, even conflicting confrontation between ‘different’ opinions and views. The post-truth communication regime seems, therefore, to unfold between the proliferation of fake news, that is the case in point in this new communication style, on the one hand, and the erosion of the very same condition to maintain the pluralistic, contested, complex, contentious construction of public opinion, on the other (Demata, 2016; Ferraris, 2017).

Post-Truth at Issue: Definitions and Problems

The elective affinity between populism and post-truth, namely the radicalised and fragmented regime of truth within a mutated public sphere via the impact of new media, emerges since the political communication style of politicians has changed profoundly. According to Demata in particular,

By using SNSs, politicians can plug into our lives and approach us directly: most of them have Facebook pages or Twitter accounts, communicate with us in often familiar language, and are keen to be seen doing domestic, everyday activities. [...] The appearance of interacting with the people is more important than actual interaction, which is virtually non-existent [...]. While the technology gives us the impression (and the possibility) of a two-way communication, the reality is that most politicians are not interested in opening a true dialogue and in listening

⁸ Actually, in his theoretical and historical analysis of the public sphere Habermas had thematised the challenges that the market economy and the mediatization of public opinion had launched to the normative basis and functions of the public sphere within representative democracies.

to ideas from their constituents, but only in mobilizing them around some new initiative or message (Demata, 2016, p. 85).

In this framework, (neo)-populism as a political style, or as a ‘thin’⁹ ideology, consists of “an appeal to ‘the people’ versus the ‘elite’, ‘bad manners’ and the performance of the crisis, breakdown or threat” (Moffit, 2016). In this vein, it can also be conceived as a gradational concept, with different shades, a sort of ‘grey area’ wherein it is possible to see how “the degree of populism that a given political actor employs may vary across contexts and over time” (2016, p.46). According to scholars, it is possible to conceptualise populism also with respect to the role of populist leaders as performers of this particular political style, whilst the relationship between populism and the media entails different articulations. Thus,

[the populist] appeal to ‘the people’ versus ‘the elite’ [...] plays into media logic’s dramatization, polarisation and prioritisation of conflict; [...] ‘bad manners’ line up with media logic’s personalisation, stereotypisation and emotionalization, while [the] focus on crisis plays into media logic’s tendency towards intensification and simplification. In this situation, populism can thus potentially be considered the media-political form par excellence at this particular historical juncture. This might help explain why populism currently seems to be more widespread and successful across the globe than any other time in its history (2016, p.77).

Further considerations can be drawn concerning the structural conditions of political communication as they emerge within the new media environment. Scholars consider the paradox according to which, whilst the new media revolution has hugely increased the opportunity for expression of multiple voices, it is also creating the conditions for post-truth. The access threshold to this sphere of communication has been lowered, while at the same time conditions for misinformation campaigns and the circulation of lies have been created as well (Waisbord, 2018). Thus, numerous elements have to be considered: deception and manipulation of the public, the spread of fake news, the construction of false profiles on Facebook, the cyber-troops of ‘bots’ and ‘chatbots’, internet programs which simulate users, build filter bubbles, mechanisms of control of users and data profiling. These new structural conditions also pose

⁹ This is the topical definition of populism coined by one of the most influential scholars on the subject, namely Cas Mudde (2004).

the question of government manipulation and control, the influence of the market and the conditions that allow free expression and the commitment to form ‘public opinion.’ Scholars develop not only political but also epistemological considerations on what can be considered the new ‘regime of truth’ (D’Ancona, 2017). A regime in which “transparency” (Pinto, 2013) undermines responsibility, the extraction and/or the exhibition of private information weakens rational commitment in public discussions, whilst a new technological panopticon exercises new forms of control.

According to Oxford Dictionaries, post-truth is a concept that relates to or denotes “circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief” (Lorusso, 2018, p. 4). According to scholars, post-truth can be regarded as a semiotic dimension of public discourse, namely as the result of a set of practices for the ‘social construction’ of truth deeply transformed by the impact of social media. In history, within different ‘epistemes’, in the Foucauldian¹⁰ sense, diverse combinations of ‘power and knowledge’ have built the cultural practices which establish the social dimensions of trust and truth. Different accounts of this new regime of truth, namely post-truth, vary in their scope and meaning. Some analytical reconstructions thematise the concept of post-truth and put it on the level of critical philosophical stances pertaining to epistemological, ontological, methodological configuration of the contemporary ‘episteme’¹¹. Thus, post-modernity¹², the demise of “meta-recits”, according to the Lyotard dictum, along with the critique of the structural nexus between power and knowledge (according to which any account of reality cannot exist if not entangled with power), are all component parts of the critical reasoning on post-truth (Ferraris, 2017).

Other explanations, which do not merely draw on the new media impact on the regime of (post)-truth, find broader approaches to the analysis, confronting societal and epistemic transformations. In this sense, the contemporary post-truth condition is produced by a broader ‘revolution’ involving technology, society, culture. From this perspective, according in particular to Ferraris (2017), the concept of “documeriality” identifies the new stage in the evolution of capitalism in that it determines the new conditions of the structural relations between knowledge and power within societies.

10 See the bibliographic review on Foucauldian works on the topic of the nexus of power and knowledge in various historical periods, pertaining to the epistemological and ontological dimensions of social life, in Bernini (2008).

11 See note 52.

12 An illuminating reflection has been developed by Alessandro Ferrara who distinguished postmodernity as a shared hermeneutic and ontological horizon characterised by diversity, epistemological and cultural pluralism and postmodern philosophical doctrines, which nurture relativistic orientations; see A. Ferrara (2015).

Virality and interconnectivity, the de-temporalisation of facts and events in the ‘world-wide web’, mystification and manipulation of contents, the fragmentation of broadcasting and multimediality and their complex interactions, all shape the configuration of the new epistemic regime of post-truth.

In this context, the impact of new media in the construction of the public sphere, which is in modelling both perceptions and the processes of social construction of reality, within the fragmented communities of social networks, is an integral part of this new ‘human condition’. The proliferation of fake news, the recursive dynamics of storytelling and echo chambers characterize what has been identified as a ‘post-factual democracy’ in which collective agreements on the construction of societal reality and its meaning, are profoundly challenged and contended.

Knowledge, Representative Democracy and Trust: Some Meta-Reflection

Whereas democratic theory in recent decades has focused on the critique of the rationalistic and elitist, technocratic and epistemic degeneration of contemporary representative democracies (Mouffe, 2005; Pellizzoni, 2005), actually a sort of emotional and irrational wave within the ‘neo-populist storm’ has been unfolding¹³. At the same time, the development of social networks and the ‘digitalisation’ of everyday life, paradoxically, have not injected a further amount of rationality in the political ‘circuits’ of representative democracy, having fostered instead new forms of political manipulation.

In particular, Nadia Urbinati (Urbinati, 2014) has analysed both the populist-demagogic and plebiscitarian challenges to political representation, along with the technocratic pitfalls of an epistemic view of representative democracies in complex societies. From this perspective, Urbinati defends the idea of procedural democracy and considers this kind of political regime as based on a diarchic structure constituted by both will and judgement, the former being expressed through elections, the latter unfolding within the flux of public opinion.

¹³ It is worth noticing that recent strands of critical reflections in both political theory and sociology come to grips with the question of emotions in politics in order to overcome a strict separation if not contradiction between rationality and emotions, also considered as a negative legacy of modernity since it separated passions and rational orientation in politics; on this topic among others see J. Goodwin, J. M. Jasper and F. Polletta (eds) (2001) and Mouffe (2002), *Politics and Passions*, Centre for the Study of Democracy, pp. 1-16.

Accordingly, the populist challenge threatens this diarchy trying to overcome any intermediation between will and judgement, between leaders and the people, whilst plebiscitarianism tries also to control and manipulate the public sphere transforming active citizens into passive spectators. At the same time, the epistemic-technocratic challenge to the democratic regimes embodies a manifestation of the “guardian democracy” wherein experts’ knowledge marginalises other forms of knowledge undervaluing the impact of public opinion on the decisional processes within the representative institutions. Thus, the diarchic nature of representative democracy, namely the balance between will and judgement, the moment of decision and the expression of public opinion and knowledge (since the ‘truth’ of representative democracy is its ‘procedure’), is has been brought into question by both populism and plebiscitarianism. As Urbinati maintains,

Democracy is a combination of decisions and judgement on decisions: devising proposals and deciding on them (or those who are going to carry them out) according to majority rule. The character of democracy is diarchic and its nature procedural. [...]. To go a step further, we may say that democratic proceduralism is in the service of equal political liberty since it presumes and claims the equal right and opportunity citizens have to participate in the formation of the majority view with their individual votes and their opinion, it is what qualifies democracy as a form of government whose citizens obey the laws they contribute in making, directly or indirectly (2014, pp.2018-2019).¹⁴

The figure of representative democracy is then diarchic in the sense illustrated above; epistemic democracy, populism, plebiscitarian claims, all contest and contend to proceduralism its normative and institutional endowments. Thus, whilst “epistemic democracy” entails objective ‘standards’ to evaluate collective choices and decisions, regarded as more demanding criteria (since public opinion and popular judgement is considered as not safe enough from ignorance), symmetrically the populist ‘assault’ on public opinion is devoted to controlling and manipulating it, for the sake of leaders who appeal to – and manipulate – people as the preserve of democratic sovereignty. As Urbinati specifies, “populism is a call for concentration of voice and power, will and opinion, and to overcome diarchy by blurring the border that keeps the people and the state, the opinion and the will, separate although in communication” (2014, p.157).

¹⁴ Ivi, pp. 18-19; regarding the real opportunities to participate in decisional processes, the problem of effectivity of citizens’ rights has emerged in the theoretical debate, as Urbinati also maintains in Urbinati (2013).

In its turn, whilst populism “gives the People a political presence”, plebiscitarian disfiguration of democracy gives it a passive role that mainly consists in watching leaders in the public sphere, where politics becomes a show, a public exhibition of private virtues instead of a public space where accountable political leaders are expected to respond to citizens’ demands. Thus, while democratic proceduralism invokes participation, plebiscitarian democracy “wants transparency” (2014, p.172). In this sense, the plebiscitarian view seeks to substitute accountability and procedures with an aesthetic, theatrical, spectacularized configuration of the public sphere. That is exactly where the like-dislike mechanism, the overload of images and the ‘exhibition’ of leaders on the web, in social networks and their day-to-day functioning, moving to.

Thus, in attributing value and credibility to the configuration of democracy as a diarchic construction of will and judgement within procedures and institutions, what is needed is also to reflect on the transformations that new media are producing in political culture and the public sphere. Re-balancing the two components of representative democracy in this new context seems to be the greatest challenge we have to face in the years to come, in unpredictable ways that have not been experimented yet¹⁵.

Concluding Remarks

These final reflections provide the opportunity to synthesize the different elements covered in this analytical overview. Thus, going back over them allows us to observe how the neo-populist waves in the age of post-democracy have revealed the breakdown of the ‘constitutive pact’ of representative democracy. The sovereignty of the people articulated within representative institutions has entered a period of deep crisis. In this sense, contemporary neo-populist waves can also be regarded as the expression of social diseases, a reaction to anti-popular economic policies and to an elitist, technocratic and (un)democratic drift, (Anselmi, 2017; D’Eramo, 2013; Revelli, 2017) but also as the manifestation of this void in representation.

New institutional settings are then to be found, since the political representation device that achieved the democratic balance between various social and political subjects

¹⁵ However, in the 1960s, demands aimed at enlarging participation and citizens’ rights, overcoming the limits of the representative formula, had been proposed, long before the watershed event of the neo-populist wave diverted the ‘sense’ of these claims; see D. Held (1997), *Modelli di democrazia*, cit.; and Hardt M., Negri A. (2004), *Moltitudine. Guerra e democrazia nel nuovo ordine imperiale*, Rizzoli, Milano.

constituting the sovereign people in the XX century Fordist-Keynesian democracies no longer works the same way.

Thus, whilst during the 1970s social movements were giving voice to ‘progressive’ anti-representative demands to promote direct and deeper participation in democratic decisional processes (Bazzicalupo, 2014; Held, 1995) nowadays manifestations of distrust, discontent, opposition are instrumentalised by ‘populist’ leaders, namely the XXI century demagogues who exploit new media to magnify the manipulative effects of new forms of communication, whilst the emergent ‘progressive’ and ‘proactive’ social movements appear to be in the minority, within the spectacularized public sphere.

Thus, new media contribute to ‘disintermediating’ politics, bringing into question the organizational dimension of politics, which had been considered the preserve of political consciousness and popular influence during the ‘ideological’ Nineteenth Century (Prospero, 2018). In this sense, neo-populist political style intersects the new ontology of our time, namely “documeriality” consisting in new technologies and algorithms, which constitute the building blocks of contemporary capitalistic and epistemic ‘structure’ of societies. In this context, the question of post-truth has emerged, ranging from ‘the critique of the scepticism of postmodern critique’ (in a sort of counter-movement within the theoretical debate moving from modernity to post-modernity, and from the latter to reflexive modernity (Ferraris, 2017) and beyond), to political communication studies which highlight how social networks, bio-hypermedia, platform capitalism are exerting their influence on contemporary democracies (Gambetta, 2018; Waisbord, 2018). Within this complex and contradictory scenario, a new problematic page of the history of democracy is currently being written.

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REALITY VERSUS EMOTIONS IN ITALIAN JOURNALISM¹

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Abstract

Italian infotainment, with the recent shift “from information to sensation” has made the question of the ethical dimension of newsmedia even more problematic, showing unforeseen consequences of the show perspective in newscoverage. In the paper the theme of social responsibility of the journalistic media is presented in connection with the recent changes of the digital media and their blurring of real and fiction, as well as of languages and narrative styles. A critical perspective of the “Italian declination” of show-journalism will focus on the relationship between vision of the sufferings offered to distracted viewers of planetary audiences and their concrete possibilities of a consequent action.

Keywords

News, reality, effects, journalistic profession, Italy.

Resumen

El infoentretenimiento italiano, tras el reciente giro “de la información a la sensación” ha hecho aún más problemática la cuestión de la dimensión ética de los medios de comunicación, mostrando consecuencias imprevistas de la perspectiva del espectáculo en

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la cobertura de noticias. En el artículo se trata el tema de la responsabilidad social de los medios periodísticos en relación con los cambios recientes de los medios digitales y su confusión entre realidad y ficción, así como entre lenguajes y estilos narrativos. Una perspectiva crítica de la “declinación italiana” del periodismo televisivo se centrará en la relación entre la visión de los sufrimientos que se le orece a los distraídos espectadores del público planetario y sus concretas posibilidades de una acción consecuente.

Palabras clave

Noticias, realidad, efectos, profesión periodística, Italia.

Introduction

In this paper, we present different perspectives of the *new* and problematic relationship among newsmedia and reality in Italy, in order to underline the permanence of some traditional features of Italian journalism as well as the emergence of a *different* style of reporting. This change is connected both to the success of infotainment and to the pervasive use of social media: they make not only a redefinition of the *social role* of news “necessary”, but they also impose the need to understand the new emerging forms of a *free* formation of political will via mass and social media. As a matter of fact, the contemporary Italian communication circuit among institutional sources, journalists and citizens outlines a new information ecosystem, a framework in which there is a changed perception of journalism itself, of its ability to “tell stories” about society.

From being considered a *serious activity*, able to connect people to the world, Italian journalism nowadays privileges a softer and more recreational use of news, imposed by the success of the market model that considers news as a *manufactured good* journalists have to sell to audiences (Agostini, 2004; Morcellini, 2011). Therefore, news are no longer “the sense-making practice of modernity” (Hartley, 1996, p. 32). Even if many scholars have speculated that news builds expectations of a common, shared world and that, in the last two centuries, “it has become a dominant force in the public construction of common experience and a popular sense of what is real and important” (Schudson, 2003, p. 13; Zelizer, 2004).

We will investigate the Italian case in order to identify the main factors that have created the contemporary hybrid flows and complex dynamics, by focusing on two fundamental topics of the scientific debate. On one hand, the success of spectacular frame in Italian journalism, which was brought about by the progressive adoption of exhibition logic (Postman, 1985; Debord, 1995; Codeluppi, 2007) in a traditionally “peculiar” information system, often presented as an *anomaly* among Western countries by scholars (Murialdi, 2006; Rizzuto, 2009). From the 90s, infotainment changed not only the interaction among political actors, news professionals and citizens but also the “meaning” itself of news, linked to the social, political and economic characteristics of this context. On the other hand, the focus will be on the current configuration of the relationship between real and fictional newsmedia coverage and its impact on the ideal of journalism as an activity vital to a functioning democracy (Mazzoleni, 1998): as Mulgan argued “we now live in a world in which fantasy and reality are impossible to distinguish” (1994: p. 27; Lorusso, 2018; Riva, 2018).

The main consequence of the recent development of a kind of *news-as-entertainment* and *entertainment-as-news* is that nowadays the *power of press*, complained by many people, seems much more dangerous since viewers have to live in a fictional world, where there is a great deal of material that is interesting or attractive but not important. If we assert that the news influences its audiences by establishing a web of meanings and presuppositions in relation to which people act and live their lives, the increasing mix of fictional and factual reporting builds a new distorted world, full of spectacular events or horrible crimes. This mediated reality does not encourage a complete vision of problems and social emergencies; on the contrary, it makes the distance between vision and action larger since individuals are satisfied by simply being “passive witnesses” at home. In this paper, we propose a path that will connect the *Italian infotainment*, its narrative styles and lexical choices, to the theme of social responsibility of the media; in other words, we want to suggest an interpretative hypothesis of what can be called the “Italian declination” of *show-journalism* that has recently emerged (Rizzuto, 2018), as a production of news for recreational use (Lo Verde, 2012) with an extraordinary exploit of crime news.

From the advocacy model to infotainment in Italy

In the age of infotainment, a wide scientific literature focused on the theme of the transformations of journalism (Thomas, 1990; Thussu, 2007), especially in reference to the digital revolution. Contemporary disputes on the borders of what can (or cannot) be defined as “journalism” lead back to the problematic definition of journalistic identity, to its fundamental values and its relationship to the context newsrooms live in (McQuail, 2001; Pratellesi, 2004; Sorice, 2009). In all Western countries, journalism was born in connection with the emergence of representative democracy and maintained for decades a privileged relationship with politics, since it performed a crucial function: to make public, visible, and accessible politics to the majority of citizens and to offer a platform for debate (Thompson, 1995). Therefore, considering “visibility” as an element inherent to the democratic state and as a fundamental *modus operandi* towards citizens, the *communication factor has always had a key role*: it allows individuals to be informed, to access and to participate. Consequently, newsmedia have been recognized as relevant for public dynamics. As McQuail argued, they are not only a business, because they perform tasks that contribute to the progress of the whole society, especially in the cultural and political sphere (Graber, McQuail & Norris, 1998).

In the last century, *media social responsibility* has become the theoretical paradigm underlying Western journalism, from which all the deontological codes of the press are derived (Siebert, Peterson, & Schramm, 1956), even if with relevant *national* declinations. Schudson (2003) identified three models of journalism on the global scene, which the scientific literature has referred to: 1) the *market* model; 2) the *advocacy* model; 3) the *trustee* model. The central premise of the *market* model is that journalists must provide the audience with everything it wants: the reader-viewer is, above all, a consumer, and therefore, the job of the reporter is always to satisfy the customer for the interest of the sponsors. On the contrary, in the *advocacy* model, journalists are agents for dissemination of the positions of a specific political party: they consider themselves as *political actors* and use newspapers as political weapons to defend a point of view. This category includes newspapers published by communities or ethnic groups as well as the party press. And last, the *trustee* model is the closest to the “myth” of Anglo-Saxon journalism. According to it, newsmedia must provide the audience with the information for a conscious and complete participation to the public life of a country. Therefore, journalists are considered as the repositories of public trust: they must control leaders, seek the truth and offer objective news for the exercise of democratic rights. Since the end of the 20th century, this *fiduciary* model has become universally recognized as the basis of the profession, with its principle of *objectivity* and a clear separation between facts and opinions.

In the history of Italian journalism, the dominant model was the advocacy one, even if, recently, a process of hybridization with the characteristics of the other models has taken place (Rizzuto, 2012). Hallin and Mancini (2004) included Italian journalism in the Mediterranean or *pluralist-polarized* model: according to them, in Italy, like in other Southern European countries, there is a *peculiar* relationship between the media and politics because capitalism and democracy developed later than in other contexts. This “slow” and “recent” transition to political democracy produced the tendency to consider media as instruments of political mobilization and to use them not to inform but to *participate* to politics. As a consequence, newspapers have often been used as *microphones* of politics, to offer visibility to leaders (Marletti, 18984; Marini, 2006; Rizzuto, 2009).

In this perspective, therefore, the characteristics of the political system would have strongly influenced the evolution of the newsmedia and their high degree of *political parallelism*. This “anomalous proximity” between journalists and politicians has given rise to a *sclerosis* of the information circuit from politics to citizens, with the exclusion of the latter as active actors of the democratic debate. At the same time, the fragile expan-

sion of the commercial media market has strengthened the economic dependence on the State, the parties, the Church, preventing the development of newsmedia as autonomous institutions (Hallin, Mancini, 2004) until the 90s. Only in the last three decades the emergence of commercial television and the success of its language and formats made a radical change possible (Castronovo & Tranfaglia, 1994; Forgacs, 2000; Muraldi, 2006; Bergamini, 2006). We can assert that an Anglosaxon news model, based on the watchdog ideal of neutrality and control of politicians, affirmed in a *peculiar mix* with the commercial perspective. For the first time in Italy, market became important in news. According to Schudson (2003), news is a product and must be sold to an audience; as a consequence, journalistic programs must attract people. In other words, there is no longer a rigid separation between informative and commercial goals.

As a matter of fact, contemporary Italian journalism presents some peculiarities deriving from its traditional parallelism to politics, still important for many journalists, as well as newsdramas (Bennett, 1988) and the new central role of social media, with the decline of professionalism and the success of many forms of unmediated political communication. In two decades, the traditional role of journalists almost disappeared: a *light* use of news, focused on emotions and conflicts, superficial and banalizing complexity, are now more important than the “old” moral duty to create informed citizens. News changed into newsdramas and they mix reality and fiction, events and reconstructions. Media prefer short, visual stories, full of emotive elements with an actor (hero or villain) at the centre, offering essentially melodramatic accounts of current events. The consequence of the entertaining news narratives is the banalization of public debate and the selection of themes, problems and facts, only if they can be easily transformed into a *fictional* representation: a drama. At the same time, many themes or events are completely ignored and when it presents a clear explication of what happens, it uses a lot of stereotypes and definitions, thus making reality simplified, dramatized, fragmented and personalized. Therefore, a clear demarcation between news and entertainment in the Italian information system no longer exists: this blurring is particularly evident in crime news content, in which even the most serious and violent crimes are reported with an entertaining perspective, focusing on the emotional reaction of audiences (Lo Verde, 2012). The transition “from information to sensation” (Santos 2009) and the prevailing of the *reality show logic* made the issue of the ethical dimension of newsmedia more problematic due to the unforeseen political consequences, too often declining as risks, of the dominant frames in the news.

Italian *infotainment* represents, therefore, a crucial turning point with its complete fusion of information and show: news, above all the political ones, has a narrative

scheme with different segments and actors, so that it is not possible for the viewers to separate political reality from media re-construction of politics. A dangerous consequence is that perception of social problems and priorities are influenced by these media-narratives that are pleasant, appealing as well as exaggerated and distorted (Froio, 2000; Polesana, 2010; Rizzuto, 2012). According to Altheide (1991), politics became *media-politics*, reported by journalists as a world full of winners and losers, heroes and villains, leaders' private life at the centre and political issues used as weapons against the enemies. Moreover, media coverage tends to present to immense television bored audiences not only information because reporters prefer the *exhibition* of the sufferings of real human beings.

In an era sadly characterized by different dangers (like terrorism or wars), the dominance of the show perspective in the news greatly reduces the possibility of concrete intervention on problems and emergencies, although this *orientation towards action* is usually presented by journalists as the main justification for the planetary show of cruelty they daily offer to their receivers. This illusory premise is based on a concept of news as an instrument of active participation to democratic life, which today has lost credibility. As a matter of fact, a voyeuristic attitude often prevails in the audiences and newscoverage; like any other fictional product, it aims to arouse intimate emotions, without activating the passage from the spectator to the actor, which Bauman considered crucial (Bauman 2015). The new centrality of the emotional dimension has become one of the weak points from which the recent success of the spectacular news about pain has been analysed. For example, a recurring theme of media criticism and their sensationalism is the lack of respect of the victims as well as the audiences' hidden reasons to watch sufferings or cruelty. In addition, the excessive journalistic description of cruelty and death has often strengthened the suspicion about the authenticity of viewers' altruistic desire to help others. In our era of prevailing digital narcissism dominated by images (Codeluppi, 2009; Mitchell, 2012), the accusations of trivial voyeurism or, even more severe, complete indifference are plausible (Dal Lago, 2012).

From true to plausible: the triumph of emotions in Italian journalism

The problematic relationship between reality and newscoverage of the facts emerges from the definition of news as an *account of an event, written by someone in a context*, and not as the event itself. As a consequence, it is evident the specificity of the

news as a “cultural product made through a dense negotiation that takes place and is defined in different social contexts” (Sorrentino, 2002, p. 9). Today’s technological possibilities of reproduction of reality, and the pervasive dissemination of events’ images, impose the problem of media coverage and its relationship with the real. This is a crucial issue for any democracy not only in terms of those possible *manipulation risks*, highlighted by propaganda *theory* (Bentivegna, 2009; Livolsi, 2011), but also about how media decontextualize and present reality fragments within their formats that influence people on a cognitive level.

Western tradition has inherited (from Plato and, later, from Christianity) a kind of *hostility* towards appearance: the idea that representation is a deceptive form, based on the difference between the image-copy (exact copy of a model) and the image-simulacrum; it is also an artificial representation that does not resemble to any original and produces false appearances. Electronic media continued the abstraction operation started by the classical theatre and the press until the simultaneous saturation of our context in which media representations of reality are dominant. However, according to Simone, the computer screen is the most significant change in the relationship between reality and fiction that has occurred (Simone, 2012, p. 192), imposing a reorganization of journalism as a “true” story of the world. With digital media there is not only the possibility of a representation-photography of the real but also that of an intensified reality, often replacing *the real reality* because it is more fascinating. Individual experiences are increasingly lived through mediated representations and, at the same time, newsrooms create *pseudo-events*, artificial events which appear natural and spontaneous but that are prepared only to be reported (Boorstin, 1962) According to Baudrillard, a process of disintegration of reality is the main consequence of the simulation made possible by the media. He argued that technological progress has been characterized by the tendency to replace the world with a simulacra reality, made of representations totally created by human beings. However, the simulacra are copies of copies, which are postponed without end to one another and of which there are no originals (Baudrillard, 1976, p. 72). Therefore, it becomes more and more difficult to make a clear distinction between reality and its reproduction. For journalism, this lack of distinction is a potentially devastating *vulnus* because its fundamental role in a democratic context is based on “objectivity” and professional capacity of telling real facts impartially.

In the contemporary circuit of Italian information system, it is possible to underline a process of a growing confusion between real and imaginary, connected to the evolution of the television market from a public monopoly to a mixed duopoly completed

in the 80s. The success of private TV, above all the Berlusconi's channels, let the public television (RAI) to find new strategies in order to have larger audiences for the sponsors (Barbano, 2012). A different style in news reporting (from an *information* model to a *story* model) was one of the most successful ways to occupy the market: the starting point of a "televised" use of the reality, offered like a show, dates back to the coverage of the tragedy of Vermicino in 1981, which marked the birth of the *spectacle of pain* as a successful media frame in journalism. The mixture of *fictional*, understood as a story of an invented event, and of a *factual* story, that is the story of a happened one (Cava, 2013, p. 29), transformed a real place into a set, producing a new kind of information. By using a fixed frame, the viewers watched a horrible spectacle with no possibility of escape: millions of Italians became witnesses of the horrible spectacle of death for the first time presented on live TV. In the tragic "real" story of the 8 years old boy died after a long agony, there were already all the elements of contemporary infotainment: a set, the crowd of journalists, a long tv live-program, the phone calls from the audience. The huge emotions caused by this event imposed to Italian public opinion the crucial theme of the border between news and show and which limits to the spectacularization of private tragedies newsmedia should respect.

At the end of the 80s, with Guglielmi's *truth-television*, Italian TV became an open laboratory on reality, with information programmes that used the language of the show for the first time. They aimed to tell reality in all its aspects (Cava, 2013, p. 25 et passim): for this reason, they reconstructed and presented news events with scenes, performed by actors who, activating cinematic mechanisms of storytelling, "showed" the fact and aroused emotions in the viewers. By erasing the distance between life and entertainment (Casetti, 2001), the boundaries between real and fiction have been progressively lost and a "new popular narrative" became successful (Grasso, 2000). A sort of "neorealism" in which, like cinema, reality is reproduced while events are happening, and events become media texts, where the expressive logic of the script and traditional reporting are completely blended (Buonanno, 1999). However, just by bringing the normality of the daily life into TV, this medium begins to devour reality and anticipates the distinctive feature of reality shows: the visibility of the technical apparatus. The pedagogical approach of the *truth-tv* (which offered a public service to citizens by giving information about real emblematic facts) soon joined the curiosity of the viewers in front of painful events: stories are told with a new television language that combines "the somewhat ambiguous attraction linked to the unravelling of enigmatic, criminal situations, to the fascination of live confessions" (Menduni, 2007, p. 29). The process of spectacularization

of tragedies began with the voyeurism of the trial, which, for the first time, put viewers in front of the television narrative of real crimes with real courts and lawyers: the most famous examples are programs like “*Un giorno in pretura*” or, some years later, “*Amore criminale*”. Reality is thus fragmented and packaged, with fiction narrative techniques (above all of the detective novels) that favor suspense or mysteries and feelings have a greater space.

In the new successful journalistic formats slowly the line between information and entertainment disappears and the logic of unveiling prevails: most newsdramas assume the existence of a secret they “must” reveal and “exhibit, with some complacency, authentic scenes of private life on the public square” (Abruzzese-Farci, 2010, p. 87-88). Therefore, since the 1990s, reality has been permanently transferred into the Italian television screen, tending to be confused with its representation. The most successful result of this process is offered by the reality show, in which the conscious television exposure of some individuals is presented as real life even if it is a television fiction built with a script, a direction and a cast. In reality shows, emotion is at the center, intimacy is revealed and the TV narratives make the line between what’s inside and what’s off-screen disappear. According to Virilio, in 38 countries *The Big Brother* has made possible a process of “globalization of affections” and “synchronisation of emotion” (Virilio, 2006; Bauman, 2014), a planetary sharing of feelings and emotions, which led to the dominance of emotionality as a way of accessing and knowing the real. In Italy, a spectacle of news about crime and tragedy has become dominant in the last two decades: in this kind of information reality is considered like a simple platform on which journalists build intriguing and exciting info-entertaining programs (Marsh & Melville, 2009).

If journalism is understood above all emotionally, the main task of news professionals becomes now to provide exciting stories. In order to offer emotionally engaging narratives, newsmaking thus favors special effects, excess of horrors, sex and violence, preferring a suggestive content than a more relevant but “boring” problem. In infotainment, the television looks at the world, with a fascination for violent images and the staging of lives and emotions; therefore, it requires modes of emotional or aesthetic enjoyment. Consequently, journalism no longer helps to the reflection or a rational participation of the viewers, aiming only at their superficial and disengaged reaction to the “spectacle of the sufferings” presented by news. The main consequence is that nowadays “*the media viewer watches and enjoys, thinks little and evaluates even less. In this way, there is a progressive distance between the aesthetics (subjective) of the fragment and*

individual ethics. Things seen are clearly false or built only to attract attention” (Livolsi, 2006, p. 163). Therefore, the planetary pervasiveness of the media has changed the relationship between individuals and reality, in particular in front of the unprecedented possibility of seeing the pain of other human beings in his domestic intimacy, posing problems not new to the viewer (Surette, 2007).

The relationship between the vision of reality and the consequent action to intervene and put an end to the suffering of others is a constant theme in Western culture that has seen, even if with different variations, the repudiation of cruelty and the affirmation of moral obligation of the intervention if one knows the pains of others. Nevertheless, in our “century of spectators” (Bauman, 2015), it seems to have affirmed what Dal Lago (2012) has acutely defined indifference, connected to a paradoxical visual annihilation of wars and massacres. When the suffering person is real, as in the case of news, adherence to reality as well as the direct vision of the pain of others, constitute a problem at two different levels: firstly, they impose attention to the problem of the possible push to action, that journalism could favour because it informs about wars or massacres and citizens became planetary eyewitnesses. No one can say: “I did not know”. Moreover, there is the problem of the narrative style to be adopted by newsmedia, in order to make the reporting on distant sufferings of real people understandable, and above all, acceptable. According to Boltansky, the choice of a purely factual description should be excluded: “just try to imagine how it much might be *inhuman* to describe this show (for example, a hanging or the victims of a terrorist attack) in a purely factual style” (Boltansky, 2000, p. 35). In this perspective, the subject-object device (Lorusso & Violi, 2008), typical of the factual description, may be criticized when it concerns people, because it is asymmetrical since the victim is the object of a description that gives entire control to the descriptor (Boltansky, p. 36). As a result, a coldly referential style could show an unacceptable detachment of the witness/journalist. In addition, it would be necessary to establish even how a reporter may describe the rawest details of the pain of others, since the concern to arouse pity should always ensure the “respect” of the victim. Thus, it becomes more and more important the problem of the “type” of attention given to the object of the news story: a reporting style that lingers in the realistic description of the horrible details may be criticized because it fully qualifies the person with his or her suffering or, on the contrary, it may be accused of subtracting this suffering from the individual who suffers it, in order to create a show for the audiences, producing forms of secondary victimization (Gili, 2006; Muraskin Domash, 2007; Giomi Magaraggia, 2017).

Journalism should have, by definition, the problem of separating real emotions from fictional emotions. Nevertheless, the emotion provoked today by the news occupies an unstable position between real and false, because suffering is offered as a spectacle but also presented as real to a spectator who, however, remains safe in his home environment, away from events (Boruah, 1988). Newsmedia may activate different reactions: from compassionate participation to indignation or indifference. According to Boltansky, a proposal of commitment is made to the viewer because an observer (the journalist) tells him a story in which he describes a suffering, also suggesting a mode of commitment; the user can accept it, he can be indignant, he can move, he can just feel pleasure in front of the victim's torture but he can also, freely, refuse (Boltansky, 2000, p. 236). From a radically critical perspective, Dal Lago speaks of a planetary show of the suffering that the media build and daily feed: according to this author, their most important result is the diffusion of a deep indifference of Westerners towards cruel actions and victims far away, a terrible "look parasitism" on cruelty and war, typical signal of hypocrisy and voyeurism (Dal Lago, 2012, p. 9-20) that influences global policies and priorities.

The television medium opens up the possibility of a pure viewer, as he is perfectly dependent on the scene that contemplates and does not participate to the action physically. In fact, in the media journalistic representation, each viewer is involved in a mediated quasi-interaction (Thompson, 1998): he can see without being seen. Therefore, on TV nothing symbolizes his or her commitment because the show is detached from the domestic context and the place of the observer can be occupied by anyone else. There is, therefore, a substantial inaccessibility of the action.

The main risk is the unacceptable drift of contemporary journalism towards the exasperated search for emotions, which places it far away from the model of the habermasian rational "public space", where the individuals used newspapers as basis of argumentation and political participation. In this perspective, journalism was the engine of the public sphere and the democratic system because it favoured the fundamental moment of engagement, that of the passage from a passive spectator to an actor. Nevertheless, from the origin of modern journalism, there have always been a tension between two contradictory needs: a need for impartiality, detachment (a preliminary non-commitment) and a distinction between the moment of observation, of knowledge, and the moment of action as opposed to the need for a deep emotional, sentimental involvement, which is "justified" as an indispensable instrument to arouse commitment and action. Different journalistic models have proposed peculiar variations of these needs (Schudson,

2003; Briggs Burke, 2002; Hallin Mancini, 2004; Costa, 2010). The issue is still central to the contemporary debate on the role of information that oscillates between a clearly weakened normative conception of the profession (Grossi, 2004) and new digital news-making practices (Eugeni, 2015).

Conclusions

In a context in which the boundary between true and plausible has become opaque, the ambiguous connection between the logic of emotainment and the duty of telling true stories calls for a reflection on many crucial “issues” of the scientific debate about journalism. The most relevant is the new role of the viewer, who has become both a news-producer and a performer, the difficulty of controlling the content and, above all, the quality and professional competences of the journalistic sources in the internet era. As a matter of fact, in the new ecology of contemporary media, one of the distinctive features of Italian journalism is the process of a systemic *hybridization*: this can be considered not only as the result of the dismantling of traditional news production organizations, but also as the consequence of deep changes in professional logic (Jenkins, 2006; Splendore, 2017), that are leaving too much space for fake news or untrusted sources, with huge repercussions on credibility and social perception of journalism. *Hybridization* process deeply influences the interaction between audiences, leaders and journalists: a pervasive use of social media and new communicative strategies, built without the mediation of traditional newsmedia professionals, are more and more preferred by politicians. These forms of direct interaction with citizens, with a complete *disintermediation* in the communicative circuit can be considered as a revolution not only political but also cultural, since it affects the way people perceive the meaning and the role of the journalists, increasingly described as obstacles, or manipulators. This is a challenge not only for representative democracy but also for communication studies, because the traditional Western conception of news media, as an arena of the public sphere, was based on a rigid separation among roles, languages, information and entertainment areas, which does not exist any longer. On the contrary, hybridization, the blurring between discursive fields, contents and formats emerges as the peculiar characteristics of the informative flood we live in (Splendore, 2017).

The definition of journalism as a cultural product achieved through a *dense* negotiation that takes place and is defined in specific social contexts (Sorrentino, 2008) is

the one that best underlines its reconstructive character of society and the link with the political, cultural and economic environment in which every information system operates. In Italy, the new communication circuit among institutional sources, political actors, journalists and citizens, outlines a different information ecosystem, a framework in which there is a changed perception of the *communication factor* and its role in democratic life: consequently, the traditional ontological borders among information and entertainment, news and goods, citizen and consumer as well as public and commercial television are disappearing.

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VERDAD Y MENTIRA EN LA POLÍTICA EN LA ÉPOCA DE LAS REDES: NUEVAS EMERGENCIAS DEMOCRATICAS¹

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TRUTH AND LIE IN NETWORK POLITICS: NEW DEMOCRATIC RISKS

Resumen

La palabra *post-verdad* indica condiciones en las que la influencia de los hechos objetivos en la formación de la opinión pública era menor que la de las emociones o las creencias personales. Este trabajo tiene el objetivo de proponer una reflexión iusfilosófica sobre la post-verdad en la política a partir de su génesis histórico-conceptual, que corresponde a la edad del posmodernismo, y que continúa la revolución tecnológica global que comenzó en los años ochenta del siglo pasado y definió su dominio Sociopolítico. Este trabajo, también analiza las tesis de Hannah Arendt, acerca de los totalitarismos y los escándalos americanos de los *Pentagon Papers*.

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Palabras clave

Post-verdad, opinión pública, posmodernismo, red, Hannah Arendt.

Abstract

The word *post-truth* can be referred to those circumstances in which emotions or personal opinions are stronger than objective facts in processes of making public opinion. This paper proposes a jus-philosophical discussion about the use of *post-truth* in politics, by analyzing its historical-conceptual genesis with the birth of post-modernism and through the technological global revolution, begun in the Eighties. The work also discusses post-truth by examining Hannah Arendt's thesis who analyzed the category both analyzing the *Pentagon Papers* scandal and the Nazi-totalitarian movements.

Keywords

Post-truth, public opinion, post-modernism, network, Hannah Arendt.

Una premisa

En 1992, Steve Tesich acuñó el término *post-truth* (post-verdad), utilizándolo por primera vez en un ensayo sobre la Guerra del Golfo y el escándalo Irán-Contra publicado en la revista *The Nation*. Neil Medgley, periodista del *Telegraph*, aseguró que esa palabra indicaba condiciones en las que la influencia de los hechos objetivos en la formación de la opinión pública era menor que la de las emociones o las creencias personales (De Rosa y Reda, 2017).

En 2016 el *Oxford Dictionary* definió *post-verdad* como la palabra del año².

Esta decisión —que ha suscitado muy diversas reacciones— se llevó a cabo en relación con dos eventos específicos: el referéndum sobre el Brexit y las elecciones presidenciales en Estados Unidos. Todos sabemos lo ocurrido en estas dos votaciones.

El resultado de la victoria de Trump y de la decisión de salir de la UE tomada por el Reino Unido (aunque el proceso no haya todavía llegado a su conclusión) ha sido una manipulación significativa de las informaciones mediante la introducción de noticias falsas en los canales informativos de internet y de las redes sociales, lo que genera la aceptación de la opinión pública, haciéndola más fuerte o desestabilizándola considerablemente.

Quizá lo más interesante, en mi opinión, es que la difusión de las llamadas *fake news* políticas, la alteración de las informaciones sobre los candidatos, la divulgación de noticias falsas sobre la UE, sobre ventajas y desventajas en relación con la salida por la UE, no haya ocurrido en secreto, sino más bien públicamente, de tal manera que la opinión pública no solamente no ha creído conveniente comprobar la legitimidad de estos datos, sino que además ha mantenido una postura de aceptación apática y reforzado los procesos de *puesta en escena* de realidades ontológicamente alteradas. La difusión y el intercambio virtual de estas informaciones hizo que los electores se sintieran parte de una totalidad, de una ideología que, por ejemplo, tenía como objetivo la no elección de Hillary Clinton, en cuanto miembro de un odioso *establishment*, o la salida del Reino Unido por la UE, que quitaba riqueza y productividad a los ingleses para regalarlos a los pueblos europeos más pobres.

² Como se puede leer en el sitio web del Oxford Dictionary: “After much discussion, debate, and research, the Oxford Dictionaries Word of the Year 2016 is *post-truth* – an adjective defined as ‘relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief’”. Véase: <https://en.oxforddictionaries.com/word-of-the-year/word-of-the-year-2016>

Este trabajo tiene el objetivo de proponer una reflexión iusfilosófica sobre la *post-verdad* en la política a partir de su génesis histórico-conceptual, que corresponde a la edad del posmodernismo, y continuando por la revolución tecnológica global que comenzó en los años ochenta del siglo pasado y definió su dominio sociopolítico. Comentaré, a este respecto, las tesis de Hannah Arendt, quien se ha ocupado de estas cuestiones tanto por lo que se refiere a los totalitarismos como a los escándalos americanos de los *Pentagon Papers*, para, después, analizar el papel desarrollado por la tecnología moderna de las redes.

El análisis me permitirá detectar los riesgos que corre la democracia derivados de la utilización común de la post-verdad en la política. La deconstrucción de la verdad a la cual corresponden el encubrimiento, la negación de la realidad disuelve la narración del sujeto que, a partir de la *polis* griega, y continuando hasta los logros de la modernidad, se mostraba a sí mismo en el debate público justo con el discurso-*lógos* (*λόγος*), más allá de sus peculiaridades determinadas por su pertenencia identitaria, religiosa y política. Cuando nos enfrentamos a una mentira que transforma lo que existe realmente, y la realidad queda ontológicamente dañada en su facticidad, entonces hay un sujeto deshabilitado que, aunque aparentemente siempre conectado con dispositivos eléctricos y redes sociales, está renunciando a las posibilidades reales de compartir relaciones originales y mundos posibles.

Como si se tratara de un perpetuo one man show, las redes sociales propagan un efecto cosmético: las imágenes pasan rápido en los monitores, en pantallas planas, dejando la ilusión de un intercambio sin espacio, sin tiempo y sin la posibilidad de participar en los procesos de toma de decisiones, por la simple razón de poder expresar su propia opinión en las redes sociales. Detrás de esta totalidad ideológica, la verdad se descompone, se fragmenta, se disuelve y, con ella, la esfera pública, mientras que la política renuncia a su papel.

¿Es ese el final de la historia?

Yo no creo que tal sea el caso, pero, sin duda, es la *hybris* de nuestra época que nos impone hacer frente a los errores del pasado y del presente.

La advertencia de Hannah Arendt se escucha fuerte y no podrá ser *mediatizada* en la medida en que *fabricar* y *manipular* la realidad lleva, sin duda, al aniquilamiento del sujeto. Antes que reproducir narraciones mediáticas que nos entregan un sujeto que ya no vive en relación con el otro, la política debería poner en marcha los *datos de hecho*, la ontología indiscutible de la realidad cuya impetuosidad tendría que ser *mediada* por el debate público y no *mediatizada*, renunciando a las construcciones ficticias de la era de la globalización.

El hombre no necesita ficciones conformistas sino una condición relacional incluyente y no uniformadora que pueda desarrollarse y aumentar en la esfera pública.

El posmodernismo está muerto (o quizás no)

En palabras de François Lyotard (1987), la caída del muro de Berlín había inaugurado la dura temporada del *posmodernismo*. A este concepto se vinculan todos esos intentos de desmontaje gradual de las certezas, de los conocimientos y de las revoluciones científicas de los siglos anteriores. Empieza así un periodo caracterizado por el desencanto tanto de la metafísica como de la ontología³. Se abre paso la idea de que no existen verdades y certezas absolutas, y que el conocimiento no es objetivo, sino que depende de la interpretación de los hechos; además, se cree que la perspectiva de quien conoce establece verdades parciales, además, siempre discutibles y revisables. En un mar de relativizaciones se desvanecen categorías milenarias como ‘verdad’, ‘razón’, ‘conocimiento’, dando paso a una *embriaguez o incredulidad posmoderna* que decreta el final de cualquiera ideología. Las metanarrativas quedan deslegitimadas y el mismo conocimiento se apoya en un tipo de racionalidad fluida y polimórfica, legitimada por un consenso que “*debe ser local, es decir, obtenido de los «jugadores» efectivos, y sujeto a una eventual rescisión*” (p. 51).

Al igual que en el ámbito del conocimiento, el vínculo social también evoluciona hacia itinerarios y modalidades más elásticos e inestables, tanto en el ámbito profesional como en la vida privada, familiar, afectiva, cultural, política.

Visto de cerca, el posmodernismo constituye el éxito histórico-político de Occidente y no una simple etapa evolutiva. Se trata de una condición histórica, social y antropológica que se impone después del lanzamiento de la bomba atómica. Este es el evento traumático que, haciendo real la posibilidad de la desaparición de la raza humana, destroza las certezas adquiridas en los siglos anteriores. Los horrores de la Segunda Guerra Mundial sí que abren la vía a representaciones múltiples de la realidad, verdades diferentes entre sí y fragmentadas que sustituyen las certezas absolutas ganadas por la metafísica y por la ontología.

Sin embargo, en las últimas décadas del último milenio ha surgido una lenta reacción a las deconstrucciones del posmodernismo. Incluso Rorty, en los años noventa y en

³ En realidad, ya Nietzsche y Heidegger habían desarrollado un pensamiento anti-metafísico, incluso, en el caso de Heidegger, ultra-metafísico, si éste se entiende justo como una superación de la metafísica. Sobre el punto, v. Heidegger 2000, p. 6.

plena polémica con el deconstruccionismo radical de Derrida, había ampliado el debate considerando engañoso el dominio del texto y preguntándose, en cambio, si no sería posible fijar criterios de interpretación que favorecieran la comprensión de un texto, pero también de las cosas en el mundo⁴. A esos primeros intentos pragmáticos de Rorty sigue luego un verdadero movimiento, llamado *New Realism*, que, en conflicto directo con el posmodernismo, intenta reiterar la existencia de una verdad ontológica inamovible (un libro en el escritorio o un perro que juega con una zapatilla no representan hechos que se puedan interpretar) que se resiste a cualquier forma de interpretación y deconstrucción (*verdad epistemológica*).

El debate sobre la vuelta de una visión realista también fue amplio y fructífero en Italia, donde ha venido a caracterizarse especialmente a la luz de una oposición entre realidad y conocimiento, así también por su crítica del posmodernismo y del constructivismo que consideraban una mala comprensión de la filosofía kantiana⁵.

Desde el punto de vista del nuevo realismo, el posmodernismo sería entonces un fenómeno concluido: la época del conocimiento como creación hermenéutica de la realidad, del final de las ideologías y de la deconstrucción de cualquier verdad, ya no tendría potencia alguna, y esto permitiría, finalmente, una vuelta ontológica a la realidad.

Sin embargo, las previsiones del nuevo realismo han demostrado ser demasiado apresuradas y la polémica entre realismo y posmodernismo se ha mostrado, incluso, sin sentido; y es que la reafirmación de la existencia de la realidad es algo muy diferente a su conocimiento, y si las operaciones de los sistemas reales también son hechos reales con efectos reales sobre la realidad, el contenido de dichas operaciones podría ser ficticio. La cuestión, entonces, no es la existencia de la realidad, algo que no es negado ni por el constructivismo, ni por el posmodernismo, sino más bien el conocimiento, es decir, los

4 En relación a una conferencia que tuvo lugar en Cambridge en 1990, Rorty había sostenido, a este respecto, que un destornillador podía concebirse como instrumento para atornillar, pero teniendo en cuenta su forma y sus capacidades cortantes también era válido como instrumento para abrir sobres. Preocupado por las sobreinterpretaciones y por el pre-valor de la *intentio lectoris*, Umberto Eco (1995) respondió al ejemplo de Richard Rorty de esta manera: “Ya que puedo introducir un destornillador en una cavidad haciéndolo girar en la misma, puedo también utilizarlo para rascarme una oreja. Pero al mismo tiempo el destornillador es también muy afilado y demasiado largo para que pueda controlarlo con atención milimétrica, y éste es el motivo por el que normalmente me abstendré de introducirlo en mis orejas. Un palillo corto cubierto de algodón es más adecuado. Esto nos lleva por lo demás a poder afirmar que de la misma forma que hay *equipos posibles*, hay también *equipos carentes de sentido*. No puedo utilizar un destornillador en lugar de un cenicero. Puedo utilizar un vaso de papel como cenicero pero no un destornillador” (pp. 174-175).

5 John Searle, sin rodeos, definió el *Nuevo Realismo* como “la idea de que exista una realidad completamente autónoma de nuestras representaciones” (De Caro & Ferraris, 2012, p. 169).

En relación al debate sobre el *new realism*, además de la publicación que ya he citado, a cargo de Ferraris y De Caro (*Bentornata realtà*, cit.), en la que se retoman los temas y los aspectos teóricos del realismo, partiendo de nuevo de la crisis del posmoderno, pueden verse las interesantes intervenciones de Corrado Ocone, Emanuele Severino e Gianni Vattimo, disponibles en las siguientes páginas web: <http://www.reset.it/blog/severino-vs-ferraris-il-nuovo-realismo-davanti-al-tribunale-della-ragione-filosofica>; <http://labont.it/wordpress/wp-content/uploads/2012/08/Severino-16-settembre.pdf>.

eventos comunicativos mediante los cuales conocemos y comunicamos la realidad. En otras palabras, “el conocimiento de la realidad es una construcción hecha por el sistema” (Cevolini, 2007, p. 17).

La reafirmación vigorosa de las narraciones posmodernistas ha sido posible también gracias a la revolución de las tecnologías de la información que, desde los años ochenta, han venido produciendo una fuerte reestructuración del sistema capitalista y del estatismo. La idea de red tuvo su origen en un proyecto del Departamento de Defensa de los Estados Unidos de los años sesenta para evitar el posible control y destrucción por parte del enemigo soviético de las comunicaciones y de los datos americanos. Repartiendo este material en una red de comunicación global compuesta por redes informáticas, se excluía cualquier riesgo de destrucción.

A partir de los años ochenta las tecnologías de la información nunca volvieron a ser un simple remedio político-militar, sino que más bien remodelaron profundamente nuestras sociedades. En efecto, si el modelo de desarrollo industrial se había diferenciado del modelo agrícola por la introducción de nuevas fuentes de energía que habían descentralizado y reemplazado (al menos en parte) la labor humana, la innovación del modelo de la información es la producción, elaboración y comunicación de informaciones. La misma producción de información se vuelve foco de productividad, estableciendo y extendiendo un proceso de cambio organizacional fundamentado en la flexibilidad y capacidad de adaptación, en la globalización de la producción y en la producción y circulación simultánea de bienes y medios a nivel mundial.

Bajo estas nuevas presiones el estatismo colapsa: llega a ser imposible aplicar políticas monetarias nacionales autónomas y, por consiguiente, los Estados se adaptan a los movimientos de los mercados globales. Además, al colonialismo geográfico del siglo pasado se sustituye un colonialismo de tipo militar y económico que se basa en la informatización de la sociedad para controlar el sistema de mercado y en el principio de performatividad para darle legitimidad.

La revolución es tal que, entre los años noventa y el comienzo del nuevo milenio, el mundo pareció organizarse en redes globales. La comunicación implementada por ordenador determina la aparición de comunidades vitales en las que la identidad del individuo se moldea, se modifica y se reconstruye sobre mecanismos de intercambio. Y si es cierto que la división entre países ricos y pobres es profunda, también es cierto que justo la lógica de la informatización determina una lógica del *sistema-mundo*, para que la vida de las personas no esté ya vinculada a mecanismos locales, sino más bien a lo que ocurre globalmente.

Estamos ante una verdadera revolución, una metamorfosis histórica que anuncia cómo el posmodernismo está lejos de haber concluido. Ya no es el fin de la historia o de las ideologías: el espacio de los flujos ahora imperante nos entrega una lógica tendente a echar por tierra y a romper los códigos culturales propios de las sociedades históricamente arraigadas y a volver a modular los procesos sociales de aprendizaje y conocimiento de la realidad, entregándonos una retícula de ficciones que, aún cuando sean desenmascaradas, no inspiran siquiera ni indignación. Pero el efecto quizás más sutil y perverso de esta época, hija y heredera del posmodernismo, ha sido que la política ha renunciado a desempeñar su papel. Esta actitud ha permitido, de hecho, la supremacía de los mercados globales incluso sobre los derechos humanos que tanto nos costó conquistar.

Fabricar la verdad: la experiencia de los regímenes totalitarios y los *Pentagon Papers*

Ya he dicho, en las páginas precedentes, que el posmodernismo nace después la trágica experiencia de la Segunda Guerra Mundial. Hannah Arendt sitúa el conflicto entre verdad/mentira y política, justo en el escenario del espectro del totalitarismo, para luego recuperarlo en un ensayo posterior sobre el escándalo derivado de la publicación de los llamados *Pentagon Papers*, documentos que mostraron a Estados Unidos y al mundo entero la inutilidad de la participación de los Estados Unidos en la guerra de Vietnam tras la Segunda Guerra Mundial.

Para la filosofía, las dos experiencias, esto es, la del régimen nazi y la de Estados Unidos, pese a ser diferentes, tienen sin embargo rasgos comunes: uso de la mentira, o sea, inclinación a dejar de lado los *hechos* y a *fabricar la verdad* reemplazando, mediante la mentira, noticias y hechos reales con datos ficticios (Arendt, 2015)⁶.

Es preciso ahora realizar algunas observaciones introductorias esenciales ante de reflexionar sobre dos casos objeto de estudio por parte de Arendt.

A primera (y descuidada) vista, parecería que Arendt condena *tout court* la mentira en política, y ello en pro de la verdad. En realidad, la de la Arendt es una problematización de la relación entre política, verdad y mentira. La primera, de hecho, constituye el

6 Apunta Arendt (2015): “el sigilo —que diplomáticamente se denomina ‘discreción’, así como los *arcana imperii*, los misterios del gobierno— y el engaño, la deliberada falsedad y la pura mentira, utilizados como medios legítimos para el logro de fines políticos, nos han acompañado desde el comienzo de la historia conocida” (p. 12).

espacio de lo posible, el lugar de los nuevos principios, de los cambios y, como tal, sigue abierto a la mentira, a la negación de los hechos por parte de los políticos.

Por consiguiente, ha de vaciarse el campo de las posibles confusiones: para Hannah Arendt utilizar la mentira en política no ha de suponer mayor escándalo; al contrario, considerar la política desde el punto de vista de la verdad quiere decir quedarse fuera del marco de la política⁷.

En este contexto, las investigaciones arendtianas sobre el uso de la mentira por parte de los regímenes totalitarios y de la inteligencia y de la política americanas van en el sentido de identificar la frontera entre este tipo de mentira, que podemos llamar *fisiológica*, y la mentira *patológica* que la Arendt critica⁸. En esta segunda categoría tenemos que situar las dos experiencias analizadas por Arendt.

Empezamos con los movimientos totalitarios, cuya propaganda se caracteriza, conforme a la filosofía americana, por el recurso a mentiras colosales: “la estabilidad del régimen depende del aislamiento de su mundo ficticio desde fuera” (Arendt, 1976, p. 438)⁹. Las palabras de Hitler a su plana mayor —o por lo menos a los que, pese a considerarlos como parte del círculo de confianza del Führer, seguían necesitando ser dominados— se caracterizaban por una majestuosa estrategia de persuasión que utilizaba también la mentira. Se trataba de una verdadera “propaganda de fuerza” que tenía a mostrar a la población y a la plana mayor que el poder de Hitler iba más allá de su autoridad y que, por eso, era más conveniente formar parte de esta estructura paramilitar nazi antes que vérselas a malas con ella.

La consecuencia principal de este tipo de régimen y de la masiva propaganda dirigida hacia el sometimiento de ‘amigos’ y hacia la destrucción de los ‘enemigos’ ha sido la de haber logrado el dominio total sobre los hombres; un dominio que se perpetró desde dentro, de forma que el individuo, controlado en todos los aspectos de su vida, ha sido anulado. En los campos de concentración, se mataba la espontaneidad del hombre que, junto con su imprevisibilidad, constituía el mayor obstáculo para el dominio total sobre las personas.

7 En *Verdad y política* (2016) Hannah Arendt apunta: “Siempre se vio a la mentira como una herramienta necesaria y justificable no solo para la actividad de los políticos y los demagogos sino también para la del hombre de Estado” (p. 347).
8 Sobre esta distinción, v. Possenti (2008, pp. 151-154).

9 Antes, Arendt (1976) escribía así: [Hitler] todavía “hablaba de perseguir al último judío de Europa y al pueblo entero en Siberia, en África o en Madagascar, cuando en realidad ya había decidido la solución final antes de la campaña de Rusia, probablemente en 1940, y ordenado preparar las cámaras de gas en otoño de 1941 (...). Himmler ya sabía en la primavera de 1941 que se iban a exterminar a los judíos, hasta el último hombre antes del final de la guerra. Tal era el inequívoco deseo y orden del Führer” (p. 342).

Con respecto a la masa, en cambio, era suficiente la propaganda basada en la mentira y en el silencio: “Toda cosa escondida o ignorada adquiriría relieve, más allá de su importancia intrínseca. La plebe creía realmente que la verdad era lo que la sociedad respetable había callado hipócritamente, o encubierto con la corrupción”. Las masas, de hecho, no creen en la realidad del mundo visible, de la propia existencia; no confían en sus ojos y en sus oídos, sino sólo en su imaginación, que puede ser atraída por aquello que es aparentemente universal y en sí mismo coherente (pp. 341-363). Hay una especie de levantamiento contra el realismo por parte de las masas subyugadas por los regímenes totalitarios: tales masas se desinteresan completamente de los hechos, de la realidad externa, y prefieren ser fieles a un sistema que les da la sensación de englobarlos en una totalidad ideológica.

La cuestión de la revelación de la mentira y de la superficial reacción de la opinión pública vuelve también en el caso *Pentagon Papers*, el escándalo americano que surgió con motivo de la publicación del expediente que reveló datos encubiertos sobre el papel de los Estados Unidos en la guerra de Vietnam y del Sudeste asiático, al final de la Segunda Guerra Mundial¹⁰. En *Lying in Politics. Reflections on the Pentagon Papers*, artículo publicado por primera vez en 1972, la filósofa retoma algunos de los temas previamente tratados en *Truth and Politics*, redirigiéndolos, sin embargo, hacia una cuestión más específica: el deseo de los expertos del Pentágono de seguir descuidando los hechos relativos a la guerra de Vietnam. La publicación de los *Pentagon Papers* no hizo otra cosa que confirmar lo que ya había sido comprendido por la opinión pública: la inutilidad de la guerra de Vietnam, que no tenía nada que ver ni con los intereses de los americanos ni con las reales contingencias del Sudeste asiático.

Arendt no está interesada en las razones de la guerra, y mucho menos en afirmar el hecho simple de una guerra equivocada, sino más bien en las modalidades con las que los Estados Unidos, a través sus expertos y oficinas de inteligencia, habían inducido a la opinión pública a considerar justa aquella guerra. La filósofa revela así una estrategia dirigida a una continua manipulación de datos y de informaciones con el único objetivo de proteger la imagen de los Estados Unidos como superpotencia.

¹⁰ En junio de 1971, el *New York Times* publicó extractos comentados de un informe secreto que reconstruía la *Historia del proceso decisional estadounidense sobre la política en Vietnam*. El informe, de 46 volúmenes, constituía el éxito de una investigación encargada en 1967 a un grupo de expertos por parte del Subsecretario de Defensa Robert McNamara, que poco después iba a dejar el Pentágono en desacuerdo con las decisiones del presidente Johnson. Del informe salió que la tarea de los Estados Unidos en el Sudeste asiático no solo era inadecuada sino inútil para América por el contexto asiático. No había ningún peligro frente a una expansión del régimen comunista, por mucho que el conflicto aumentaría las dificultades políticas, sin olvidar que ninguna ventaja se habría producido por Estados Unidos. A pesar de estas evaluaciones de los servicios americanos (a partir de la CIA), el Pentágono y los diversos presidentes americanos aumentaron el compromiso a nivel militar en el Sudeste asiático en lugar de parar la guerra y retirar el ejército.

En este artículo, más claramente que en los ensayos precedentes (*Los orígenes del totalitarismo y Verdad y política*), Arendt establece la fina línea que distingue la naturaleza *fisiológica* de la mentira de aquella *patológica*. En el primer caso nos enfrentamos a mentiras por parte de los políticos que están, hasta cierto punto, justificadas. La naturaleza *fisiológica* de la mentira está justificada por el hecho de que la política constituye el espacio del cambio, la capacidad de comenzar algo nuevo sin que eso pueda pasar “*ab ovo*, creando *ex nihilo*”. El cambio “resultaría imposible si no pudiésemos eliminarnos mentalmente de donde nos hallamos físicamente e imaginar que las cosas pueden ser también diferentes de lo que en realidad son. En otras palabras, la deliberada negación de la verdad fáctica —la capacidad de mentir— y la capacidad de cambiar los hechos —la capacidad de actuar— se hallan interconectadas. Deben su existencia a la misma fuente: la imaginación” (Arendt, 2015, p. 13).

No es patológica, entonces, la mentira del político que disimula la realidad, ocultando circunstancias de hecho de manera intencionada, porque “Las verdades fácticas nunca son obligatoriamente ciertas” (p. 13). No es patológica la mentira del político que promete empleos a su electorado o la reducción de impuestos, porque el político interpreta y manipula hechos *contingentes* que siempre pueden ser cuestionados y modificados. Él sabe lo que su auditorio quiere oír o espera escuchar y, entonces, para él es muy fácil mentir.

En efecto, justo a la contingencia de la realidad y la posibilidad de interpretarla la mentira se hace atractiva porque justo esa no necesidad de los hechos hace difícil el contraste entre mentira y razón.

¿Qué es, entonces, lo que hace *patológica* la mentira?

¿Qué distingue a una mentira *fisiológica* de un político “normal” que hace promesas en campaña electoral de la propaganda nazi o de los *problem-solvers* americanos?

La diferencia, según Arendt, está en el autoengaño: quien promete empleos a su electorado trata de manipular y engañar a un auditorio, pero no se autoengaña. La *hybris* de la inteligencia americana y de los nazis consiste, en cambio, en la circunstancia que ellos, antes que engañar a la opinión pública, se engañaron a ellos mismos.

Y el autoengaño no consiste en la interpretación de los hechos contingentes, sino más bien en la negación ontológica de la realidad que se amplifica hasta reemplazar por completo la contingencia con la necesidad de mentir, de destruir la realidad, de perseguir sueños de omnipotencia.

La mentira de Hitler dirigida a la creación del enemigo perfecto tendía a destruir a los judíos, así como las mentiras de los analistas y expertos americanos, y de los varios presidentes de los Estados Unidos, tenían como objetivo negar hechos objetivos: antes

que mentir a la opinión pública, ellos estaban mintiéndose a sí mismos, ajustando la realidad a sus teorías e ideologías, para la omnipotencia de Alemania o para salvaguardar la imagen de los Estados Unidos, desgastada por la revelación de la inutilidad de la guerra y, aún más, de la no necesidad de su presencia en el Sudeste asiático. La *patología* determina la falsificación de la historia, porque no se limita a ocultar la realidad sino a aniquilar un imaginario colectivo experiencial que representa el tejido viable de una comunidad, de un pueblo¹¹. La ideología nazi y la operación manipuladora americana infringieron la realidad material de las dos naciones, tratando de modificar, hasta la negación extrema, una verdad en su totalidad.

¿Y a dónde lleva, en definitiva, este autoengaño patológico?

No se trata de un mero ejercicio retórico que busca convencer o persuadir al otro, sino más bien de una adicional y patológica distinción entre “verdad” y “mentira” en la conciencia de quién miente, postulando así, y definitivamente, “un conflicto real entre el mundo real y el engañador autoengañado que desaparece en un mundo enteramente desasido de los hechos” (p. 34).

Esta es la gran intuición de Arendt: distinguir entre la mentira que ilusiona de la mentira que engaña. El velo de la ilusión puede caer en cualquier momento ya que la realidad sin forma entra en nuestras vidas y nuestras conciencias y revela la caducidad de la mentira.

Lo que (auto)engaña, en cambio, manipula las conciencias y transforma la realidad, llegando, en algunos y trágicos casos, hasta su negación.

“The unit is the network”, es decir, la posverdad en el espacio de flujos

¿Puede la lección de Arendt, a propósito de la relación entre verdad, mentira y política, aún ser útil para leer y entender las difíciles geometrías políticas y socioculturales de nuestra época y darnos una brújula para guiarnos entre las nuevas emergencias democráticas?

11 A propósito de los *Pentagon Papers*, así escribe Arendt (2015): “Confiados en su puesto, en su educación y en su obra, mintieron, quizá por culpa de un errado patriotismo, pero lo cierto es que mintieron, no tanto por su país —desde luego no por la supervivencia de su país, que jamás estuvo en entredicho— como por la «imagen» de su país. A pesar de su indudable inteligencia, manifestada en muchos memorándums redactados por sus plumas, creyeron también que la política no era más que una variedad de las relaciones públicas y aceptaron esta creencia con todas las curiosas premisas psicológicas subyacentes” (p. 17).

Hay un elemento que me parece muy importante en los distintos análisis de Arendt: la utilización de las técnicas. En ambos casos, es masiva la referencia al papel que los medios de comunicación desempeñaron en exagerar imágenes, narraciones, datos, en ocultar y manipular hechos y, por último, en la amplificación de la realidad. En fin, la producción de aquel autoengaño que hace patológica la mentira se realiza también mediante la mediatización que da dirección a la opinión pública hasta hacerle creer en ciertos hechos más que a otros.

En el prólogo a *La mentira en la política* (2018), Olivia Guaraldo observa cómo la estrategia persuasiva de los analistas fue llevada a cabo mediáticamente con el fin de engañar, no al enemigo, sino a la opinión pública interior, que se contentó con una versión estucada de los hechos que estaba siendo manipulada hábilmente y modificada por los *problem solvers* del Pentágono. Como en el más hábil de los entretenimientos hollywoodenses, los americanos cedieron primero a la narración según la cual la intervención de los Estados Unidos tenía como objetivo “ayudar al pueblo vietnamita en autodeterminarse” y que la ayuda a Vietnam del Sur cumplía esencialmente una función anticomunista; luego llegó la limitación china, el deseo de evitar el tan temido “efecto dominó” y, por último, la “necesidad de salvaguardar la reputación de los Estados Unidos” (p. XX).

La libertad de desarrollo de las tecnologías, a partir de los años ochenta, ha facilitado, sin duda, el recurso y la difusión de la mentira en una sociedad de masas, dominada por la comunicación virtual. Con la fragmentación de las fuentes de información que se dispersan en las redes, haciendo prácticamente imposible un control *a priori* de la verdad/falsedad de las noticias, es más difícil manipular a la opinión pública orientándola hacia objetivos específicos (aumentar la hostilidad hacia grupos sociales, difundir la antipolítica, ser fuente de desconfianza, etc.).

La novedad de la época informacional es la red. Por primera vez en la historia, la unidad básica que organiza la economía, las relaciones sociales, el trabajo, no es un agente, ni individual (como el empresario o la familia), ni colectivo (como la clase capitalista, la empresa, el Estado), sino más bien el espacio virtual de flujos.

La red empieza a estructurar la economía, regulando la producción y la competencia a escala nacional, para luego difundirse en todo el mundo mediante el uso de la tecnología, que permite la interacción de los sistemas de empresa en tiempo real. Cuando esto ocurre, ya no es solo la economía la que va a ser influida por los flujos, sino también los modelos sociales, culturales y políticos de una sociedad¹². Por supuesto, no se puede

12 Como explica Castells (2010): “Las formas de organización económica no se desarrollan en el vacío social: están grabadas en las culturas y en las instituciones” (p. 188).

hablar de una cultura de la red en sentido estricto, porque la heterogeneidad de las redes y de los sujetos que actúan en las mismas contrarresta el establecimiento de una cultura unitaria. Se trata de una cultura *virtual*, pero al mismo tiempo material, porque apoya e impone decisiones económicas y políticas a los sistemas sociales y económicos, pero también al individuo.

Es una *cultura de lo efímero* porque la estratificación de la memoria de este tipo de cultura no está destinada para permanecer: las geometrías informatizadas condenan las redes a cambiar continuamente sus códigos culturales, bajo pena de obsolescencia¹³. Con ello, la red genera una *virtualidad real*, una especie de jaula de engaños que captura la realidad y la transforma en un sistema de imágenes y palabras, así que la misma realidad se convierte y se vive como una experiencia comunicada.

La difusión repentina de la comunicación mediada por internet, que ha generado millones de devotos de la web, produjo reacciones y tesis contradictorias. Para algunos estamos ante un nuevo tipo de comunicación que une a las personas en torno a valores e intereses compartidos (Rheingold, 1993). En sus estudios sobre *Virtual Communities*, Rheingold partía de la hipótesis del nacimiento de comunidades online, basadas en formas de comunicación interactiva, organizada alrededor del internet. Así mismo se pronuncia Mitchell (1995), quien avanzaba hipótesis positivas sobre estas nuevas formas de socialidad y de vida urbana adaptadas al nuevo ambiente tecnológico.

Estas tesis se oponen diametralmente a los estudios críticos que, a partir de los años noventa, alertan sobre el uso de internet, denunciando entre las posibles contraindicaciones un incremento de depresión, soledad, reducción de las relaciones familiares y sociales, desorientación y alienación (Slouka, 1995; Wolton, 1998).

De esos estudios se desprende el carácter ficticio que pueden tomar las comunicaciones por internet y que se basan en una contraposición entre comunidad/vida *real* y comunidad/vida *virtual*. Las comunidades virtuales privatizarían la socialidad, diversificándola con arreglo a criterios homologadores, porque los usuarios se unen en redes o grupos online sobre la base de intereses y valores compartidos. Dentro de estos segmentos se inscriben, luego, publicidad, noticias, informaciones, comunicaciones con función de propaganda. No es casualidad, según Castells (2010), que ya a finales de los años noventa la política empiece a utilizar el correo electrónico para la

13 La expresión *cultura de lo efímero* es de Manuel Castells (2010, que la define como “una cultura de la decisión estratégica, del mosaico de experiencias e intereses, más que una carta de los derechos y de los deberes” (p. 214).

implantación masiva de la propaganda y aproveche la creación de sitios web donde los políticos incluyen sus promesas electorales y sus perfiles e interactúan con el electorado con regímenes habituales (pp. 391-392).

La cuestión no es si la tecnología es positiva o negativa, sino cómo la tecnología cambia la relación entre realidad e imaginación a partir del código binario que la red pone a disposición: presente/ausente. Cuando el sistema produce una noticia, hace posible su comunicación y su socialización. El artificio es que la comunicación no se produce más en un espacio real y libre de manipulaciones, sino en la red, que es *espacio de flujos y tiempo sin tiempo*, lugar donde pasado, presente y futuro pueden programarse y reprogramarse. Se llega así a un desencanto general y a un desinterés por la realidad, pues todo lo que la mente puede imaginar o autoconstruir está online, así que la lógica de la red domina ya cualquier manifestación de poder y de función de nuestras sociedades.

El otro aspecto, no menos importante, en mi opinión, se refiere a lo rápido que las noticias se publican, comparten, difunden y publicitan. Esta anulación de la unidad espacio-tiempo, así como estábamos acostumbrados tradicionalmente a sentirla, impide o, por lo menos, dificulta la sedimentación de lo que la imagen o la noticia transmite. La narración, el testimonio, el relato de un hecho llevan tiempo por parte del destinatario para reconocer el mensaje y su narrador, el *Alter*. Los flujos de noticias no favorecen todo esto y, más bien facilitan, facilitan la propaganda que no necesita tiempo para alcanzar su objetivo. La propaganda es un eterno presente que rechaza la historización, la memoria de los eventos. La inmediatez es la que niega la mediación del tiempo y del espacio. Una imagen, una *fake news*, se hará viral publicada y compartida a la velocidad del sonido porque no necesita un espacio y un tiempo para que arraigue, como, en cambio, sí lo necesita la verdad. En ese mosaico la posverdad encuentra un terreno fértil, favorecida por la habilidad de la red de no percibir la complejidad de la vida, sino de limitarse a la percepción superficial por parte del destinatario de las noticias.

¿Cuál es la consecuencia más inmediata de esas transformaciones?

La revolución tecnológica cambia la naturaleza, de matriz arendtiana, de la *esfera pública* como lugar simbólico de la intersubjetividad, “espacio de la apariencia” (Arendt, 2018, p. 204) donde el hombre, como en la *polis* griega, habla, actúa y, entonces, se muestra en libertad a partir de reconocimiento mutuo con los suyos. En su *porosidad*, la esfera pública pone en movimiento un mecanismo permanente de producción de eventos comunicativos que entran en el discurso público hasta adquirir la cara de verdaderas deliberaciones.

La presencia de la *esfera pública* marcó la historia de la emancipación de la sociedad occidental.

Esta idea se encuentra ahora en una crisis por el hiper-desarrollo de una globalización de los medios de comunicación, antes que de la economía. La red ofrece la posibilidad de participar en eventos comunicativos declarando lo que se piensa en una red social o creando comunidades virtuales unidas por los mismos intereses, homologadas por los mismos valores. Pero la cuestión es que este tipo de comunicación no produce interacción y eventos comunicativos deliberativos, porque detrás de la ilusión de la interacción hay, en realidad, el drama del hombre que está dominado por el sistema informacional y es, entonces, *interactuado*.

Quien se beneficia del debilitamiento de la esfera pública es, también, la política que, como antes decía, ha tardado poco tiempo en descubrir el potencial del internet, en detrimento de la verdad y de los electores. El mecanismo, además del recurso a los correos electrónicos y de la creación de sitios web, es circular: las noticias (falsas) están envueltas con un lazo para aparecer creíbles y se despachan por los sitios en el mundo informativo; los usuarios las comparten contribuyendo a la difusión de comunicaciones *fake*. La alteración espacio-tiempo determinada por el circuito informacional hace, de hecho, imposible la activación de procesos de *fact-checking* para cada una de estas noticias falsas.

Para analizar estos procesos con las categorías de Arendt, podríamos decir que la cuestión no es tanto la producción *tout-court* de noticias falsas, o su difusión en la red, o, en fin, la vuelta de la mentira en la política, sino más bien el elemento *patológico* que puede detectarse en una doble *hybris*: la de quien produce informaciones falsas, mentiras, y favorece su difusión con la intención precisa de negar la realidad contingente en su actualidad y la del usuario que, por razones de indiferencia, o por un más general desencanto, se convierte en un multiplicador en red y contribuye así al proceso circular. En este segundo caso es la despreocupación con la que se aceptan noticias falsas o se niega a averiguarlas lo que plantea un problema para la política que, a su vez, saca provecho de estos procesos y actitudes y, entonces, se muestra reacia a cuestionarse en serio y encontrar así soluciones.

Esta *hybris* es una renuncia a la conquista de la libertad que, a partir de la *polis* griega, hizo al hombre un *zoon politikon* justo por medio del discurso y de la acción. El sucedáneo que ofrece la red en términos de participación *mediatizada* con el otro, *virtualiza* y, por eso, cancela o hace peligroso la mirada constitutiva del otro que en la *mesa de la esfera pública* permitía, en cambio, la experiencia del reconocimiento y

del cultivo de la posibilidad mediante el uso y el control de la razón práctica. La red no media preferiendo dejar espacio a la irracionalidad, a los procesos del gobierno que debilitan el sujeto, lo sustraen de la mesa de la esfera pública y lo convierte en el usuario perfecto, un multiplicador de flujos de noticias que corren y dependen de la emoción del momento que convierte al otro, el diverso, en un individuo peligroso, en el extranjero a evitar y a excluir.

Una nueva pista: ¡libres de cambiar el mundo!

Según el informe “Securing Democracy in the Digital Age”, realizado por el Australian Strategic Policy Institute (ASPI), las últimas elecciones presidenciales han sido seriamente condicionadas por la difusión de noticias falsas. Entre las *fake news* más difundidas:

“El Papa Francisco apoya Trump”

“WikiLeaks confirma que Hillary Clinton vende armas al EIIIL”

“El director del FBI recibió varios millones por la Fundación Clinton”

No se trató sólo de la difusión *tout court* de noticias. En la campaña electoral ingresaron noticias imaginarias, haciendo que la virtualidad se convirtiera en la realidad. Estas noticias tuvieron un gran impacto en la elección del presidente del primer país del mundo porque en la apreciación de los electores convirtieron a Clinton en una representante del detestado *establishment*. No estamos ante una utilización tradicional de la mentira, secretos que no pueden ser descubiertos o arte de gobernar que se basa en la retórica de las promesas para persuadir a su propio electorado.

De manera diversa, pero no menos preocupante, va tomando forma un mapa bien conocido: aquello de los *Pentagon Papers* o de la propaganda de la ideología nazi. ¿Cómo se escapa de este fuerte retorno a la mentira patológica?

Es la misma Arendt quien, de alguna manera, nos indica el camino: para escapar de la mentira, necesitamos aprender la realidad mediante el uso compartido del mundo con los demás. La cuestión no es tanto escapar de las mentiras políticas; la cuestión fundamental es escapar del autoengaño a partir del aprendizaje de los hechos, de la crítica, de las relaciones sociales y políticas, de una interpretación aceptable y no ideológica: evitar, en otras palabras, tomar vías totalizadoras.

En tiempos de metamorfosis y de cambios históricos, los clásicos siguen siendo una brújula para navegar por mares poco conocidos. Hannah Arendt es una de es-

tas brújulas: a la continua *manipulación de las palabras* que estamos presenciando, a dormirnos “en un atónico tipo de comportamiento funcional ‘tranquilizado’” (Arendt, 2018, p. 322) que la sociedad de la red nos impone y con respecto al cual somos cómplices conscientes, deberíamos oponer la experiencia dialógica del debate público.

“Somos *libres* de cambiar el mundo y de comenzar algo nuevo en él” (Arendt, 2015, p. 13).

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THE ART OF TRUTH. REMARKS MADE BETWEEN POLITICAL AND LEGAL DISCOURSE¹

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Abstract

In 1873, Nietzsche claimed that a generally and uniformly valid designation is invented for things. This designation has normative force: as a matter of fact, the «linguistic» legislation dominating the practice of language establishes the first laws of truth (*On Truth and Lies in a Nonmoral Sense*). In other words, for Nietzsche the artificial nature of truth, given the artificial nature of language itself, was out of discussion. In this paper, I approach the contemporary debate on post-truth by juxtaposing it with the idea of «artificial» or «conventional» truth typical of legal discourse and by showing the aporia behind each search for truth. In order to do so, I focus on the specific nature of «legal» truth and I invite to consider the centrality of the performative force of truth-making procedures – crucial for lawyers and legal practice – in order to underline the importance played by *technology* in the construction of truth also in the political discourse.

Keywords

Post-Truth, Law, Ordeal, Procedure, Art, Artificial.

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Resumen

En 1873, Nietzsche afirmó que, para las cosas, se ha inventado una designación válida general y uniforme. Esta designación tiene fuerza normativa: de hecho, la legislación «lingüística» que domina la práctica del lenguaje establece las primeras leyes de la verdad (*Sobre verdad y mentira en sentido extramoral*). En otras palabras, para Nietzsche, la naturaleza artificial de la verdad, dada la naturaleza artificial del lenguaje mismo, estaba fuera de discusión. En este artículo, abordo el debate contemporáneo sobre la posverdad yuxtaponiéndolo a la idea de verdad “artificial” o “convencional” típica del discurso legal y mostrando la aporía detrás de cada búsqueda de la verdad. Para hacerlo, me centraré en la naturaleza específica de verdad “legal” y propongo considerar la centralidad de la fuerza performativa de los procedimientos de creación de la verdad –crucial para los abogados y la práctica legal– para subrayar la importancia que la *tecnología* juega en la construcción de la verdad también en el discurso político.

Palabras clave

Posverdad, Derecho, Prueba, Procedimiento, Arte, Artificial.

Disclosure and «making of»: Divergent Perspectives on Truth

It is hardly (if not entirely) impossible to find an unambiguous meaning for the term ‘truth’. In fact, such term and some related concepts have been at the core of Western philosophical tradition and, like language, constitute by now a perspective and a fundamental lens for philosophical reflection. Since Plato’s allegory of the cave, *themes* like Maya’s veil, which was supposed to hide truth from our eyes, humanity has tried to explain the relationship between what actually, essentially and finally *is* in the world (*ontology*), and what we *know* or think about what is in the world (*epistemology*). Moreover, the history of the idea of truth is the history of a gap, of a disparity and unevenness. All accounts recount a route connecting possibility and impossibility, presence and absence, that in Derridean terms could be defined as «*différance*» (Derrida, 1978). In particular, the cornerstone of all theories on truth seems to be the attempt to reveal the structures behind it: the procedures of truth-making are based on a certain structure. And, as suggested by Derrida,

Structure then can be methodically threatened in order to be comprehended more clearly and to reveal not only its supports but also that secret place in which it is neither construction nor ruin but lability. This operation is called (from the Latin) *soliciting*. In other words, shaking in a way related to the whole (from *sollus*, in archaic Latin *the whole*, and from *citare*, *to put in motion*). (p. 6)

Truth lies behind, because it is the product of an art, a technology, a series of passages that could be defined as ‘truth-making’. This seems to be quite undoubtable, and yet in the age of emergence of the so-called “post-truth” a new and different analysis, a return on themes already explored, appears to be useful.

Before going back to a brief genealogy of the reflections on the artificial or natural character of truth, let us first recall some of the main aspects of what is named, today, with the term ‘post-truth’. In a recent edited collection, post-truth has been labelled as a

pervasive trope in media coverage, public speech, public expertise, cultural initiatives and policy agendas (...). This term and its cognates are increasingly setting the frame of our discussions in domains of private and public interest. Its vocabulary is sprawling across all sorts of conversations – from public health to elections, journalism, research, international relations, technology and business. Terms like

‘post-truth’ and ‘fake news’ (and you could add ‘alternative facts,’ ‘post-facts’ and ‘truthy’) are featured in political debates and talk shows, in documentaries and pop songs. Journalists use them to describe the impact of social networking on information. (Domenicucci, 2019, p. 32)

The term was created to fill in a gap and to clarify the unclear: the fact that the gap, *différance*, between truth and lies, like that between reality and fiction, has become (more) fluid and subtle (Andina, 2019, p. 1) – where it has not vanished. Truth and falsity, today,

would be a whole in which everything is confused together, depending on the perspective we adopt. Of course, no one argues that lies should be preferred to the truth, but the concept of truth is undoubtedly not doing too well given that it was thought useful to add to the traditional pair of truth and lies a third concept, that of post-truth, which somewhat plays with the idea that there is ‘something’ beyond the truth. (p. 1)

According to the Oxford dictionary, the term denotes something “relating to or describing circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief”. In both cases, what seems to be an underlying characteristic of this discourse – whatever the causes or facts occurred at its emergence – is the confusion between ontology and epistemology, as well as the oscillation between truth understood as an essence that must be revealed and truth understood as the product of a process, i.e. as the outcome of passages that lead to its emergence. There seems to be two crucial differences between truth and post-truth: (1) that “post-truth involves a strong emotional reaction” and that is thus “emotionally connoted: emotions help post-truth come into being” (Andina, 2019, p. 3); (2) that “in the domain of post-truth, objective facts have very little weight and, in any case, much less importance than what we attribute to unfounded opinions. In other words, the facts that we consider objective as verified are irrelevant” (p. 3).

Yet what, in all these comparisons, seems to be more striking is the fact that post-truth emerges as some kind of fictional, fake discourse. Indeed, the vocabulary composing the semantic field of post-truth seems to be related, essentially, to fiction and falsity – as if truth existed naturally and only needed to be unveiled, while post-truth

is always constructed. It is important to recall that Plato had already been concerned with the participation of man in the process of truth-making. In other words, the gap or Derridean *différance* between truth and post-truth seems to be already a concern of ancient philosophy. For instance, in the *Laws*, Plato explains the active role of man in the construction of truth. Truth (ἀλήθεια) is the cornerstone of all divine goods as well as of all earthly goods, and those who want to reach beatitude (μακάριος) and want to be happy (ευδαίμων) must participate since it very origin (*Laws*, V, 730 c). Humankind does not own truth, and by no chance can men or women possess the truth: they can participate in the process of its making. The Greek term ‘*aletheia*’ – ἀλήθεια – i.e. might clarify this confusion between truth and post-truth today. In fact, this term refers to a very broad concept which draws both from the idea of artificiality (since the *aletheia* must be unveiled, discovered) and from the idea of naturalness (because what is unveiled is the very essence of the thing, its reality). The word ἀλήθεια thus gives access to the deep and complex structure of truth – which is both human and revealed, natural and conventional. In these terms, it is the outcome of an attempt to measure ontology and epistemology. At the same time, it goes beyond humankind: it belongs to an ultra-human dimension, to a different language.

As recalled by Massimo Cacciari in various circumstances and, recently, during a public lecture,² the Greek term has appeared before the birth of Western philosophy. In Hesiod, the Muses tell the poet that they can say (*legein*) many false things and nevertheless they can also say all things that are similar to the *etymon* (i.e., to the very root or essence of things). And when they intend to tell (announce) the truth, they do it by singing loudly. In other words, the Muses can do both things: falsity and truth can have their origin in the same source – the operations of deception and unveiling have the same root. In particular, when they mention the truth, they use the verb ‘to remember’, to bring back to memory (*re-cordari* in Latin) in their real nature. Truth appears to be both a characteristic of the things and the result of a performative act, in the case of the Muses of annunciation. Thus, the things contain aspects that correspond to reality, and they are ‘true’ for this reason; but then it is also a matter of how they are led to emerge that also gives validity to the truth making process. Similarly, Plato in the *Republic* (508 e, on the idea of good) claims that good intentions, and good values more generally, are necessary in order to have access to the truth. A true discourse must necessarily be substantially and formally correct: *aletheia* is, in fact, strictly connected to *dike*, i.e. to

² http://www.festivalfilosofia.it/2019/index.php?mod=c_video&id=719.

justice. If one tries to find the true essence of things, then her thoughts are in order with a principle of justice and order.

Truth and Power

Against the background constituted by the first general remarks on the connected life of truth and post-truth since antiquity, let us now briefly bring the focus on the conflict and necessary connection between truth and politics. And let us do so in order to develop the main argument of this paper: to claim that truth-making procedures (what can be named the «art» of truth) could be the key to understand (and resolve) the current “crisis of truth”. So, it might be useful to enter a digression into more contemporary reflections. In particular, I would like to recall some core passages of Hannah Arendt’s essay entitled *Truth and Politics* (1958). In one of the opening passages, her words are substantial:

The chances of factual truth surviving the onslaught of power are very slim indeed; it is always in danger of being maneuvered out of the world not only for a time but, potentially, forever. Facts and events are infinitely more fragile things than axioms, discoveries, theories – even the most wildly speculative ones – produced by the human mind; they occur in the field of the ever-changing affairs of men, in whose flux there is nothing more permanent than the admittedly relative permanence of the human mind’s structure. (p. 231)

In the modern age, Arendt claims, the ancient link between truth and government disappears: modernity is the time where truth is neither given nor disclosed, but always produced by humankind. This disappearance is rooted in antiquity, since “historically the conflict between truth and politics arose out of two diametrically opposed ways of life – the life of the philosopher, as interpreted first by Parmenides and then by Plato, and the way of life of the citizen” (p. 232-233).

The public space gradually became the area in which potential fake news or false facts could arise for some purpose, and in which opinion started growing parallel to truth and gaining legitimacy. The link between opinion and truth is interesting if observed from the perspective of current post-truth practices. In fact, the very difference between those who lie and those who feed post-truth politics is that those who lie do it consciously, while often fake news can circulate among those who are looking for a con-

firmation of their own theories and that are convinced to be right. To put it briefly, the uses of power and the act of governing are always connected to opinion: pure and absolute truth would be incompatible with recognition and reciprocal legitimation, which are both necessary aspects of the exercise of power.

Against these general remarks, it must be added that, nowadays, the notion of “post-truth” seems to share some of the meanings that identify the concept of “fake” (Andina, 2019, p. xiv) and that some fakes take on a more structured form than others. In this case, when fakes are more structured, we talk about “post-truth”:

We must try to keep in mind is that this transition from truth to post-truth seems to be subject to two conditions: first of all the idea that truth is often placed, or perhaps hidden, in inaccessible or hardly accessible places. This idea then generates a fundamental distrust, accompanied by the feeling that the truth is often intermingled with deceit and that there is no way to separate the two areas: truth and lies tend to overlap and it is seemingly impossible, from an epistemological point of view, to keep them separate. (p. xiv)

In comparison to the force and stability of axioms, opinions, and statements functional to realize some purpose, the fragility of facts and events, mentioned by Hannah Arendt, had already been at the centre of Kant’s and Nietzsche’s deconstruction of truth. As a matter of fact, the two philosophers had pushed truth first outside the field of metaphysics (Kant) and, more radically, at the edge of the philosophical realm (Nietzsche). For Nietzsche, it is basically impossible to know what is absolutely true, since truth is always relative and functional to some purpose: each individual knows what is useful for himself – thus, gradually utility has substituted reason in the true/false judgement. Such a crumbling of the value and legitimacy of truth would lead (as it did, and post-truth confirms this) to a world where everything has the same value, which is the phenomenon at the core of what is nowadays named «epistemic democracy» (Marconi, 2019). Such a phenomenon can be summarized as follows. A general assumption of every democratic theory is that each citizen should be in the position to check the validity and quality of information collected publicly. Today, “hyper-fragmentation of knowledge has made most disciplinary sub-languages so arcane as to be only intelligible to sub-disciplinary experts. Factual considerations that are relevant to public issues are only accessible to and can only be checked by such experts” (p. 87). This hyper-fragmentation of knowledge has affected the relation between “knowledge and democracy,

by drastically reducing (perhaps destroying) the checking power of that minority of citizens ('informed citizens') who had been able to mediate, somehow, between experts and 'the people'" (p. 87).

Public opinion is going through a quite evident crisis of deference; that process for which the assessment of a judgement used to be measured according to the opinions of experts in a specific field. Epistemic democracy entails "the belief that every opinion is not just as legitimate as any other, but as authoritative as any other" (Marconi, 2019, p. 90). Nevertheless, freedom of expression does not entail the corollary that all opinions are equally valuable. As pointed out by Diego Marconi, in liberal democracies such epistemic entitlements should not be based on birth, wealth, or political allegiance: they should be based on clear and established educational processes.

The Exemplary Art of Legal Truth

For the conclusive remarks of this paper, I aim to bring the focus around the procedural moment, drawing in particular from the exemplary «art» of legal truth. Nobody would object that lawyers, judges and legal scholars have dealt with truth since the antiquity (I stated in Condello, 2019). First, on the relationship between law and truth, we must preliminarily draw a distinction between, on the one hand, the truth-value of a proposition of law and, on the other, the series of rituals, or passages, through which truth is *made via procedure* by the judiciary – what has been termed "judicial truth" (Viola, 1995; Patterson, 1996). Second, and more specifically, it must be recalled that each juridical system has certain procedures, which might differ from those of other juridical systems, used to allow the officials to reach judgements concerning the truth and significance of certain propositions of fact (Mason, 2019, p. 95). More properly, it could be claimed that

each area of law within each legal system has a complex set of rules constituting its own epistemology for deciding questions of fact in that field, which might, at times, be quite different from other epistemologies within that same legal system.
(p. 95)

So, for instance, as far as evidence is concerned, legal systems have precise rules that specify how and in what circumstances certain material objects, propositions,

assertions and arguments may be presented within the legal forum; and, moreover, how these singular things must be analysed, evaluated, assessed and rebutted.

Therefore, it can be stated that law has specific *truth-criteria* that are parallel to those of natural science, and that yet remain distinct from it. The most relevant difference does not reside in particular methods, but in the normative appointment of a subject authorized to produce legal facts. Law is an exemplary field to observe what Ferraris (2007) would define as “*meso-truth*” (p. 190): a truth that is not opposed to a “*hypo-truth*” or “*hyper-truth*”, but that stands instead on the mediation between ontology and epistemology characterized by the *procedure*, or *technology*, through which it is reached. In the case of “*meso-truth*”, truth is neither the result of epistemology that shapes ontology, nor an ontology that is reflected into an epistemology, but has instead the form of a triangle, composed by three poles: ontology, epistemology and technology – this third representing the passages-procedures necessary to link ontology and epistemology. Truth is made, produced, constructed: it is, therefore, neither revealed nor does it emerge. It is an art, in the Greek sense of a way of making things. Legal truth is indeed a *meso-truth* that respects a positive theory of verification: from the Latin *veritas facere*, i.e. making something true. From this point of view, ontology is a *truth-bearer*, i.e. it is the space from which truth can be obtained. But it is technology, or we could say procedure, that more properly constitutes a *truth-maker*.

Law is a field in which the *mediatory* character of truth is revealed in an exemplary way. The mediated and “technological” nature of legal truth is so unquestionable that, in fact, diverse categories of truth-making procedures exist: we can list “*inquisitorial* systems versus *adversarial* systems of procedure, regarding whether it is the court or the parties (or their representatives) which are primarily tasked with investigating and presenting such matters” (Mason, 2019, p. 95). Similarly, there are “jury and non-jury based approaches, regarding whether non-legal professionals are required to make certain types of decisions” (Mason, 2019, p. 95). Law purports to make decisions regarding non-legal states of affairs or events in order to reach conclusions that may have dramatic *effects* in the real world (e.g. the incarceration or execution of the accused, where foreseen, in a criminal trial; or the awarding of damages or other remedies in private disputes). Following Ferraris, we can say that truth does not emerge with reality but is always subsequent to it (2017, p. 194) – truth has a functional and finalistic character and depends on the procedure through which it has been constructed.

Procedure is a technology and, as such, it is the very essence of legal truth – it is the guarantee for its correctness and the only way to reach it. Like the Derridean

différance, the Platonic *chora*, the Hegelian *dialectics* and the Kantian *scheme*, the technological mediation is a third space which gives sense to both facts and values in the legal realm. Being a space of hermeneutic mediation *par excellence*, law constitutes its objects through procedure. This was the case already in Roman law (Schiavone, 2017), where the ascertainment of facts, the judgment on the *res* and the search for truth all converged in the conflict decided through the trial. Legal procedure has since been the space for the search of truth, for the fight for knowledge, in which every rhetorical activity is aimed at recognizing the truth because all potential consequences depend on this result. Being the outcome of a formalized procedure, the correspondence between ontology and epistemology results from such a procedure. For this reason and because of its nature, the only acceptable correspondence between ontology and epistemology relies in that specific situation. What characterizes such form of truth is that it is a truth *within* the judicial decision, but not the truth *of* the judicial decision (Viola, 1995, p. 249). The very sense of legal truth is thus related to the sense of the whole procedure: it is the most functional form of truth and, for this reason, a very authentic one (following Nietzsche). Unlike other truth-discourses, the legal one is intrinsically embedded in the finalistic and contingent nature of truth, and yet it is oriented towards and influenced by a certain idea of justice and order that the law aims at realizing – which recalls that pre-Socratic connection between *aletheia* and *dike* mentioned at the beginning of the paper.

There has to be only one, and a certain, way for the ascertainment of juridical truth. This creates a potential break between the factual truth and the artificial truth, which is the output of the trial. As a matter of fact, as the judge is also appointed to find and interpret the norms that he has to apply, the legal process regards as well those aspects in which the empirical truth is put aside in favour of what can have been defined “procedural truth” (Resta, 2008). Among others, Hans Kelsen offers one of the most relevant attempts of a unitary solution between factual and judicial truth: by trying to avoid every epistemological break in the legal process, he supports the constitutive character of the judicial judgment, considered as both constitutive of facts and of norms. Judicial truth corresponds to procedure itself: technology identifies with ontology. From the point of view of the procedure, there are no actual facts, but only legal facts, fixed by the performative force of the judge’s pronouncement (Viola, 1995, p. 252). A *legal fact* is not a natural fact ascertained by a judge in a legal process, but it is the ascertainment itself. The most relevant difference with verification procedures in science resides in the *normative* appointment of a subject authorized to *make* legal facts. If legal rules of procedure

put in place certain safeguards and privileges of access to seek to prioritise the trustworthiness of certain assertions of truth, as well as the rights and interests of the parties concerned (...), it would seem almost axiomatic that the legal process and the courts have no privileged access to ‘the truth’, even if we were to consider ‘truth’ a complex matter of social convention. (Mason, 2019, p. 96)

There is no clear requirement for legal decisions to fit with broader social conventions, or with decisions of truthfulness or with their findings. Despite the legal process’s privileged societal role in resolving questions of “truth” for the purpose of settling disputes and despite the undoubtable consequences produced by legal processes, such procedures and practices can tell us little about truth or, more deeply, the law’s relationship with truth. By the way, judicial decisions in law are also normally based on reasons that are partly not in strict “legal” terms. They concern, and depend on, other aspects, e.g. the application of general rules of logic and argumentation, or common sense, as well as the framework of culture and consensus regarding experience.

Against this background, we can finally and conclusively state that truth in law is not dependent on any pre-existing ontology. Epistemology and ontology in law are interlinked since it is legal argument and reasoning, *via* procedure, that produces legal facts. The possession of legal truth is always the possession of the legal modes that generate that truth (Mason, 2019, p. 109). Legal propositions and decisions are not true (only) by virtue of their fitting within a certain framework or of their correspondence to a set of concrete facts to be proved. Without the modes, the technologies (i.e. the arguments that accompany them and indeed *justify* them), putative legal truths are simply that: putative. Modes of argument within law are not simply ways of accessing legal truth that exists somehow beyond those arguments. Instead, those arguments result in the truth of the proposition (p. 109).

All the procedures aimed at making or producing truth (*veritas facere*: Ferraris, 2017), especially interesting in the age named ‘post-truth’, can lead to the creation of un-realities that exist parallel to “real” reality, one “riddled with falsity, inconsistency, and confusion” (Fitzpatrick, 2017). The majority of commentators agree on the fact that the main aim of such a “passage” – from truth to post-truth – is to confuse the perceptions of reality and to break down trust in order to achieve the dependence of individuals on the dominating powers. Fitzpatrick has read this transition through the Foucauldian intuition that liberal democracy would have produced the singularization of individuals (Foucault, 2007, p. 89, p.106).

The remarks discussed above suggest a comparison between diverse attitudes towards truth, where law could have an exemplary function for other fields (such as politics). Although finalistic and always functional to a purpose, legal truth (judicial truth in particular) must be the outcome of a certain “art”. In fact, new technologies and social media “enable members of groups to strengthen each other’s beliefs, by shutting out contradictory information: unlike legal procedures (I would say: opposite to legal procedures) post-truth politics have been made possible by a loss of trust in institutions and by a loss of grounding and legitimation of truth-making procedures and systems. This has caused an extremely serious consequence: truth has lost its *raison d’être*” (Condello, 2019, p. 25-26). In other words, be it artificial or constructed-produced, truth is still bearer of certain public responsibilities that cannot be forgotten – even when making the truth becomes easy, all too easy. Those responsibilities can only be met through a certain control on the mediation between ontology and epistemology provided by the technology of truth-making. The consequences and the concrete impact of truth, in law, are directly related to its proceduralization and deliberately recognized artificiality. What is different in current post-truth politics is that, instead, the procedures of truth-making and the constructed nature of truth are often concealed because otherwise post-truth politics would lose their rhetorical force. As a technique, law permanently (and openly) builds connections between language and reality and leads to the attribution of values to propositions and facts: the *iuris prudentia* is indeed a *téchne* (p. 25-26). The *prudentia* of modern law is proceduralized for a reason, and the reason is to avoid the risk of arbitrary phenomena like epistemic democracy and the consequent spread of fake news. Such a knowledge and capacity of judgment is there to prevent from irrationality. And it is prudence, indeed, that often disappears from the political use of truth.

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ARTÍCULOS

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POPULISMO “A LA RUSA”. UNA APROXIMACIÓN HISTÓRICA¹

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POPULISM “IN A RUSSIAN WAY”. A HISTORICAL APPROACH

Resumen

El artículo quiere ofrecer una reflexión sobre la peculiaridad del populismo ruso que, a lo largo de los años, ha perdido la originaria connotación para afirmarse como un fenómeno híbrido que une elementos propios del populismo contemporáneo con aspectos específicos de la tradición rusa. La escasa participación de cuerpos intermedios, el uso de un discurso mesiánico para justificar nuevos proyectos políticos, y la afirmación de líderes carismáticos que actúan en nombre de un pueblo visto como una masa indistinta incapaz de hacer oír su voz, son condiciones propias de fenómenos populistas que han caracterizado la historia de Rusia también. El mismo Putin, a pesar de no haber surgido de una plataforma populista, se ha convertido en un modelo de referencia para los populistas del siglo XXI perpetuando en su país un sistema que impide la consolidación de una democracia sustancial en favor de un poder autoritario fuertemente personalizado.

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Palabras clave

Populismo, Herzen, Putin, Democracia Soberana, Rusia.

Abstract

This article intends to reflect on the Russian populism peculiarity. Indeed, over the years it lost its original feature to be asserted as a hybrid phenomenon combining parts of the contemporary populism with specific aspects of the Russian tradition. The scarce participation of the intermediate bodies, the use of a messianic argument to validate new political projects, and the success of charismatic leaders acting on behalf of people considered an indistinct crowd unable to make its voice heard are characteristics of populist phenomena featuring of the Russian history as well. The same Putin, although not emerged from a populist platform, converted himself in a reference model for the twenty-first century populist movement perpetuating in his nation a system forbidding the consolidation of a substantive democracy in favour of a strongly personalised authoritarian power.

Keywords

Populism, Herzen, Putin, Sovereign Democracy, Russia.

Introducción

Una amplia literatura considera el populismo como una “patología endémica” de la democracia. La connotación negativa dada a este término deriva de la idea que, desde el nacimiento de gobiernos democráticos, figuras demagógicas han siempre intentado manipular las pasiones de los pueblos con la finalidad de acrecer su propio poder personal. En realidad, el populismo puede considerarse un elemento “consustancial” a la democracia que no causa particulares preocupaciones en una democracia robusta cuando, a través de sus instituciones políticas y de una sociedad civil crítica con respecto a fórmulas demagógicas propuestas, es capaz de limitar sus efectos. La situación cambia radicalmente si, en un contexto de crisis económica, política y social, se afirma como un movimiento portavoz de una “democracia más auténtica” que, en la realidad, puede llegar a acabar con instituciones ya debilitadas (Rivero, Zarzalejos y del Palacio, 2017, pp. 23-24). De hecho, en el momento en que hay una falta de confianza en la democracia y en los partidos, que se convierten en los culpables del sentido de frustración de la sociedad, se asiste a una división maniquea entre una elite corrupta y un pueblo virtuoso que reduce progresivamente los espacios de comunicación entre representantes y representados y determina una progresiva pérdida de autoridad de los políticos (Rivero, 2017).

Será por esta razón que, hoy en día, el deterioro de la legitimidad de la democracia representativa, y el nivel de incertidumbre que caracteriza las actuales sociedades, se han acompañado a una afirmación de fuerzas populistas de izquierda y derecha que impulsan a los votantes a respaldar liderazgos crecientemente radicalizados.

Se ha visto, así, una afirmación de nuevos autoritarismos y regímenes híbridos representativos de las complejidades políticas de este particular momento histórico. Sistemas políticos que quedan en un espacio intermedio donde las ciencias sociales tratan de escapar de definiciones categóricas, conscientes que es siempre más difícil definir el límite entre una dictadura y una democracia defectuosa. Que sean sistemas híbridos, democraduras, democracias imperfectas, en realidad “su estabilidad es mayor a la que se supone, ya que a lo largo del tiempo no se desplazan hacia dictaduras cerradas ni hacia democracias abiertas y han encontrado desde hace años su propio equilibrio, sensible al contexto histórico y político” (Merkel, 2017, p. 48).

Si, de acuerdo con la clasificación de Wolfgang Merkel, entre los 200 países del mundo solo 65 pueden considerarse plenamente democracias y 45 autocracias, hay una mayoría de realidades políticas caracterizadas por regímenes intermedios manifestados en

diferentes formas. Entre estos, una mención especial merece seguramente la Rusia de Putin. Un país que sigue su *osobij put'*, su camino peculiar, que escapa de cualquier clasificación, y que se ha convertido en un modelo de referencia para los varios representantes de este populismo del siglo XXI, fascinados por la imagen proyectada por el presidente ruso de leader enérgico y tradicionalista (de Pedro, 2017).

Raíces históricas del populismo ruso

Es bastante difícil llegar a una definición unívoca de populismo, término bajo el cual se reúnen una cantidad de modelos teóricos y sistemas políticos que, en general, tienen como elemento en común una “relación conflictiva” con la democracia representativa; sin embargo, cada reflexión sobre el populismo empieza haciendo referencia al origen de un movimiento que se hundió en la realidad rusa de la mitad del siglo XIX y que se inscribe en una interpretación positiva del fenómeno visto como un regreso a los ideales democráticos de participación/colegialidad/libertad (Laclau y Mouffe, 2001)².

De hecho, con el término *narodničestvo* se indicaba un grupo de intelectuales radicales que pusieron al pueblo (*narod*) en el centro de sus reivindicaciones con el objetivo de rescatarlo de las dramáticas condiciones de vida en las cuales permanecía. Un rápido recorrido histórico sobre la manera en que se afirmó y actuó este movimiento permite, así, entender cómo, a lo largo de los años, se haya llegado a una distorsión de este término que ha perdido la originaria connotación para convertirse en algo muy diferente.

En general, cuando se habla del primero populismo ruso se considera una heterogénea orientación ideal que se difundió entre los estudiantes y los grupos intelectuales con el intento de encontrar una “vía rusa al socialismo” donde combinar los objetivos revolucionarios en un país predominantemente agrario.

Después de la dramática conclusión de la revuelta decembrista, en 1825, la llegada al poder de Nicolás I había precipitado al imperio en un contexto de inmovilismo total, marcando ulteriormente la distancia con el resto del continente europeo. Frente a la dura conducta represiva del zar, que se ganó el apodo de “gendarme de Europa”, era

² Si bien el objetivo de este artículo no es analizar el debate teórico sobre el populismo, recordamos que esta interpretación positiva del fenómeno de Laclau y Mouffe puede conectarse al originario populismo ruso, así como al populismo norteamericano de las *farmer* y del *people's party*. Taggart (2000) considera también la oportunidad de regresar a un sentido tradicional para encontrar una definición mínima común. Mény y Surel (2004) plantean como central la relación entre líder y pueblo que Tarchi (2003) analiza como un estilo político, Mudde (2004) desde la perspectiva de una ideología débil y Canovan (1999) enfatizando la dimensión de un lenguaje que simplifica procesos políticos mucho más complejos.

impensable cualquier tipo de participación política de parte de los sectores más progresados. La sola posibilidad de escapar de esta realidad fue dada por la especulación filosófica que vio, en esos años, el prosperar de varias corrientes de pensamientos que se interrogaban sobre el destino de Rusia y las razones de un desarrollo atípicos con respecto a los demás países europeos (Malia, 1972). En este contexto, el fracaso de las revoluciones en 1848 representó la oportunidad para reconsiderar los límites de una agitación política sin una contemporánea revolución social y reevaluar las posibilidades de Rusia que, sin haber conocido la derrota de los occidentales, en virtud de su peculiaridad histórica, parecía ser la más apta a realizar una verdadera transformación social.

En otras palabras, la total ausencia de los más elementales derechos y libertades, los siete años sombríos que siguieron a 1848, lejos de producir desesperanza o apatía, imbuyeron en más de un pensador ruso el sentido de una antítesis completa entre su patria y las instituciones relativamente liberales de Europa que, de modo paradójico, luego fueron la base del optimismo ruso (Berlin, 2008, p. 38).

La ausencia de tradiciones podía transformarse de punto débil en factor de fuerza y permitir al imperio zarista aprovechar la experiencia occidental sin pasar por la revolución burguesa. Desde esta perspectiva, el socialismo ruso, con el campesino como principal protagonista de esta transformación, representaba una respuesta al fracaso de las revoluciones europeas. Partidario de esta visión, que convertía el retraso del imperio zarista en una oportunidad, fue el filósofo ruso Aleksandr Herzen, definido por Franco Venturi (1972) “el creador del populismo” (v. 1, p. 3). El intelectual fue entre los primeros en darse cuenta de la importancia de ampliar la participación política de los rusos involucrándolos en un debate que tenía como objetivo último la reforma social del imperio. De hecho, desde el 1852, año en que se trasladó a Londres, Herzen empezó una importante actividad como periodista culminada, con la colaboración del amigo Ogarev, con la difusión de la revista *Kolokol* (La Campana), publicada entre el 1857 y 1867 (Nečkina, 1960-62). Todos sus esfuerzos de llegar a fuerzas externas a los limitados círculos de la intelectualidad rusa serán el ejemplo a seguir para los populistas en las décadas siguientes.

La llegada al poder de Alejandro II, y la abolición de la servidumbre de la gleba en 1861, representó la esperanza de un posible cambio: si en ese momento una revolución centrada en el campesinado pareció más cerca, todavía más urgente era la instauración de un diálogo con el resto de la sociedad para sentar las bases de

una acción común. Sin embargo, mientras que el pueblo representaba la principal fuerza inspiradora del originario movimiento revolucionario ruso, en la práctica la aspiración de estos intelectuales de ser los portavoces de un deseo de liberación se enfrentaba con una realidad bastante diferente. Por un lado había dificultades objetivas, consecuencias de la censura existente en el imperio zarista, por el otro, más allá de las declaraciones de buena voluntad, parecía bastante arduo llegar a una auténtica comunicación entre el mundo intelectual, que imaginaba un futuro desarrollo revolucionario en Rusia, y el resto de la sociedad, interesada en su supervivencia más que en estériles debates teóricos.

De todas formas, el “zar reformador” pareció transformar en realidad el proyecto de una posible colaboración entre Gobierno, intelectuales y pueblo para mejorar las condiciones de vida en el imperio. En particular, el mismo Herzen (1958) decidió atenuar el componente revolucionario en favor de un proceso de reformas graduales (pp. 21-29), sin dejar todavía de utilizar su revista para renovar la invitación “a ir al pueblo”, dedicarse a sus necesidades y penetrar en ello (Williams, 2001).

En general, las contradicciones de su pensamiento, y el abandono de las ideas revolucionarias en favor de una temporánea confianza en el nuevo zar, lo convirtieron en un personaje discutido que, “cuando en los años sesenta el populismo se convertirá en una corriente política (...) será olvidado y renegado, por haber transmitido a la nueva generación su vida de investigador y pensador crítico, y no un pensamiento concluido” (Venturi, 1972, p. 3).

De hecho, el fracaso de cualquier intento de poner el “Kolokol” como guía de la principal organización populista, *Zemlja y Volja* (Tierra y Libertad)³, fundada en 1861 por Serno-Solovevič, y las divergencias con los demócratas rusos más radicales —Černyševskij, Dobroljubov y Bakunin solo para mencionar algunos— representó el comienzo del declino de Herzen y de una nueva etapa en el cual el populismo trató de pasar de la especulación teórica a la acción revolucionaria. Por esta razón, la herencia herzeniana tiene que ser entendida en un sentido más amplio: a pesar de no haber dejado una verdadera organización, la acción del filósofo ruso ayudó a analizar de manera nueva la realidad circundante y abrió los ojos sobre la necesidad de informar y educar al pueblo para convertirlo en el principal artífice de su futuro (Scocozza, 2016).

En esos años la decepción por las promesas incumplidas y las reformas parciales llevó a un desemboque siempre más radical del movimiento hasta llegar a considerar

³ Cabe resaltar que esta primera organización no tuvo particular éxito, sin embargo “es importante como anillo de conjunción entre las dos fases de las ideas y de la acción” (Seton-Watson, 1971, p. 337).

el terrorismo la opción más viable para despertar la conciencia del pueblo y crear las condiciones para una insurrección general. Se empezaron, así, a organizar ataques terroristas, con un primer intento, fracasado, de asesinar a Alejandro II en 1866 (Eklof, Bushnell y Zakharova, 1994). En un contexto siempre más tenso, el Gobierno reaccionó duramente lanzando una ola de represión que impuso una reflexión sobre la oportunidad y la eficacia de esta acción revolucionaria. Regresó, entonces, al centro del debate la importancia de realizar un apostolado para llegar a los sectores hasta ahora excluidos de una verdadera educación política; entre 1873 y el 1874 se intentó, por ende, realizar la exhortación herzeniana de mudarse a los pueblos con cientos de jóvenes que intentaron difundir entre los campesinos sus ideas de rescate social. Se trataba, de todas formas, de un grupo variado en el cual coexistían posiciones bastante diferentes entre los que querían politizar a los campesinos y empujarlos a levantarse y los que veían en esta experiencia una oportunidad para conocer sus condiciones de vida y sentar las bases para crear una visión compartida sobre el futuro de Rusia. En general, a pesar del entusiasmo de estos jóvenes, el contexto en el cual actuaban era dificultoso: los revoltosos fueron objeto de persecución por parte de la policía, a veces denunciados por los campesinos mismos, mientras que la mayoría de la población parecía bastante insensible a la propaganda revolucionaria (Daly, 1998).

La reflexión sobre la necesidad de organizar de manera más estructurada el movimiento para obtener algunos resultados significativos llevó al nacimiento, en 1876, de una nueva organización que, retomando el antiguo nombre, *Zemlja i Volja*, se comprometió en una obra de educación del pueblo que no fuera tan discontinua, sino preparada a través de pequeños grupos que vivían con los campesinos y actuaban con ellos con la finalidad de promover las insurrecciones en el campo. Efectivamente, esta nueva política permitió conseguir unos logros, como la realización de pequeños levantamientos en las provincias del imperio; sin embargo, la convivencia con los campesinos ayudó a entender que las condiciones no eran maduras para convertir un instituto como el *obščina* —la comuna campesina— en el punto de partida de un nuevo orden socialista. El mundo rural era mucho menos revolucionario de lo que se había imaginado y además era casi imposible convertir en una sola fuerza unitaria la dispersa población de los pueblos rusos. Por esta razón, se empezó a considerar las potencialidades de los centros urbanos, donde pareció más viable la acción de proselitismo entre aquellos que llegaron de los campos a trabajar en las fábricas. Si la acción de difusión de las ideas revolucionarias no había dado los resultados esperados, se reconsideró la opción terrorista como el arma más eficaz para golpear la estructura piramidal del Gobierno. La nueva

organización, *Narodnaja Volia* (“la voluntad del pueblo”), nacida en 1879, lanzó, consecuentemente, una campaña de terror que tenía como objetivo principal el asesinato del zar. Asesinato que se cumplió en el mes de marzo de 1881, pero sin representar, como habían imaginado sus organizadores, el punto de partida de la esperada insurrección popular (Seton-Watson, 1971, pp. 359-391). De lo contrario, la trágica muerte de Alejandro II puede ser considerada como el comienzo del declive del movimiento populista: la fuerte represión que siguió a esta acción violenta descartó, de hecho, cualquier posibilidad de reformas a través de un dialogo entre autocracia y fuerzas progresistas.

¿El Putinismo como nuevo populismo?

Desde esta inicial reconstrucción del primer populismo ruso se destaca que haya sido una experiencia revolucionaria fundada en la idealización del pueblo por parte de intelectuales que, en realidad, no conocían el objeto de su propia especulación. Parece bastante claro que esta corriente de pensamiento del siglo XIX tiene muy pocos puntos de contacto con el populismo contemporáneo. Podría a lo mejor insertarse en una definición bastante amplia de populismo, si con esto termino se quiere hacer referencia a “todas las experiencias políticas, sociales o ideológicas que apelan a la categoría de “pueblo” o explotan de alguna manera el descontento de los de abajo con los de arriba, de los pobres con los ricos, de los sin poder con los empoderados” (Ulianova, 2003, pp. 159-160). En realidad, el populismo histórico ruso carecía de uno de los elementos más característico del actual fenómeno: la presencia de un líder carismático capaz de dialogar directamente con la comunidad sin necesidad de intermediarios.

Conscientes de la oportunidad de buscar una nueva palabra que no generara equivocación con respecto al anterior movimiento populista, en la misma Rusia se introdujo, al final del siglo XX, el termino *populizm*, para definir experiencias políticas en las cuales líderes carismáticos se dirigían a las masas utilizando, a veces, eslóganes demagógicos y racistas. En particular se acusó al presidente Eltsin de utilizar las herramientas populistas en contraposición con la acción de Gorbačëv quien, buscando un camino gradual y a menudo impopular, perdió gran parte del apoyo de los rusos (p. 170 y ss).

Si es verdad, así como lo afirma Taggart (2000), que el populismo es un concepto “slippery” (p. 1), viscoso, que incluye una cantidad de fenómenos entre los cuales resulta bastante difícil encontrar un común denominador, de todas formas, es posible identificar algunos elementos claves presentes en este heterogéneo panorama. Entre estos, vale

la pena mencionar una relación antagónica entre el pueblo y la elite, con la valorización del primero y una denigración de la segunda, una fuerte personalización del poder por parte de quien se presenta como alternativa a la vieja clase dirigente corrupta, el convencimiento de vivir en una época de crisis y ruptura, la hostilidad hacia la política representativa en favor de la democracia directa y la defensa del pueblo considerado en su totalidad como algo que se tiene que defender contra enemigos internos y externos (Roodujin, 2014).

Estas características están presentes en varios países donde se ha empezado a interrogarse sobre la relación existente entre los fenómenos populistas y los procesos de degeneración en curso. Frente a este escenario, la misma involución autoritaria de Rusia ha impuesto una reflexión sobre la posibilidad de considerar una forma de populismo la fuerte personalización del poder realizada por Putin. No deja lugar a dudas que, a lo largo de la historia rusa, se hayan siempre encontrado elementos específicos del fenómeno populista: solo por mencionar algunos ejemplos, muchas veces los cambios radicales vividos por los rusos se han acompañado de la apelación a elementos de la cultura tradicional hasta llegar a su mistificación, a un discurso mesiánico para justificar nuevos proyectos políticos, realizados en la mayoría de los casos con una escasa participación de los grupos intermedios, por parte de un líder carismático en nombre del pueblo. Un pueblo que, históricamente, se ha presentado como una masa indistinta, incapaz de hacer oír su voz, un falso objeto utilizado en momento cruciales para legitimar un Estado centralizado en ausencia de instituciones fuertes y radicadas⁴.

Rusia se destaca, entonces, por ser una realidad peculiar que se hunde en la autocracia, donde todas las grandes transformaciones han sido el producto de la acción de un único actor, en una peligrosa relación entre el destino del país y del hombre que lo gobierna en un momento dado. Si se considera la vastedad del territorio, la rigidez del clima y las distancias entre los varios centros habitados que impedían contactos constantes, se pueden entender las razones por las cuales nunca se afirmó una clase media o una cultura urbana, ni se desarrollaron de manera adecuada instituciones que, como en el caso de los demás países occidentales, representaron progresivamente una limitación a la acción del soberano. De lo contrario, en ausencia de cuerpos intermedios, y frente a la necesidad de proteger un territorio muy extenso y sujeto a continuas

⁴ En particular, Mèny y Surel (2004) consideran como la relación entre el pueblo y líder político represente un eje cardinal para reflexionar sobre el fenómeno populista y el problema de la representación y distribución del poder; asimismo, Canovan (1999) destaca cómo esta extrema identificación entre el pueblo y la persona que actúa en su nombre pueda llevar a la desaparición del mismo pueblo como sujeto autónomo e independiente, como históricamente ha pasado en el caso de Rusia.

invasiones extranjeras, se afirmó una estructura militar y fuertemente centralizada que ha obstaculizado un normal desarrollo democrático interno (Pipes, 2005).

De manera que, alrededor del mismo concepto de democracia, no se ha llegado en el país a una interpretación unívoca. Mientras que en época soviética se distinguía entre “las democracias burguesas” y “las democracias populares”, en los años noventa “el concepto de *democracia* se asoció con las privatizaciones ilegales, la corrupción, el caos económico, la pauperización generalizada, la violencia de las bandas callejeras y la mafia” (Milosevich, 2017, p. 322). En una dramática historia de frustraciones y decepciones, el pueblo ruso ha preferido, así, descargar sobre el gobernante la responsabilidad del proceso decisional en cambio de seguridad y protección. Si ya la Constitución de 1993 sentaba las bases para un “super-presidencialismo” que excluye la existencia de poderes independientes, la llegada de Vladimir Putin ha representado la respuesta a los años de caos y corrupción de la anterior presidencia de Eltsin ofreciendo orden y estabilidad, pero a costa de una ulterior limitación de la libertad política.

Si entonces la peculiaridad de la historia rusa, y el fracaso de la transición democrática, ayudan a entender la actual crisis política interna que no puede ser imputada solo a las tentaciones autoritarias del actual presidente, parece interesante evaluar también si es posible encasillar el fenómeno Putin en la categoría del populismo. Indudablemente, el presidente ruso encarna algunas características propias de los líderes populistas: es un personaje carismático que se dirige constantemente a su población evocando el pasado imperial como respuesta al descontento popular, se apela a los valores tradicionales para hacer frente a los problemas sociales y al patriotismo para favorecer la unidad nacional (Casula, 2013).

Para utilizar las palabras de Migranyan, la Rusia de Putin “no es una democracia, pero es en nombre del pueblo y para el pueblo. La base electoral principal de Putin es el pueblo. Todo su poder proviene del apoyo del pueblo” (citado por Tipaldou, Casula, 2018, p. 136). Si su modo de ejercer la política ha llevado a algunos académicos a comparar al presidente de Rusia con otros políticos populistas europeos (Fish, 2017, pp.67- 68), no se puede subestimar el hecho de que Vladimir Putin no llega al poder desde una plataforma populista, sino como sucesor designado por el anterior jefe de Estado. Asimismo, si en el resto del mundo el populismo se presenta como “una elección democrática en favor de un menor liberalismo” (Oliker, 2017, p. 18), en el caso de Rusia tampoco se puede hablar de un deterioro de las instituciones democráticas en la medida en que, como ya hemos evidenciado, en el país nunca se ha afirmado un sistema de pesos y contrapesos análogo a los otros sistemas políticos occidentales.

Más allá de estas diferencias, que nos llevan a hablar de un “populismo imperfecto”, no se puede no considerar que la realidad rusa parece el terreno ideal para la proliferación del populismo. En particular, cuando en el 2006 Vladimir Surkov llegó a la definición del Estado ruso como de una *suverennaya demokratiya*, una democracia soberana donde el ejercicio del poder se identifica con un vértice personalizado, que se legitima por sí mismo y no necesita aprobación por parte de actores externos, se intentó “reconciliar lo irreconciliable, la democracia occidental y el populismo” (Milosevich, 2017, p. 325). La narración de la democracia soberana sirve, así, para justificar la existencia de un Estado híbrido que cumple con las exigencias de la democracia formal, como un sistema multipartidista, elecciones libres, libre mercado etc, impidiendo al mismo tiempo la consolidación de la democracia sustancial y perpetuando el poder autoritario personalizado. Una “democracia a la rusa”, la reivindicación de un modelo sociopolítico autónomo y la afirmación de valores tradicionales y patrióticos contra la occidentalización vista como evolución inevitable. En esto últimos años hemos visto, entonces, cómo se ha definido una nueva identidad rusa utilizando el paradigma de la contraposición donde Occidente, de lugar ideal en el cual integrarse, se ha convertido progresivamente en el enemigo del cual protegerse. Se ha afirmado, así, bajo la presidencia Putin, lo que Zanatta (2013) define un “liderazgo maniqueo”, donde el líder tiende a “exasperar una visión maniquea del mundo y de las relaciones sociales como terreno de lucha entre bien y mal, entre amigos y enemigos, sin ningún compromiso posible” (p. 25).

En este contexto, la guerra de Crimea de 2014 ha representado una oportunidad para utilizar la movilización militar y patriótica y desviar la atención de los problemas internos. Putin ha seguido, así, una política de “populismo beligerante” con el objetivo de aumentar su nivel de consenso entre la población. Si es verdad que la guerra y los conflictos permiten una polarización del *nosotros contra ellos*, “la crisis ucraniana ha abierto un espacio en el que ha entrado en acción la dimensión populista en la actual política rusa” (Tipaldou, Casula, 2018, p. 139).

Llegado al poder como el hombre que había logrado salir del controvertido problema checheno, Putin ha incorporado, con la guerra de Crimea, rasgos de clara proveniencia populista para alimentar esta retórica de la contraposición y garantizarse el apoyo de los rusos. Sin embargo, el problema principal ha sido llegar a una correcta definición entre *nosotros y ellos* en el momento en que el nacionalismo no podía servir para explicar las complejas relaciones existentes entre rusos y ucranianos.

Por esta razón, el presidente ha advertido la necesidad de recurrir a una noción diferente de pueblo para poder identificar enemigos dentro de la propia nación y amigos

fuera de esta. El conflicto con Ucrania se ha convertido, entonces, en una herramienta más, coherentemente con el análisis de Laclau, para dividir el espacio político, desarrollar un nuevo concepto de pueblo, y crear una serie de enemigos de los cuales defenderse (Laclau, 2005). Por un lado, con el objetivo de legitimar la incorporación de Crimea en la Federación Rusa, se ha presentado una idea de “rusicidad” que no puede ser definida por la nacionalidad, dato que el elemento étnico no lograría justificar la existencia de un Estado multinacional como Rusia, sino por un conjunto de valores y cualidades en nombre de las cuales se defiende una tradición de relaciones amigables entre Rusia y Ucrania. Una visión dicotómica que ve un único pueblo llamado a defenderse de enemigos internos, entre estos el mismo Gobierno ucraniano, cuyo alto nivel de corrupción ha afectado a su mismo país, y los enemigos externos, como Europa y Estados Unidos, que han intervenido en la crisis tratando de imponer su propia visión de las relaciones internacionales.

Es posible afirmar que el uso de esta retórica beligerante ha dado en un primer momento sus resultados con un significativo aumento de la popularidad del presidente ruso. Tanto las elecciones legislativas de 2016, que han visto la afirmación del partido del presidente, *Edinaja Rossija* (Rusia Unida), con el 54% de los votos, como las presidenciales de 2018, con una afirmación histórica de Putin confirmado por el 76,6% de los votantes, han dado prueba del apoyo del cual goza la política del presidente. Más allá de las inevitables perplejidades sobre el control ejercido por el Gobierno, que ha reducido significativamente la competitividad política, es significativo también que, en las pasadas elecciones presidenciales, Putin se haya presentado como el directo interlocutor de su pueblo, decidiendo competir como independiente para distanciarse de las acusaciones de corrupción dirigida al partido Rusia Unida. Una estrategia de identificación entre un *silnyj president* y una *silnaja Rossija*, un presidente fuerte y una Rusia fuerte, uno de los lemas principales de su campaña, que ha sido victoriosa, y contribuye a difundir la imagen del presidente visto como “el salvador” del pueblo, el hombre que ha restaurado el Estado centralizado en el interior y ha defendido los intereses nacionales en el exterior (Milosevich, 2018). Sin embargo, las crecientes manifestaciones de protesta que han cruzado el país en la última década nos recuerdan que la supervivencia del putinismo, como forma de Gobierno conservadora, populista y personalista (Fish, 2017, p. 61), depende de la capacidad de seguir utilizando la confrontación con Occidente en la política exterior, de controlar la oposición política y la sociedad civil en el interior, y de garantizar aquellas reformas necesarias para preservar la soberanía nacional y fomentar el crecimiento económico de la Federación.

No se puede, de hecho, subestimar que el líder que da voz a las expectativas de sus electores tiene necesariamente que responder a estas. En efecto, el poder fuerte es sujeto a desgastarse rápidamente porque se legitima principalmente de acuerdo con la capacidad de realizar lo que ha prometido. Esto implica que la estabilidad interna sea bastante precaria porque deriva principalmente de la coyuntura política y económica; en un momento de crisis, el apoyo al Gobierno puede, por eso, faltar y causar agitaciones sociales. Se determina, así, un círculo vicioso donde el presidente sabe que su legitimidad, y el consecuente consenso, derivan de lo que es capaz de ofrecer; como vive en un clima de constante inseguridad, necesita seguir con la centralización política para no perder el control sobre el país. Los fermentos democráticos que se han presentados también en los últimos meses en la Federación de Rusia pueden ser leídos en esta perspectiva: hay una creciente demanda de participación por parte de algunos sectores de la sociedad que están exigiendo un cambio en un Gobierno siempre más iliberal e incapaz de cumplir con las promesas de modernización del país.

Efectivamente, las sanciones económicas impuestas después de la guerra en Ucrania, y la caída del precio de petróleo y gas, han evidenciado una vez más los graves problemas estructurales de Rusia y motivado una reflexión sobre reformas necesarias y pospuestas por demasiado tiempo de las cuales dependerá el futuro del mismo Putin. Las críticas a la crisis económica y social representan, así, un terreno fértil para las oposiciones que, de todas formas, parecen ser aún más populistas que su propio presidente. Desde el partido liberal-demócrata de Vladimir Žirinovski, representante de un nacionalismo xenófobo, al partido comunista de Zjuganov, todos parecen compartir con el presidente un mensaje político fundado en un poder fuerte y el regreso al mito de la grandeza imperial rusa. Una especial atención se ha dirigido, últimamente, hacia lo que parece ser el hombre nuevo capaz de desafiar a Vladimir Putin: Aleksej Navalnyj, el abogado y bloguero que ha liderado las primeras manifestaciones contra Putin en 2011-2012 y que en 2019 ha sido protagonista de varios momentos de confrontaciones en los desórdenes que han acompañado las elecciones municipales del mes de septiembre (Gorokhovskaia, 2019). Elecciones que, a pesar de la afirmación del partido del presidente, han visto una muy baja participación popular y la posibilidad para la oposición de ganar 20 escaños en la Asamblea Legislativa de Moscú. Un resultado positivo si se considera la turbulenta campaña electoral y la oleada de persecuciones judiciales contra los manifestantes que ha llevado a la cárcel al mismo Navalnyj. En realidad, también él, actualmente al centro de la atención de los observadores occidentales que lo consideran una esperanza para el cambio político del país,

parece utilizar elementos populistas (de Pedro, 2017, p. 51) apelando al pueblo, con un programa no muy claro, principalmente enfocado en la lucha anticorrupción en contra de los poderes fuertes y en una postura nacionalista que lo ha llevado a abandonar, en 2007, el partido liberal Jabloko, consciente de no ganarse el consenso de la población persiguiendo una política pro-occidental (Lassila, 2016).

Conclusiones

A pesar de no haber surgido de un movimiento populista, siendo Putin nombrado por Eltsin para garantizarse una tranquila salida de la escena política, a lo largo de los años el presidente ruso ha perfeccionado varios mecanismos del populismo en la medida en que, a través de la guerra interna al sistema oligárquico y una política exterior que se alimenta con la creación de un enemigo externo, ha realizado “un sistema cada vez más estático (que) continúa funcionando según el principio populista de dividir el espacio político” (Casula, 2017). Si bien el sistema esté demostrando unas grietas, debidas principalmente al progresivo deterioro de la economía rusa, el Gobierno sigue gozando de un apoyo bastante sólido, incrementado por la guerra con Ucrania, que ha ofrecido una nueva fuente de legitimidad. En este contexto, Putin representa la piedra angular de una sociedad dividida, portavoz de las aspiraciones de su pueblo en contraposición con el “*establishment* gubernamental”, considerado como el responsable de todos los fracasos y los límites de la acción de Gobierno. A pesar de las protestas en contra de un Gobierno que para perpetuarse reduce el pluralismo político volviéndose siempre más autoritario, las perplejidades sobre previsiones optimistas dependen de la dificultad de salir de un escenario que se parece a estas experiencias de “dictadura populista” o “autoritarismo populista” en las cuales se observa un debilitamiento de las instituciones en favor de la personalización de la dimensión política (Canovan, 1981, pp. 136-172). De hecho, históricamente la sociedad rusa se ha caracterizado por “bajos niveles de confianza impersonales [en las instituciones que] vienen equilibrados por una fuerte confianza interpersonal” (Ledeneva, 2013, p.11). Bajo esta perspectiva, el futuro de Rusia sigue siendo imprevisible porque, en un contexto de generalmente escasa participación de la sociedad civil, termina por depender de los programas populistas de quien, en un específico momento histórico, se presenta como el artífice de un cambio radical en el país.

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¿CÓMO SE ARGUMENTA? UNA APROXIMACIÓN PRAGMÁTICO – DIALÉCTICA¹

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HOW DO YOU ARGUE? THE PRAGMA-DIALECTICAL APPROACH

Resumen

En el presente ensayo intento demostrar, partiendo del rol que el “derecho viviente” está adquiriendo en el complejo panorama jurídico, la centralidad de la argumentación jurídica.

Al mismo tiempo, teniendo en cuenta la importante contribución que Atienza le ha dado a la teoría de la argumentación jurídica, aclararé cómo se argumenta un caso práctico siguiendo un enfoque pragma-dialéctico. El objetivo será demostrar cómo esta lectura puede constituir una base teórica de resoluciones de conflictos jurídicos.

Palabras clave

Argumentación jurídica, Pragma-dialéctica, Caso práctico, Razonamiento judicial.

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Abstract

The objective of this work is to demonstrate, considering the importance of 'case law', the relevance of legal argumentation. At the same time, considering the significant contribution by Atienza to the theory of legal argumentation, I will try to clarify how to use pragma-dialectical theory to analyze and evaluate argumentation in actual practice. This reading is intended to provide a theoretical basis for the resolution of legal disputes.

Keywords

Legal Argumentation, Pragma-dialectical approach, Case law, Legal reasoning.

La centralidad de la argumentación jurídica

El estudio de la dimensión interpretativa² y la argumentación del derecho, en un contexto de complejidad de la experiencia jurídica, permitió a los filósofos y teóricos del derecho centrarse en los elementos, no solo normativos, sino también ideales y factuales del derecho mismo. Basta pensar en la posición que el “derecho viviente” ocupa en el actual panorama jurídico, junto al fenómeno de “constitucionalización” de los derechos fundamentales que se deriva de una renovada comprensión de la relación entre derecho y moral en términos complejos de “conexión” entre ellos.

Estas repercusiones pueden, sin duda encontrarse en el nuevo valor al rol “creativo”³ (Barak, 1989; Barak, 2003; De Luca Tamajo, 2016; Cricenti, 2017), del juez en su trabajo de ponderación de principios. Esto es particularmente evidente al ofrecer soluciones a casos difíciles que dan prueba de la existencia de un tejido moral de la colectividad, revitalizado y positivizado precisamente por los principios jurídico-constitucionales a menudo en conflicto.

Es en este contexto que irrumpe el rol de la argumentación en el discurso jurídico (Alexy, 1997; Aarnio, Alexy y Peczenik, 1981) donde predominan las justificaciones racionales de las decisiones judiciales. Si es bastante razonable, por tanto, reconocer un interés hacia el momento argumentativo, más complejo resulta comprender en qué sentido dicha perspectiva permite un conocimiento especial de los distintos aspectos del momento decisorial que de otro modo permanecerían “inviolados”. En mi perspectiva de investigación, considero la argumentación como el núcleo de la actividad decisorial,

2 Se trata del contexto iusfilosófico hermenéutico que ha negado, al menos en parte la idea del iuspositivismo de un derecho sistemático, completo y carente de lagunas. El juez debe interpretar y argumentar, no puede limitarse a subsumir la norma. En relación a la experiencia de la Pandectística alemana y de la Escuela Exegética véase Fassò (2006).

3 En un artículo aparecido en *La Repubblica* (3 setiembre 2014) un magistrado, dott. Fresa, a propósito del rol “creativo” del juez en la interpretación judicial, dijo: “Para tomar ciertas decisiones se requiere, además de profesionalismo y competencias específicas, coraje. El coraje de desatender antecedentes judiciales de signo contrario, incluso de legitimidad y de interpretar el complejo sistema normativo en ausencia de específicas leyes que reglamentan específicas materias. La interpretación sistemática y evolutiva (no solo la literal, mucho más fácil) —que tenga en cuenta las orientaciones de los Cortes supranacionales y los valores fundamentales de la Constitución— es el corazón de nuestro trabajo y es la garantía más auténtica de la defensa de los derechos humanos, incluso cuando no existan leyes específicas y claras. Desde siempre el derecho precede las reformas legislativas por el simple motivo de que los casos concretos y la evolución de la sociedad viajan a velocidad más elevada con respecto a las leyes generales y abstractas. (...) Un magistrado conformista no es, según yo, un buen magistrado”. Un colega, el juez Rocchi, así respondió: “no cree en absoluto que la tarea de los magistrados sea el de “descubrir” nuevos derechos fundamentales y censurar el legislador inerte cada vez menos disponible a la consecución del bien común”. Si estos son los dos aspectos de la creatividad, es necesario entenderlos sobre el significado de esta palabra. Yo entiendo por creatividad una especie de activismo judicial que no significa creación sin límite alguno, pero que implica un razonamiento ponderativo entre principios constitucionales que no establecen un procedimiento arbitrario sino adecuadamente justificado. (Cfr. Atienza, 2018 y Barak, 1989). Sobre un estudio de la jurisprudencia creativa en los distintos ámbitos disciplinarios véase De Luca Tamajo (2016); Cricenti (2017); Barak (2003). En un sentido crítico véase Ferrajoli (2016).

con referencia específica al proceso, y por tanto la decisión del juez como definición de una controversia en clave pragma-dialéctica, como en lo que respecta a aspectos más generales del discurso jurídico relativos al control y a la verificabilidad de una decisión judicial insertada en un contexto más amplio, inspirando al sistema normativo en su conjunto (fuentes, precedentes decisiones judiciales, lagunas, antinomias), en el cual la argumentación llega a cumplir una verdadera función ‘creativa’ del derecho. Es necesario considerar que el derecho se declina cada vez más en clave de jurisdiccionalización que, en la superación de los rígidos esquemas del derecho *positum*, se va adaptando a las necesidades cambiantes del caso concreto.

En este sentido, el papel del intérprete ha cambiado. A él se le requiere un *compromiso* dentro del proceso interpretativo y argumentativo destinado a mantener juntos “el horizonte del pasado (entendido en referencia a la ley y las demás positivizaciones jurídicas) con el horizonte del presente (asumido con referencia a las necesidades y los valores de la comunidad al momento de la aplicación)” (Lipari, 2016, p. 298) en un contexto de diálogo en el cual el juez reacciona o previene determinadas críticas racionales.

Si este es el escenario, utilizando las palabras de Abignente (2014), quizás se pueda “afirmar que la dimensión ética pertenece a la argumentación en general pero también a la argumentación jurídica. El valor que encarna es la tarea y el compromiso de la justificación, ese proceso continuo capaz de ser puesto constantemente en discusión en sus metas provisionales, su proyección a un resultado determinado o, para acercarme a la terminología de Dworkin, *verdadero* como un fin tendencial nunca alcanzado satisfactoriamente” (p. 25).

Este proceso que ve en la justicia la finalidad del derecho que se realiza en la solución del caso concreto confiada a la argumentación del juez se refleja en la “instancia de justicia que el individuo, a través del derecho, experimenta en su relacionarse con el otro” (p. 26). Una justicia que se inclina a “la argumentación, como justificación de la práctica de justicia, encarna y manifiesta una dimensión ética” (p. 26).

En este sentido, resulta más claro cómo “uno de los aspectos — quizás el más difícil — del enfoque del derecho como argumentación consiste en ofrecer una reconstrucción satisfactoria del razonamiento jurídico que da cuenta de sus elementos morales y políticos; o, dicho de otra manera, dé las peculiaridades del razonamiento jurídico dentro de la unidad de la razón práctica” (Atienza, 2006, pp. 69-70).

La idea de realizar un análisis argumentativo de las sentencias jurisprudenciales nace de la necesidad de dar cuenta de esta reconstrucción que antes de todo requiere conjugar el aspecto cognoscitivo de la teoría de la argumentación con la práctica de

la argumentación. En particular, intentaré demostrar cómo una aproximación teórica de la argumentación resulta indispensable para mejorar la práctica argumentativa⁴.

Por este motivo, he optado por analizar un caso — junto a la definición por parte del Pleno de la Corte — de particular complejidad que toca temáticas delicadas como las del comienzo de la vida, pero que, al mismo tiempo, puede ser reconstruido a la luz de un enfoque pragma-dialéctico. La argumentación jurídica, en una reconstrucción pragma-dialéctica, podrá ser apreciada como una “forma institucionalizada de discusión crítica” (Damele, 2006, p.119; Feteris, 2007, pp. 537-548) cuyo fin es la resolución de un conflicto “*difference of opinion*” (Van Eemeren y Grootendorst, 2004).

Es interesante investigar cómo esto ocurre en concreto.

Una aproximación pragma-dialéctica

En el análisis del caso, partir desde una dimensión pragmática de la argumentación jurídica permite observar el objetivo que el *iter* argumentativo pretende perseguir, la persuasión o el consentimiento de la otra parte. En este intento, a diferencia de lo que Atienza define como concepción formal⁵ de la argumentación, la dimensión pragmática es una actividad *en ciernes*, un proceso de interacción social que implica al destinatario produciendo determinados efectos. Uno de estos efectos es la persuasión que se puede obtener mediante la técnica oratoria por excelencia, mejor conocida como retórica; el otro es el consenso que produce el diálogo, la dialéctica.

El punto al que hoy han llegado los estudios sobre las teorías de la argumentación jurídica se caracteriza por una gran variedad de diferentes aproximaciones entre sí en términos de teorización y razonamiento jurídico. Teniendo en cuenta la contribución que Atienza ha dado a la teoría de la argumentación jurídica, voy a aclarar en qué consiste mi aproximación a la argumentación para mostrar cómo se puede constituir una base teórica de resoluciones de conflictos jurídicos (Canale, 2017; Pino, 2013).

La lectura del caso será realizada siguiendo la dimensión pragma-dialéctica, inspirada en la teoría de van Eemeren y Grootendorst según los cuales el argumento produce

4 En el mismo sentido, Neumann (2010) afirma que “La actividad argumentativa del jurista está necesariamente en el trasfondo de un determinado concepto de derecho (...)” (p. 49).

5 Sobre el trasfondo de la lectura del caso se siente la deuda respecto de la perspectiva de Atienza en la perspectiva holística de la unión de los tres conceptos: formal, material y pragmático, a la cual hago continuamente referencia. Véase Atienza (2006).

“una actividad verbal, social y racional destinada a convencer a los ojos del auditorio o del lector la aceptabilidad de una posición contradictoria presentando una constelación de proposiciones destinadas a justificar o refutaresta posición ante un juez racional” (Van Eemeren y Grootendorst, 2004, p. 1).

Intentaré demostrar cómo esta definición de argumentación encuentra plena aceptación en la práctica jurídica que conduce a un momento de síntesis entre los fines dialécticos y retóricos. La argumentación jurídica, leída en clave pragma-dialéctica,, dependiendo del punto de vista que se mira el argumento, incluye necesariamente también un enfoque retórico dentro de las dinámicas del proceso judicial. Para poder comprender cómo ocurre esta inclusión será necesario aclarar algunos puntos firmes de la perspectiva pragma-dialéctica.

La pragma-dialéctica incluye un componente pragmático que traduce el discurso en un intercambio de actos lingüísticos (Austin, 1962; Searle, 1969) y un componente dialéctico en la medida en que este intercambio —en un intento metodológico— tenga como finalidad la resolución de una *difference of opinion*.

Es de esta definición estipulativa del argumento pragma-dialéctico que quiero partir para demostrar, mirando el caso práctico, la importancia del contexto y la investigación realizada por las partes en el proceso judicial para llegar a una conclusión que sea aceptada por un auditorio general.

La importancia del contexto se desprende ciertamente de la función que la utilización de un determinado tema tiene dentro de una forma de razonamiento dialéctico. Lo que se observa no es el argumento en sí porque, aunque aislado de un proceso de diálogo, este todavía no es definible como argumento, sino que sigue siendo un simple enunciado. Se convierte, en cambio, en un argumento solo en relación con su función dentro de un conjunto de reglas procesales y del discurso que permiten justificar o refutar una tesis (Van Eemeren y Grootendorst, 2004).

Un aspecto posterior implica en cambio el momento de la aceptación que sucede a raíz de la verificación de la motivación puesta bajo consideración de un auditorio multiforme compuesto, no solo por las partes interesadas, sino también por una más amplia comunidad jurídica indirectamente involucrada, sin olvidar a la opinión pública.

La pregunta que subyace en esta línea argumentativa es cómo argumentar constituye, a la manera de Atienza en su teoría de la argumentación jurídica, una actividad que se desarrolla *ex ante* y que se preocupa de fundamentar una decisión, no de analizarla o valorarla. Actividades estas últimas que se ubican en un momento posterior

de análisis de los diferentes elementos de la argumentación y de la relación entre los mismos, la primera, y de valoración del argumento como buena o no, la segunda.

El cómo argumentar, sin embargo, esconde una exigencia ambivalente en cuanto puede referirse tanto a cómo se debe argumentar a cómo de hecho se argumenta.

Para apreciar mejor esta diferencia, en el modelo pragma-dialéctico que propongo es necesario entender el punto de vista desde el que se entiende la argumentación jurídica.

Me refiero al punto de vista interno, de quienes participan en la actividad argumentativa (las partes, los abogados y el juez) y al punto de vista del observador externo (toda la comunidad jurídica y la opinión pública) (Atienza, 2013, p. 423). Este doble ángulo prospectivo es inherente a la perspectiva de una pragma-retórica que se refiere propiamente a la afirmación de cada abogado para convencer al juez, tanto a una pragma-dialéctica que conduce no a una mera persuasión del otro en cuanto a una aceptación por parte de la comunidad jurídica y de la opinión pública.

La pregunta que principalmente el observador externo se planteará es si con aquella decisión el juez habrá aplicado la regla de modo que las consecuencias de su aplicación realicen las finalidades y los valores subyacentes. Es decir, la exigencia del observador externo tendrá por objeto el cómo se debe argumentar, mientras que el operar estratégico de las partes implicadas dentro del proceso judicial responde a la pregunta: ¿cómo de hecho se argumenta?

La representación de una sentencia se produce *prima facie* —como se verá principalmente en el análisis del caso— desde la narración de la *questio facti*, que a través de todo el procedimiento judicial se reencuentra transformada, en la fase conclusiva, en forma de problema jurídico.

Es en este movimiento circular (Omaggio & Carlizzi, 2010), caracterizado por una metamorfosis del hecho, que se realiza el momento de síntesis entre los fines retóricos y dialécticos en una tensión, nunca plenamente definido, que reencuentra en las reglas de la argumentación jurídica constantemente su control y su verificabilidad.

Voy a tratar la desafortunada tendencia a entender las problemáticas jurídicas subyacentes al caso como si fueran aisladas del resto, creando efectos *framing* (Kahnemann, 2011). Intentaré, en cambio, transmitir el sentido de la complejidad de una argumentación jurídica, entendida como actividad, cuyo resultado, es decir, la decisión, no puede ser el fruto de un procedimiento de tipo asociativo sino el trabajo tenaz, sólido y razonado del juez⁶. La resolución de una controversia está dada por la investigación, realizada

6 Se trata de la diferencia entre dos modalidades de pensamiento que Kahnemann identifica en el sistema 1 y 2.

en forma conjunta y cooperativa por las partes implicadas, de una decisión ya contenida en determinadas premisas compartidas.

La lectura del caso en una aproximación pragma-dialéctico seguirá las fases dialécticas, así como estructuradas en la teoría sistemática de la argumentación propuesta por van Eemeren y Grootendorst⁷.

La primera operación es definir las características del “hecho”: se trata de una primera fase que podríamos definir de comparación en que las partes identifican sus demandas en relación con los acontecimientos. En una segunda fase de apertura o de institucionalización hay una referencia a las normas de procedimiento que abren la posibilidad de composición de un conflicto que por el contrario no habría encontrado ninguna aceptación.

En la tercera fase de la argumentación las respectivas partes exponen sus argumentos al juez, el cual las valorará plenamente dentro de la decisión solo en la última fase, la conclusiva.

Pues bien, si esta es la descomposición del proceso judicial en un sistema pragma-dialéctico — al referirme a la distinción que hacía al inicio sobre el ángulo prospectivo que observa la argumentación — se puede decir que las tres primeras fases pueden ser vistas desde el punto de vista interno, es decir, las partes implicadas, mientras que la última fase, la conclusiva, será apreciada por las consecuencias que una determinada decisión tenga en la comunidad jurídica y social. Esto sucederá en la medida en que la motivación de la decisión será sometida a verificación por parte del auditorio heterogéneo al cual se dirige.

El modelo argumentativo pragma-dialéctico demuestra en su aplicación práctica la necesidad de incluir también la retórica definida por Aristóteles (1990) como “la facultad de considerar en cada caso lo que sirve para persuadir, este objeto no lo comparte con ningún otro «arte», ya que cada una de las demás disciplinas abarca sólo la enseñanza y la persuasión sobre un objeto específico, como la medicina que trata sobre la salud y sobre la enfermedad, y la geometría sobre las propiedades de las magnitudes, y la aritmética sobre el número, y, de modo semejante, las restantes artes y ciencias; la Retórica se ocupa, por el contrario, de cualquier cosa dada, por así decirlo, parece que es capaz de considerar los medios persuasivos en general, por eso decimos que no limita su estudio a ningún género específico” (Aristóteles, 1990, 1355, b, 23-35).

⁷ La idea de un enfoque por etapas es típico de un enfoque pragmático de la argumentación y en sentido particular de la argumentación jurídica. Véase Atienza (2013, p. 367). A propósito de una estructura de fases y de tipo circular véase, también, Sternberg (1996), que en su texto de psicología cognitiva distingue siete fases de lo que llama “círculo de resolución de conflictos”.

Y no es precisamente la réplica apoyar tesis opuestas que son la base del sistema dialéctico? Esta definición aristotélica de la retórica inclusiva con fines dialécticos intrigaría, y al mismo tiempo corrobora, casi a la manera de una razón auxiliar, la tesis de la síntesis a la cual se inclina una aproximación pragma-dialéctico.

La consecuencia casi obligada es que el contenido o el “peso” de un derecho que afronta una “situación de la vida” podrá ser apreciado solo tomando en consideración las características de casos concretos y paradigmáticos en el que se evidencia una violación de esos derechos para el que se pide protección, o una comprensión de la autonomía, y solo a partir de estos se podrá intentar una reconstrucción provisional del concepto pertinente, con un movimiento no diferente a lo que Rawls llama equilibrio reflexivo. Parece evidente, por tanto, la importancia “estratégica” y no sólo estética, desarrollada por la narración y el análisis de la argumentación de los casos, en la implantación de un trabajo que se propone reafirmar constantemente el rol y la protección de los derechos fundamentales en las opciones jurídicas a través de una exégesis crítica de las motivaciones judiciales.

Derecho a nacer sano. El razonamiento del Pleno de la Corte de Casación⁸

Al definir las coordenadas a seguir para una correcta aplicación de la aproximación pragma-dialéctico a un caso concreto será necesario su desglose en las fases que — como ya se ha visto— componen el modelo.

Partiré de la primera fase de comparación que se refleja en la reconstrucción de los acontecimientos reales a fin de hacer posible una comprensión racional de la sentencia. El caso es sobre la argumentación judicial que no debe confundirse con su objeto, que se identifica en cambio en los problemas jurídicos (Lozada y Ricaurte, 2015) que del caso derivan y que afectan a la sucesiva fase de apertura.

Luego analizaré los fundamentos de la fase propiamente argumentativa animada por los argumentos y contraargumentos defendidos por las partes para llegar solo en un segundo momento a la fase conclusiva de la decisión del juez que no se traduce en términos de mera decisión autoritativa o de aceptación o denegación de las instancias planteadas, ya sea en una decisión racionalmente argumentada, como en “acto de poder racionalizado” (Lozada y Ricaurte, p. 315).

⁸ Corte de Casación, Pleno de la Corte, 22 diciembre 2015 n. 25767, Rel. Dott. Spirito.

El caso que he elegido es interesante no solo para las implicaciones éticas y jurídicas de la historia factual sino, sobre todo, porque me permite dirigirme plenamente a la eficacia del modelo pragma-dialéctico.

Una pareja se dirige a un ginecólogo para saber si el concebido estaba afectado por enfermedades graves que lo hagan discapacitado una vez nacido. Comunicarán al médico su intención de abortar en caso de que los exámenes, por desgracia, confirmasen la existencia de una malformación del feto. El médico se equivoca en el diagnóstico y tranquiliza a la pareja frente al estado de salud del concebido, de modo que el embarazo se lleve a término, pero el niño nace con síndrome de Down.

La cuestión relativa al daño por nacimiento indeseable, ampliamente tratado en los ordenamientos extranjeros⁹, ha registrado también en Italia diferentes opiniones jurisprudenciales que han encontrado una solución precisamente en virtud de los fallos del Pleno de la Corte que aquí se comenta.

Con la sentencia en examen del Pleno de la Corte de Casación fue llamada a dirimir una contradicción jurisprudencial con relación al daño por nacimiento no deseado que ha animado, no sin consecuencias, en los últimos años el debate teórico-jurisprudencial.

El razonamiento del Pleno de la Corte refleja la necesidad de tutela que los dos protagonistas de este doloroso asunto, la madre y el hijo, exigen en voz alta.

Y es a partir de sus instancias que el fallo se interroga sobre dos aspectos argumentativos: uno relativo a la carga probatoria y el otro a la legitimación del nacido a exigir el resarcimiento del daño.

Todo el sistema dialéctico, por tanto, en su aplicación al caso concreto se desarrolla siguiendo estos dos nudos problemáticos que subyacen al supuesto de hecho que, por su claridad expositiva, analizaré por separado: cada uno en su específico recorrido argumentativo.

Siguiendo la línea de la carga probatoria de la disputa entre las partes se realizará sobre los siguientes asuntos. La pareja de demandantes alega la conducta culposa del médico al omitir posteriores estudios más profundos que resulten complementarios a los primeros exámenes del diagnóstico; el médico, por su parte, reitera que los valores¹⁰ “no eran tales como para sospechar la presencia del síndrome de Down en el feto” y, por consiguiente, la carga de probar la voluntad abortiva en estas circunstancias debía atribuirse a la pareja.

⁹ Me refiero, por ejemplo, al conocido *Affaire Perruche*: en la Sesión Plenaria de la Corte de Casación francesa, con la decisión n. 99-13701 del 17 de noviembre de 2000, se había consagrado el derecho a nacer solo si se nacía sano. Con este fallo se dio comienzo a la llamada jurisprudencia Perruche, el nombre del pequeño Nicolas Perruche, nacido gravemente enfermo a causa de un error de diagnóstico.

¹⁰ De aquí en adelante todo lo que está entre comillas constituye el texto de la sentencia que se está comentando.

Estas circunstancias fácticas son subsumidas —bajo la dimensión formal— en la normativa de referencia que se encuentra en el art. 6 de la ley sobre el aborto (l. N.194 de 1978¹¹), el eje sobre el que se delinea toda la normativa. El contenido normativo del art. 6, cuya *ratio* está destinada a la tutela de la maternidad social (Giordano, 2018), “encuentra correspondencia axiológica en el principio constitucional de no equivalencia entre la salvación de la madre, ya persona, y la del embrión, cuya persona debe todavía ser (Tribunal Const., 18 de febrero de 1975, n.20)”. Los jueces, en un razonamiento fundado en normas y principios, afirman que, frente a la subsistencia de los requisitos normativos contemplados en el citado art. 6, la imposibilidad de la elección de la madre, a causa de la negligencia del médico configuraría como responsabilidad civil. El *thema probandum* está, pues, claramente constituido por un “hecho complejo” o “un acontecimiento compuesto por múltiples circunstancias y comportamientos proyectados en el tiempo: la anomalía del feto, la falta de información por parte del médico, el grave peligro para la salud psicofísica de la mujer, la elección abortiva de esta”.

No insignificantes me parecen sobre este punto las reflexiones realizadas por la Corte que encuentran plenitud en la fase de apertura de la argumentación jurídica.

El Pleno de la Corte, partiendo que de la prueba del hecho psíquico “no se puede proporcionar representación inmediata y directa (...)”, considera que la pareja puede cumplir la carga probatoria recurriendo a un razonamiento inductivo que “puede ser cumplido a través de la demostración de otras circunstancias, las cuales se puede razonablemente remontar, por vía inductiva, a la existencia del hecho psíquico que se trata de determinar” (fase argumentativa).

Si estas son las razones justificatorias, la cuestión de la carga de la prueba encuentra su resolución en la recepción por parte de los Jueces de casación del primer motivo con remisión a la Corte de Apelación de Florencia.

Por otro lado, el segundo aspecto argumentativo, es decir, el que se refiere a la legitimación para actuar del nacido malformado para el reconocimiento de un supuesto resarcimiento, representa una fase posterior de apertura que caracteriza al sistema pragma-dialéctico. Se trata de los daños causados por *wrongful life*¹².

11 El art. 6 de la ley n.194 de 1978 (“Normas para la protección social de la maternidad y sobre la interrupción voluntaria del embarazo”) dispone: “La interrupción voluntaria del embarazo, tras los primeros noventa días, puede ser practicada:

a) Cuando el embarazo o el parto supongan un grave peligro para la vida de la mujer;

b) cuando estén establecidos procesos patológicos, entre ellos los relativos a importantes anomalías o malformaciones del feto, que supongan un grave peligro para la salud física o psíquica de la mujer”.

12 La expresión nacida en los países del *common law* indica la vida no deseada, injustificada, de quien ha nacido malformado por omisión comprobada de diagnóstico, cuando la pretensión resarcitoria es presentada por el niño. Ella debe distinguirse de las hipótesis de *wrongful birth* y de *wrongful conception*. La primera se produce cuando son los padres quienes solicitan la reparación del daño en el caso del nacimiento de un hijo malformado; la segunda se produce cuando el niño

El Pleno de la Corte, al recorrer las dos orientaciones contrapuestas que se han sucedido antes del fallo del 2009, y luego del 2012, aclaran las razones a favor y/o en contra colocando los derechos en la fase argumentativa.

En el fallo de Casación del 2009¹³ se niega que el hecho de haber nacido malformado pueda constituir un daño, ya que no existiría en nuestro ordenamiento un derecho a no nacer. Razonando a contrario, en efecto, si el médico tuviese conocimiento de la enfermedad la alternativa no habría sido la curación sino el no nacimiento (ya que la madre hubiera abortado).

¿Es posible considerar un nacimiento un daño, aunque esté afectado por una patología? Diría Habermas (2002) que es precisamente este el caso en que la discapacidad configura “como si la minusvalía aparecida contra las expectativas de los médicos correspondiera a un delito de daños materiales” (p. 26) que ha empujado a los padres del pequeño a exigir una indemnización.

En sentido contrario, con el fallo del 2012, la Corte reconoce el derecho al resarcimiento del daño a favor del neonato malformado, pero esta pretensión se deriva de premisas y argumentos diferentes a los del 2009.

Alejándose del fallo del 2009, en el 2012¹⁴ la Corte Suprema, a fin de reconocer al feto la titularidad del derecho al resarcimiento por los daños patrimoniales o no, no considera necesario investigar sobre la existencia de una subjetividad jurídica en términos de “derecho al honor, a la reputación, a la identidad personal, sino a la idoneidad para ser titular de los derechos inviolables previstos en el art. 2 Const., vinculados a la naturaleza humana”. En este sentido, el fallo del 2012 pretende superar la dicotomía, reafirmada en el 2009, entre un derecho del feto a nacer sano y un derecho a no nacer. La existencia de estos dos derechos lleva consigo una contradicción en el razonamiento, como ya he dicho anteriormente, en lo que si así fuera, nos encontraremos, sugiere Travaglino, en una situación casi paradójica donde “por un lado, al considerarlo en fase prenatal, sujeto de derecho y por tanto, centro de imputación de algunos derechos, de la personalidad y patrimoniales —por hacer mención solo sí y en cuanto nacido—; por otra parte, reservándoles, al nacimiento un trato de no-persona, desconociendo sustancialmente los aspectos más íntimos y delicados de su existencia”.

En esta perspectiva, el concebido se considerará como objeto de tutela legitimado para hacer valer la lesión, “no al derecho a la vida, ni a nacer sano, ni mucho menos a

está sano, pero no es querido, en tanto concebido, por ejemplo, a pesar de una intervención de esterilización, fracasado por responsabilidad médica. (Cfr. Picker, 1995; Cayla y Thomas, 2002).

13 Corte de Casación n. 10741 del 2009, est. dott. Spagna Musso.

14 Corte de Casación n. 16754 del 2012, est. dott. Travaglino.

no nacer”; sino más simplemente la lesión a su derecho a la salud que se manifiesta y se convierte actual al momento del nacimiento.

Lo que más afecta, en esta breve comparación entre intérprete, legislador y jurisprudencia, es la importancia de cómo la elección de las premisas debidamente justificadas en la fase de apertura influye de modo diametralmente opuesto sobre la conclusión. En efecto, si la jurisprudencia del 2009 había “creado” un derecho a nacer (sí, no sano), el fallo posterior lo redefine como derecho imposible y absurdo si se considera desde el punto de vista ontológico, a partir de la evidente contradicción de atribuir a quien todavía no existe un derecho de ser. El punto de partida en esta posterior sentencia del 2012 es, por el contrario, el reconocer mucho más simplemente al niño una vez nacido un derecho a una existencia digna en nombre del cual dar curso a su tutela resarcitoria. Este punto de vista tiene que ser precisado por la Corte, no hay ningún juicio de valor¹⁵, sino simplemente la posibilidad de reconocer a un niño una vida menos compleja.

El Pleno de la Corte en el 2015, con el fin de resolver, alineado con los objetivos de la pragma-dialéctica, el contraste jurisprudencial encontrado en materia de resarcimiento del daño por nacimiento indeseable considera imprescindible examinar antes la naturaleza del derecho que se ha lesionado y sólo tras la relación de causalidad entre la conducta del médico y el daño. El derecho que se ha lesionado “teniendo en cuenta el natural relativismo de los conceptos jurídicos” puede encontrar protección sin incomodar la categoría de subjetividad jurídica, pero considerando al nacido objeto de tutela por parte del ordenamiento.

Si luego el reconocimiento de la legitimación activa del hijo discapacitado no encuentra un obstáculo insalvable en la anterioridad del hecho ilícito al nacimiento porque se puede ser “destinatarios de protección también sin ser sujetos dotados de capacidad jurídica en virtud del art. 1 c.c.”, ahora es necesario verificar la relación de causalidad entre la conducta del médico y el daño.

En cuanto al concepto de daño, la Corte observa que este es identificable en la vida misma y la ausencia de daño en la muerte del niño. “Y es aquí que la tesis admitida, *in subiecta materia*, incurre en una contradicción insuperable: desde el momento que el segundo término de comparación, en la comparación entre las dos situaciones alternativas, antes y después el ilícito, es la no vida, por interrupción del embarazo. Y la no

15 Sobre este punto Dworkin considera que la verdad de un valor moral no está determinada por una correspondencia con la realidad, no puede ser demostrada con los descubrimientos empíricos. “Los juicios de valor son verdaderos, cuando son verdaderos, no en virtud de una cierta correspondencia sino a la luz del argumento sustancial que puede ser producida a su favor. El reino de la moral es el reino de la argumentación, no de los hechos desnudos y crudos”. (Dworkin, 2011).

vida no puede ser un bien de la vida; por la contradicción que no lo permite. (...). No se puede pues hablar de un derecho a no nacer; esta no es una alternativa; y no ciertamente la de nacer sanos, una vez excluida la responsabilidad, comisiva o incluso omisiva, del médico en el daño del feto. Además, la condición misma del derecho es la vida del sujeto; (...).”

Me parece interesante este caso en que el modelo argumentativo de la sentencia del Pleno de la Corte demuestra la aplicación de la dimensión pragma-dialéctica no slo en su estructura en fases, sino también en el momento de síntesis entre los fines retóricos y dialécticos. En efecto, la conclusión a la que llega el Pleno de la Corte es fruto de un momento de síntesis entre el fallo del 2012 que comparte las premisas (el concebido es objeto de tutela) que hace, sin embargo, descender la consecuencia de una irreparabilidad del daño, como ocurrió en el precedente del 2009, sobre la cuestión de que el requisito del derecho es la vida.

Esto demuestra plenamente como el rol del juez es hacer justicia a través del derecho. Esto significa que el juez, dentro de un Estado constitucional, debe encontrar la solución justa bien argumentada dentro del derecho.

De esta forma se justifica (Schauer, 1991) como la igualdad entre el Derecho y la Vida constituye una premisa ideológica que implica una opción de valor. Se vislumbra en estas palabras cómo la operación valorativa de los jueces de casación no es más cuestión de hecho, sino de derecho, que podrá ser objeto del juicio de Casación y, como tal, incide en la esfera de juicio de la Corte.

Y entonces, a mi juicio, el método positivista es irrenunciable en la medida en que está dentro del derecho que el juez razona, sin embargo, resulta incompleta para la justificación, la cual necesita de un mínimo valorativo. Se trata de una opción valorativa para la cual tomando prestadas las palabras de Atienza (2013):

“ (...) el sometimiento de las razones jurídicas a las morales es una consecuencia de la unidad de la razón práctica, esto es, de que las razones morales sean las razones últimas de nuestros razonamientos prácticos”.(p. 286)

Una reflexión conclusiva

El modelo argumentativo de la Corte es estimulante porque nos acostumbra a analizar el caso, la especificidad del hecho y a reconstruir las complejas formas argumen-

tativas que demasiado a menudo pagan el precio de la diferencia existente entre las discusiones teóricas y los argumentos jurídicos efectivamente trabajado en la práctica.

Desde la argumentación jurídica desarrollada por los jueces de casación emerge ese operar estratégico “strategic manoeuvring” (Van Eemeren y Houtlosser, 1998, pp. 51-56) que permite mostrar cómo los jueces combinan los fines dialécticos y retóricos. El fin dialéctico de someter la argumentación a una prueba crítica y el fin retórico de convencer al auditorio. El objetivo del juez en su decisión es la de prevenir un conflicto entre estos efectos mediante una operación estratégica en que su posición (la elección) esté debidamente justificada en el derecho.

La decisión debe ser una reconstrucción racional en que se dé cuenta de cómo el fin retórico ha alcanzado un momento de síntesis con lo dialéctico y en qué medida el argumento cumple los requisitos de una contribución a una discusión racional.

Se hablaba al principio de este trabajo de complejidad de la argumentación en la medida en que el juez debe dar cuenta de todos los contraargumentos, en el sentido de que también después de haber proporcionado justificación al primer contraargumento podría ser planteada una nueva cuestión (test crítico) a la que dar respuesta y así sucesivamente.

La perspectiva pragma-dialéctica aplicada al caso concreto demuestra cómo la decisión pueda ser vista como parte de un debate donde existen interpretaciones divergentes que necesitan de una reacción debidamente justificada por parte del juez. Este modelo permite, por un lado, reconstruir los elementos argumentativos necesarios para una buena justificación y, por otra, ofrece una oportunidad, a través del contradictorio, de hacer emerger los elementos sometidos a crítica. En este sentido, podrán coincidir las necesidades de unir las teorías del razonamiento jurídico con la práctica efectiva. Los conflictos bioéticos se prestan a la aplicación de un enfoque pragma-dialéctico, en los que testimonian la posibilidad de hacer justicia en derecho, como lugar de composición de conflictos entre valores e intereses en conflicto.

Se comprobó, en efecto, desde el análisis del fallo, cómo el derecho no puede sustraerse a este rol de mediación. Sin embargo, su capacidad de regulación será puesta a dura prueba. Desde esta óptica, la posibilidad de mediar la tensión propia de las cuestiones bioéticas corre el riesgo de transformar la justicia en arbitrariedad y la tutela de los derechos fundamentales en la prevaricación del Estado. Cuando el legislador crea un derecho rígido que se impone desde arriba, se crean contradicciones e incoherencias normativas que llevan a las personas a tomar decisiones arriesgadas para la vida (piénsese, por citar solo un ejemplo, en la incoherencia de la ley italiana que permite recurrir

a un aborto terapéutico, pero no al diagnóstico de pre-implantación), cuando debería existir la certeza jurídica.

El Pleno de la Corte de Casación, por ejemplo, habría podido concluir en su fallo la negación del derecho al resarcimiento por el daño ocasionado al hijo, argumentando en función de la ausencia de una disposición normativa que regule el derecho a no nacer, siguiendo un formalismo interpretativo (Schauer, 1991). Por el contrario, elige la necesidad de justificar a través de una opción valorativa, considerando que el presupuesto del derecho es la vida no puede reconocerse un derecho al resarcimiento del daño en favor del recién nacido.

El derecho, como *auctoritas*, dotado de fuerza legitimadora (Wróblewski, 1992) corre el riesgo de ser inadecuado si se atribuye a la ley el poder de dirigir a las personas hacia determinados comportamientos morales. No se afirma que la existencia de “criterios fijos” implique necesariamente certeza del derecho; más bien, incluso cuando hay taxonomías y clasificaciones que enmarcan algunos casos, el derecho muestra su vulnerabilidad. Son numerosos los ejemplos en que la presencia de un dato normativo¹⁶ “de mallas estrechas” no resulta determinante de una cuestión, más bien, genera contradicciones e incoherencias. Entonces derecho no es solo definir la regla; derecho, mediante el *claiming*, es también detenerse en el momento de valoración de la práctica argumentativa¹⁷ para comprobar si hubo o no la violación del derecho fundamental. Y en esto encuentro la insuficiencia de las categorías iuspositivistas: si el esquema bioético dependiese de un criterio fijo esto implicaría una imposición desde arriba, por lo tanto, sería autoritaria en detrimento de una legitimación democrática de los cambiantes contextos de referencia que encuentran su control en el momento justificativo.

Se trataría de una especie de positivismo ético¹⁸ que conduce a la imposición de la autoridad de los valores en detrimento de un debate que necesita ser racionalmente

16 Un ejemplo sobre todos es la incoherencia de la Ley n. 40/2004 “Normas en materia de procreación médicamente asistida” destrozada a golpes de jurisprudencia (antes con la sentencia del Tribunal Constitucional n. 151 del 8 de mayo de 2009 y luego con la sentencia del Tribunal Constitucional n. 162 de 2014).

17 “La naturaleza misma del argumento y la deliberación se opone a la necesidad y a la evidencia, porque no se delibera dónde la solución es necesaria, ni se argumenta contra la evidencia.” (Perelman y Olbrechts-Tyteca, 1989).

18 “(...) Existen dos versiones fundamentales, y entre ellas netamente diferenciadas de positivismo ético (aspecto ideológico del iuspositivismo): la versión que podemos llamar “extremista” o “fuerte” y lo que podemos llamar “moderada” o “débil”. La versión extremista es (...) propia (...) los adversarios del positivismo jurídico: ella es, sobre todo, un cómodo objetivo, una “cabeza de turco”, que los antipositivistas crearon para poder conducir más fácilmente su polémica (...) La versión moderada del positivismo ético afirma que el derecho tiene un valor en cuanto tal, independientemente de su contenido. (...) Para el positivismo ético el derecho tiene siempre un valor, pero mientras para su versión extremista se trata de un valor final, para la moderada se trata de un valor instrumental”. (Bobbio, 1979, p. 274)

motivado. La consecuencia de esta actitud no puede ser otra que la clausura de un Estado frente al “politeísmo de valores”¹⁹.

Lo que he intentado mostrar, mediante el análisis de una sentencia de la Corte de Casación sobre temas “éticamente sensibles”, puede ser expresado con las palabras de la Corte Constitucional (2010) italiana:

La jurisprudencia constitucional ha repetidamente puesto el acento sobre los límites que la discrecionalidad legislativa ponen a las adquisiciones científicas y experimentales, que están en continua evolución y sobre las cuales se basa el arte médico; de modo que, en materia de práctica terapéutica, la norma de fondo debe ser la autonomía y la responsabilidad del médico que, con el consentimiento del paciente obra las necesarias opciones profesionales. (Sentencia n.151 del 5 mayo de 2010)

La elección de la metodología pragma-dialéctica del *case law* me lleva a una reflexión final sobre una posible función mediadora, diría dialéctica, precisamente, entre el derecho y la vida (Rodotà, 2006).

Cuando se trata de derechos que afectan la esfera de la vida el derecho debería evitar replegarse sobre la abstracción, y optar, en cambio, por hacer posibles análisis caso por caso de los derechos y los valores en juego, para dejar un espacio al juez que más propiamente se encuentra frente al hecho de la vida.

Esto no significa que el juez no se alimente de la certeza de los contornos de la ley, pero que el caso, en su imprevisibilidad, encuentra un límite en el derecho (Irti, 2014, p. 36). Ambos momentos, el legislativo y el judicial, se sitúan en la actividad de ese procedimiento circular propio de la pragma-dialéctica en la continuidad de un proceso de pensamiento.

Traducción del italiano de Pamela Juliana Aguirre Castro
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¹⁹ “El carácter liberal de los ordenamientos contemporáneos hace inadmisibles (...) una solución de este tipo. (...) A un Estado que no quiera renunciar al propio “estatuto de liberalidad” (...) no le queda otra solución si no la de tomar en serio el “politeísmo de valores” que caracteriza a la comunidad que pretende gobernar (...) no limitándose a neutralizar el conflicto a través de la decisión soberana sino apuntando a utilizar, valorándolas, los “recursos éticos” que provienen de la sociedad civil”. (Cfr. Cavaliere, 2011, p.161)

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NATIONAL INSTITUTE OF FAMILY AND LIFE ADVOCATES (NIFLA) V. BECERRA, OR THE RIGHT TO BE INFORMED ABOUT YOUR OWN REPRODUCTIVE RIGHTS¹

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Abstract

The Supreme Court has issued its decision in *NIFLA v. Becerra*, a 5–4 vote holding that the state of California cannot compel pregnancy-resource centers to advertise for the state’s abortion services. This decision represents a considerable victory for both the right to free speech and the conscience rights of pro-life Americans. The case concerned California’s Reproductive FACT Act, which mandated that both licensed and unlicensed women’s-health clinics (crisis-pregnancy or pregnancy-resource centers) not performing abortions had to provide a pre-written notice to clients.

Though the law related specifically to abortion, free speech was the fundamental issue at stake. This paper analyzes the history of abortion in US legislation and the perspective of one of its fundamental civil rights.

Keywords

Abortion, health, rights.

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Resumen

La Corte Suprema americana emitió su decisión en el caso *NIFLA v. Becerra*, con una votación de 5 a 4, que sostiene que el estado de California no puede obligar a los centros de recursos para el embarazo a hacer publicidad de los servicios de aborto del estado. Esta decisión representa una victoria considerable tanto para el derecho a la libertad de expresión como para los derechos de conciencia de las asociaciones estadounidenses pro-vida. El caso se refería a la Ley sobre la Reproducción de California, que ordenaba que tanto las clínicas de salud para mujeres con licencia como las que no tienen licencia (centros de recursos para embarazadas en crisis) que no realizan abortos deben proporcionar un aviso escrito previamente a los clientes.

Aunque la ley se relacionaba específicamente con el aborto, la libertad de expresión era el tema fundamental en juego. Este trabajo analiza la historia del aborto en la legislación estadounidense y la perspectiva de uno de sus derechos civiles fundamentales.

Palabras clave

Aborto, salud, derechos.

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1. Prologue

At the end of June last year, the U.S. Supreme Court deliberately chose to hinder the path of women who are seeking information on their reproductive rights and want to choose to practice voluntary interruption of pregnancy. Abortion is one of the issues that emotionally upsets most of American society and public discussion has often turned into an accusation of women who choose to make use of a right guaranteed by law. The strong mobilization of society on reproductive issues has split into two distinct thought movements that have gone head to head over the last thirty years, up until the most recent period that sees a turning point (and not only) towards the freedom to choose after receiving the fair and correct information (Yarnold, 1995). Women's right to abortion - sanctioned in 1973 by a Supreme Court ruling, known as *Roe vs Wade* - is under siege by both those who freely manifest in the streets, and by the world of professionals.

In the last three years, there has been a wave of restrictive measures that have limited the right to the termination of pregnancies in more than half of U.S. states. These restrictions have forced many clinics to close down and they have made the use of abortion a difficult path in various areas of the country, also due to some electoral outcomes that have recorded the prevalence of deputies coming from anti-abortion movements. The question has heavily conditioned American politics in recent decades, making abortion a constant theme in every election campaign, whereas until a few years ago in European countries - even, perhaps above all, in the Catholic ones, and among them Italy - it appeared to be a theme of the past, the interest and clamor of which belonged to history.

The complexity of the American situation has entered the halls of the Government, even with provisions aimed at affecting the behavioral modalities of women: the reference is to the decision of the State of Massachusetts to guarantee the safety of women who enter abortion clinics with "buffer zones", to protect them from intimidation and violence and to allow anti-abortion demonstrators to make pickets, distribute leaflets and therefore freely express their dissent (Howe, 2014)². The connection between private decisions and public rules does not make the choices of women less difficult: the

² In 2007, Massachusetts passed a law that makes it a crime to stand on a public road or sidewalk within thirty-five meters of any abortion clinic in the state. Yesterday, the Supreme Court demolished the "buffer zone" of Massachusetts, siding with a group of opponents of abortion who claimed that the law was unconstitutional because it prevented them from being able to advise and offer assistance to women entering the clinics. (Cosi & Howe, 2014).

perennial economic uncertainties, the unequal wage treatment between men and women, the delayed planning of the subsidiary project, the high costs of private health have in fact had an impact on the legislation, even affecting research projects and federal funding. Even though, as will be seen, the *Roe vs. Wade* sentence is weakened in its theoretical assumptions by some subsequent rulings, it continues to be the decision to refer to in assessing the constitutionality of state legislation³.

This historic decision of 1973 imposed a precise choice of value in favor of women's freedom, by inaugurating an active role for the Court in the regulation of a subject that until then had been almost neglected. Precisely this activism and the incisiveness of the interventions substantially subtracted from the States the possibility of interacting with the judicial authority. However, there is no doubt that, in the United States, there is a gap between the prudence of the legislator and the abortion practice, which affects more than one point five million young American women every year and which coincides with the exercise of one of the most controversial fundamental rights of democratic history.

At present, it is even more in the spotlight due to an interest in claiming the move in a "restrictive" sense, in order to satisfy a large part of the more conservative electorate. The case in question analyzes the themes of information asymmetries in terms of health, the cultural capacity of women to understand the messages related to the consequences connected to the voluntary interruption of pregnancy and, in the background, the fate of reproductive rights in countries where populism - and sovereign ambitions - often obscure the dutiful virtuous paths of public policies.

2. The case of NIFLA vs. Becerra and the Reproductive Fact Act of 2015

In the Supreme Court decision in the case of the National Institute of Family and Life Advocates (NIFLA) vs. *Becerra* (2018), the judges ruled that California cannot force the "crisis-pregnancy" centers to publish "signs about state-sponsored abortion services", regardless of whether or not such facilities are composed of licensed physicians.

³ After what seemed like a barrage of legislative attacks on abortion rights this year, some states are hitting back - as will be discussed later - by strengthening their laws to protect the right to an abortion. Illinois, Maine, Nevada, New Jersey, New York, Rhode Island, and Vermont have all passed legislation this year expanding access to abortion in various ways. In the current political climate, where some fear that *Roe v. Wade* is in danger of being gutted or overturned, state legislatures are a key battleground in the abortion fight.

The decision has in fact supported the reasons of the pro-life defenders, and has always advocated the theory that states and cities created these centers in order to provide alternative pregnancy services to women who do not want to abort. More importantly, the decision looked - and consequently favored - in a privileged manner the reasons of the pro-life voters, who trust in the interventions of the Supreme Court to limit the right of abortion in America.

The legislative substrate referred to is the Californian *Reproductive FACT Act* of 2015, which was approved after the legislator and activists worried about the increase of the “*crisis-pregnancy Centers*” within the state. Many of these centers have existed for decades and were designed to offer services to women with unexpected pregnancies, but uncertain about whether and how to perform an abortion and uncertain about the medical pathway to be undertaken. The law states that

Existing law, the Reproductive Privacy Act, provides that every individual possesses a fundamental right of privacy with respect to reproductive decisions. Existing law provides that the state shall not deny or interfere with a woman’s right to choose or obtain an abortion prior to viability of the fetus, as defined, or when necessary to protect her life or health. Existing law specifies the circumstances under which the performance of an abortion is deemed unauthorized. (Reproductive FACT Act, 2015)

In other words, the law establishes that California medical centers have two legal obligations for patients who ask for help: the first is not to interfere with the woman’s legal right to choose between aborting or not. In addition, the medical center must demonstrate that it is a practice with a medical license and with authorized medical personnel. Secondly, the law states that these centers must educate patients “*on California’s availability of subsidized health care and its eligibility criterion*”. The principle of transparency of the law requires this information to be placed in the waiting rooms of medical centers, on the free vision of patients seeking information. Many people fear that this informational methodology could have a negative impact on women’s reproductive health, in particular for those coming from poorer and less culturally trained environments, therefore lacking the tools to decode medical information in those Centers generally provided (Chen, 2014). This is because the main objective of the *Reproductive FACT Act* is to allow women to know which services they can access, without worrying about financial costs. The law requires “a licensed covered facility” to affirm

the principle that “California has public programs that provide immediate free or low-cost access to comprehensive family planning services, prenatal care, and abortion, for eligible women” (Reproductive FACT Act, 2015).

In the period following the entry into force of this law, some of the “*crisis-pregnancy Centers*” have encountered difficulties in reconciling the religious choices of many of their employees and volunteers with the pregnancy termination project. In this sense, it was supported that California - through the enactment of the *Reproductive FACT Act* - had violated the rights of the First Amendment of these people, because it obliged them to operate in contempt of how much they cared about their respective consciences. In the *NIFLA vs. Becerra* decision - taken by majority - Judge Clarence Thomas agreed that the law could endanger the First Amendment, stating that this legislative instrument “imposes a government-scripted, speaker-based disclosure requirement that is a wholly disconnected from the State’s informational interest” (*NIFLA vs. Becerra*, 2018). Now, again in the judgment of Judge Thomas, since the law selected only certain types of structures, there was a risk “*of only limiting the speech of those who disagree with the state views on abortion*”.

One of the great questions arising from this case is whether California can regulate communications in the “*crisis-pregnancy Centers*” as a form of “*professional speech*”, a somewhat confusing legal category that allows states to ask doctors and lawyers to disclose medical or ethical facts without the mediation of the professional who is able to simplify legal procedures or explain medical diagnoses in depth. California has argued that these “*crisis-pregnancy Centers*” are authorized medical providers and should be regulated to allow women not to be confused about the nature of unauthorized facilities for the ambiguous advertising message they launch. In particular, one of the judges argued that if California wanted to make sure low-income women knew about its low-cost family planning services, the way they chose was not acceptable. Another judge had a different opinion according to which the *Reproductive FACT Act* represents a paradigmatic example of the serious threat that occurs when the government tries to impose its message in place of the individual will. The theme that emerged is therefore one of balancing the rights of the First Amendment with public health concerns, in terms of the need to provide (potential) patients with accurate and correct information.

2.1. The *NIFLA vs. Becerra* decision and the theme of «deceptive speech»

The 2018 *NIFLA vs. Becerra* case of the Supreme Court was framed as a debate on abortion rights, but a new analysis reveals that the Court has been silent on one of the key questions of the case: the «*deceptive speech*»⁴ and the potential violation of the rule of informed consent. California law has required that clinics that attend to the needs of pregnant women provide “one of two government notices”: one for authorized clinics on the availability of state health services, including abortion, and one for unlicensed clinics they notify to potential customers that the clinics are not authorized medical facilities and do not have authorized medical professionals on site. In its decision, the Supreme Court found that both the requirements of “government notices” violated the rights of the clinic, present in the provisions of the First Amendment. Although the law itself does not refer to the clinics in question as centers of pregnancy in crisis that oppose abortion, the Court found that these clinics “were targeted in an important lesson for policymakers”.

At a closer look, in addition to the Court’s conclusions on the ability of States to regulate the issue of reproductive health, the *NIFLA vs. Becerra* decision, seems to have wider implications for the government’s ability to request “purely factual disclosures in the commercial context” (Pomeranz, 2019). These requirements - which are essentially related to commercial rules - have been designed and regulated to protect the consumer and public health instruments intended to prevent deception or warn consumers of potential damage to health and safety. The courts regularly support these disclosure requirements⁵; however, as noted by careful doctrine, in the last two decades the Supreme Court has guaranteed greater protection for businesses and reduced deference to government regulations. In *Becerra*, the Court found that the *Zauderer vs. Office of Disciplinary Counsel* decision does not apply to the aforementioned requirements, because communications are not limited to “purely factual disclosures”⁶.

4 The reference is to research conducted by the NYU College of Global Public Health, published in the American Journal of Public Health.

5 The commercial disclosure requirements include, for example, information on calories in restaurant menus, as consistent with the First Amendment: in this sense, the *Zauderer vs. Office of the Disciplinary Counsel* decision taken by the Supreme Court of 1985.

6 *Zauderer vs. Office of Disciplinary Counsel, Supreme Court of Ohio*. 471 U.S. 626 (1985).

It appears that the Court has deliberately avoided addressing the problem of “deceptive speech”, a central theme for the reasoning to be conducted in relation to information provided in unlicensed California clinical facilities. Therefore, the incomplete opinion of the Supreme Court creates new uncertainties about the government’s ability to request the disclosure of correct and concrete information in the context of reproductive health services and more generally in the commercial context. However, the Court’s silence on “deceptive speech” highlights a potential road to future regulation.

The current orientation of the U.S. Supreme Court is to believe that states can prohibit abortion after ascertaining fetal viability, as long as there are exceptions for the life and health (both physical and mental) of women. According to this orientation, vitality - which can vary from 24 to 28 weeks after the beginning of a woman’s last menstrual cycle - must be determined on an individual basis and decisions on both fetal viability and women’s health are at the discretion of the physician. In addition, states may not require additional medical personnel to confirm the judgment of a treating physician that a woman’s life or health is at risk in the event of a medical emergency. The requirements requested by the Court concern the times and circumstances of an abortion in the hands of the patient and, after its *viability*⁷, the doctor.

Most states limit abortion at a specific time during pregnancy, which normally lasts 40 weeks. In recent years, however, some state policymakers have attempted to provoke a challenge to the Supreme Court, prohibiting abortion before vitality. Federal and state courts have consistently blocked the application of laws prohibiting abortion for 13 weeks, but more than a third of states have successfully implemented what are termed “20-week abortion bans”. These bans are based on the belief that a fetus can feel pain 20 weeks after fertilization (an estimated date of conception), equivalent to 22 weeks. Other states have enacted laws that strictly prohibit or limit abortion in the second or third trimester (starting from 13 weeks and 25 weeks of pregnancy respectively). In the event of a dispute, the courts have effectively exceeded the laws in force, introducing a general ban on abortion in a given week or in a given quarter, in addition to specific ones with exceptions relating to the right to health. However, not all of these restrictions have been challenged in court. As a result, some states have precepts that do not meet the Court’s requirements: for example, Michigan allows a post-operative abortion only if the

7 When the Supreme Court speaks of viability, it tends to refer to “The point at which a fetus can sustain survival outside the womb. Determined based on the fetus’s developmental progress and may vary by pregnancy. A fetus generally reaches viability between 24 and 28 weeks LMP”.

According to Hart Ely (1996), the use of the concept (moral rather than legal in nature) of “viability”, which marks the moment when the fetus becomes “potentially able to live outside the mother’s womb, albeit with artificial aid”.

woman's life is in danger, a clear violation of the health exception requested by Roe. Furthermore, some States continue to maintain and enact new laws requiring the involvement of a second doctor to certify or attend abortion in particular circumstances.

The decision of the *NIFLA vs. Becerra* case falls in this context: it was taken with five votes against four. The verdict entails the revocation of a California state law (the *Reproductive FACT Act*, or FACTA, 2015) which will prevent forcing the fake abortion clinics exposing information boards on the possibility, for the women who go there, to be able to turn to other structures should they decide to abort. According to the provisions of the FACTA, the “crisis-pregnancy Centers” had to provide exhaustive information to patients about the possibility of free (or very low clinical costs for) abortion, and it had been approved given the widespread use of these centers, which are supported from the pro-life movement. Predictably, the law did not find favor with many “crisis-pregnancy Centers” and with NIFLA, which sued, alleging the violation of their right to express: informing patients of those practices meant forcing the staff of the clinics to go against one's conscience and one's ethical imperatives.

This was precisely the motivation accepted by Judge Justice Clarence Thomas which led to the Court's ruling: many of those centers set themselves a religious mission and forcing them to act contrary to it would mean violating the First Amendment. According to Thomas, in fact, the law imposes “a requirement predetermined by the government” which is “completely detached from the interest in informing the state” and closer instead to the wishes of the parliamentarians who supported it. Thomas also commented that, if the State of California intends to educate its population about the services offered in the context of abortion, it must do so with an adequate campaign, and not delegate the task to the “crisis-pregnancy Centers”.

3. Legal precedents regarding the right to abortion

The long road to legalizing voluntary abortion in the United States was fraught with difficulties: consider that a Connecticut state law - dating back to 1879 - criminally prohibited the use of any type of contraceptive (Rizzieri, 2001)⁸. In 1972, The Supreme Court held that the law was unconstitutional, as it violated the spouses' right to privacy:

⁸ As claimed by Rizzieri (2001), “In 1961 Estelle Griswold, physician and director of Planned Parenthood League of Connecticut, was accused of providing her patients with information on how to prevent conception, in particular by advising women to use particular types of birth control.”

in other words, the prohibition involved an illegal intrusion of the state into married life, hindering choices that had to be referred to the exclusive will of spouses⁹. The reference to the *right of privacy* was first expressed by the Supreme Court, according to which, although not expressly mentioned (“unenumerated”) in the *Bill of Rights* (and subsequent amendments to the Constitution), this right had full constitutional significance and it was found in the “folds” of some Amendments¹⁰, which presupposed the existence of “penumbras” or “zones of privacy” from which the existence of a more general right to *privacy* could be derived.

Already at the beginning of the seventies of the last century, the movements protecting women’s rights and advocating the legalization of abortion had taken a prominent position in public opinion. While the anti-abortionists were mostly represented by various religious organizations, which were not able to oppose a common front to the abortionists’ claims. Often finding themselves in conflict with each other, many doctors took to the *pro-choice* coalition: the category was traditionally opposed to abortion, but now it was demanding its liberalization, taking note of the fact that many of its members already executed it in violation of the law. In addition to recognizing the freedom to abort, in this context, and based on the English model, the doctor has a decisive role in the choice of the woman to interrupt the pregnancy. The Supreme Court in 1973 was aware of the role assumed by the *right of privacy*, and the fact that it represented a concept of synthesis, which contained freedom of different content within its scope. In fact, in this case, the Court affirmed that the content of the right to *privacy* was sufficiently wide enough to include the freedom of a woman to decide the fate of her pregnancy (Rizzieri, 2001). Following the 1973 Supreme Court ruling, there has been a rapid multiplication of privately run specialized clinics. The *Planned Parenthood* organization is one of the protagonists of the abortion movement and numerous legal disputes and it has taken on an almost monopolistic role in the management of abortion clinics¹¹.

In the following decades, we witness significant decisions, up to reaching the sentence in comment. In recent times, American states have approved more than 400 state restrictions on abortion, which have contributed to the abundant misinformation about

9 With the *Eisenstadt vs. Baird* decision (1972) the free use of contraceptives was also recognized to unmarried people.

10 The reference is to the First, the Third, the Fourth, the Fifth and the Ninth Amendment.

11 The *Planned Parenthood* organization has often been accused of unfair competition with other private clinics. One of its accusers is the lawyer Bill Baird, historical leader of the abortion movement, according to which “*Planned Parenthood* goes into new geographic area and opens a clinic near a preexisting abortion clinic that is independent of *Planned Parenthood*... because *Planned Parenthood* is a recipient of large federal grants, it is able to provide abortions at a much lower fee than a private abortion clinic can. Hence, over the course of time, the preexisting private abortion clinic, unable to compete with the lower fees offered by *Planned Parenthood* affiliates, is forced to go out of business”.

See Yarnold (1995).

procedures and treatments for this medical practice. These state laws restrict access and are often not based on medical science, as evidenced by the growth of pregnancy crisis centers (CPCs), which are organizations designed to convince women not to abort. These structures represent a problem not only for access to voluntary termination of pregnancy, but for reproductive health in general. *Crisis pregnancy Centers* often receive state funding and are significantly more widespread than abortion clinics in the United States, and they are often located near abortion clinics in an attempt to divert patients from abortion centers and route them to CPCs. Recent Supreme Court decisions ensure that access to abortion will be an important area of political challenge for both conservatives and progressives, hinting at potential drastic changes in access to abortion services and reproductive rights more generally, all over the United States. In order to frame such a demanding issue, this essay intends to reconstruct the most significant cases in the path of women's reproductive rights, to arrive at the latest legal decisions on the subject.

3.1. *Roe vs. Wade* e the (up and down) path of the conflict between *Pro-Choice* and *Pro-Life*.

In its famous abortion decisions, the U.S. Supreme Court recognized a constitutional right to abortion, but stated that the States could prohibit abortion after fetal vitality - the point where a fetus can sustain life outside the womb - if their policies meet certain requirements (Pomeranz, 2019). The *Roe vs. Wade* judgment is a very important sentence of 1973. It is one of the most controversial that the United States Supreme Court has ever pronounced. The two parties involved - Roe and Wade - have become, (not only) in American culture, the representatives of two different currents of thought in relation to the question of abortion: the first of the two embodies the current *Pro-Choice*, and Wade's vision represents the spirit of *Pro-Life*. In *Roe vs. Wade*, Norma McCorvey, known as Jane Roe (pseudonym used for the protection of privacy), fell pregnant for the third time, and decided to start - with the support of the lawyer Sarah Weddington - a trial before the District Court against the anti-laws abortion of the State of Texas, where the abortion ban was in force, except in cases where the life of the woman was put at risk (Scheb & Scheb II, 2002). Wade, the lawyer who represented the State of Texas - in disagreement with the Federal Court's decision - decided to appeal to the Supreme Court, which, in the aforementioned year, issued the sentence that influenced not only the specific case but the fate from 46 other States (Linton, 2012).

The request, made by Weddington, for the declaration of unconstitutionality of the Texan law was accepted by the Court on the basis of the interpretation of Amendment IX of the Constitution, which mentions individual rights (including the right to privacy), and the possibility of the latter being supplemented by other rights not explicitly expressed in the Constitution. The right to choose about the future of one's pregnancy was included among them. Both the District Court and the Supreme Court of the United States declared the contested law unconstitutional, holding that the limitations imposed on the woman's decision to abort violated her *right to privacy*, a right which, although not expressly provided for by the Constitution, had already been previously identified by the case law based on the *penumbra* of other rights in the *Bill of rights*. In particular, the Supreme Court stated that

This right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, as we feel it is, or, as the District Court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy. (*Roe v. Wade*, 1973)

However, this right was not conceived as absolute, but rather conditioned and limited by the presence of the State's interest in the protection of potential life, whose relevance is manifested increasingly in the course of pregnancy.

The State's interest in protecting women's health, on the one hand, and that of protecting potential life, on the other, were then outlined by the Court distinguishing three different phases with reference to the evolution of pregnancy:

- (a) For the stage prior to approximately the end of the first trimester, the abortion decision and its effectuation must be left to the medical judgment of the pregnant woman's attending physician.
- (b) For the stage subsequent to approximately the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.
- (c) For the stage subsequent to viability the State, in promoting its interest in the potentiality of human life, may, if it chooses, regulate, and even proscribe, abortion except where necessary, in appropriate medical judgment, for the preservation of the life or health of the mother. (Adams, 2005).

With 7 votes in favor and 2 against, on 22nd January 1973, the Supreme Court delivered a sentence that today still represents a precedent *in primis* for the right to abortion in the American panorama, and even worldwide. With this sentence, in fact, abortion is legalized in the United States, harmonizing a discipline that up until then had been independently regulated by each individual state. According to the legislation of some States, the possibility of interrupting the pregnancy was foreseen only in the cases in which the life of the woman was in danger, following a rape, or for fetal malformations; in others, however, it was forbidden in any case. As established by the Court, in 1973 women were recognized as having the right to decide whether to continue or terminate a pregnancy, based on the interpretation of the XIV Amendment to the United States Constitution, according to which no State can put in place or give executing laws that disregard the privileges or immunities enjoyed by US citizens as such; and no State will deprive any person of life, liberty or property, without “due process of law”, nor will it deny anyone, within the scope of its sovereignty, “equal protection of the laws” (Barsotti, 1999).

3.2. The *Planned Parenthood vs. Casey* case and the principle of *undue burden*

In 1992, the attention of the supreme judges again focused on the topic of voluntary interruption of pregnancy with the case of *Planned Parenthood vs. Casey*¹². In this sentence, with the favorable vote of 5 judges, the Supreme Court expressed itself again in favor of the “Roe” theory, introducing the principle of “*undue burden*”, which meant the impossibility on the part of the State legislation to introduce obstacles aimed at

12 According to the Court’s opinion expressed in this decision, abortion “[involves] the most intimate and personal choices may make a lifetime, central and personal liberty protected by the Fourteenth Amendment. At the heart of liberty is to define one’s own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs on these matters could not define themselves with the state”.

In this ruling, the question of constitutionality concerned five articles of the Pennsylvania *Abortion Control Act* of 1982. The articles set specific requirements before granting access to the IVG: informed consent given at least 24 hours before the procedure; in the case of the presence of a minor, the informed consent of a parent or approval by a judge; in the case of a married woman, declaration of having notified the spouse of his intention to abort.

Furthermore, the Pennsylvania *Abortion Control Act* excluded the requirements listed above in the event of a medical emergency.

In this decision - characterized by a strong division (4 to 3) - the Court reaffirmed its decision in *Roe vs. Wade* in which the Court recognizes the right of a woman to be able to abort; has decided that the limits to the right to access IVG must be based on the so-called “Undue burden test” (excessive burden test): it has been argued that the definition of “emergency” is wide enough to not consist in an excessive burden; stated that informed consent and parental consent in the case of a minor does not correspond to an excessive burden and stated that the requirement that a married woman must certify that she has notified her spouse constitutes an excessive burden and is therefore invalid.

making it more difficult for women to choose and implement abortion. The sentence of the *Planned Parenthood vs. Casey* case abandoned the “theory of trimesters” in favor of the so-called fetal viability threshold¹³. According to the majority of judges, in fact, a fetus would be considered “vital” much earlier, perhaps at the twenty-second or twenty-third week of gestation: with such pronouncement, it was indicated to the States that they did not necessarily have to wait for the third quarter to ban the abortion. This is because - again according to the judges of the *Planned Parenthood vs. Casey* case - the technological progress in the medical field has rendered the temporal scan underlying the sentence on the *Roe* case obsolete.

In 1982, Pennsylvania had approved the *Abortion Control Act*, which required women to give their “informed consent” before abortions could be performed, and imposed a 24-hour waiting period on women willing to voluntarily stop pregnancy, during which information was provided on the practice they were about to perform, the possible side effects, the fate of the fetus, and the physical consequences that could be encountered. The *Abortion Control Act* also provided that minors - who had wanted to abort - should have obtained prior informed consent from their parents, except in cases of “hardship”, in which a court can renounce this requirement; and that, except in “medical emergencies”, a wife who intends to perform an abortion must inform her husband of her plans before carrying out the operation. Finally, the *Act* required that all Pennsylvania abortion clinics inform the state of their activities. *Planned Parenthood of Southeastern Pennsylvania* filed a lawsuit against the State, claiming that the *Abortion Control Act* violated the Supreme Court ruling in *Roe vs. Wade*.

In 1992, after many advances, the Supreme Court issued a ruling on this case, which reiterated what was stated in the *Roe vs. Wade* judgment, but at the same time supporting the constitutionality of most Pennsylvania laws. Taking up many of the arguments put forward about the *Roe* case, the Court first declared that a woman’s decision to abort implies very important “liberty interests” and “privacy interests”, which the *Constitution’s Due Process Clause* protects from state interference. Read in conjunction, these interests form a “substantive right to privacy” that is protected from state interference in

¹³ The sentence on the *Roe* case sought to find a balance between women’s rights and the state’s interest in protecting the potential life of the conceived. Judge Harry Blackmun had ruled that, with regard to the first thirteen weeks or so of pregnancy, states should fully respect a woman’s right to abortion.

Starting from the second quarter, and up to the twenty-seventh week approximately, the States can intervene in the regulation of the procedure, but only in case of “reasonable danger for the health of the woman”. Finally, during the last thirteen weeks of gestation, when most fetuses are “vital” (that is to say, able to survive outside the maternal womb), the States have an “urgent” interest in the child, and can therefore completely forbid abortion (except in cases where the pregnancy threatens the life or health of the woman, in which case it must always be allowed).

fundamental issues such as marriage, procreation, contraception, family relationships, and child rearing. The Court then reiterated that this right also protects the abortive decision, because it involves equally personal questions about the autonomy of a woman's choices, her personal sacrifices, emotional and mental health and the fundamental right to define boundaries and determinations of one's life.

With the reaffirmation of the constitutional right to abortion, the Court then reiterated Roe's sentence. Firstly, according to the sentence, the States cannot prohibit abortions before the "viability point" (the point where the fetus is able to support life outside the womb), and secondly, that under no circumstances can States prohibit abortions that help preserve the life or health of the mother (Dworkin, 1996)¹⁴. To the same extent, the Court has also rejected some parts of Roe sentence, believing that the State can legally approve laws that protect the life and health of the fetus or mother in much wider circumstances. For example, while in the Roe case, the Court had ruled that the state could not regulate any aspect of pregnancy terminations performed during the first quarter, the Court then held that states could approve such regulations that had an effect on the first trimester of life of the fetus, but only to safeguard a woman's health, not to limit her access to abortion. Finally, the Court proclaimed that any regulation imposing a "substantial obstacle" that prevents a woman from obtaining a legal abortion is considered an "undue burden" that violates the constitutional right of women to abortion. With these new rules set by the decision *Planned Parenthood vs. Casey*, the Court examined the law of Pennsylvania and measured its constitutionality.

3.3. The *Whole Woman's Health et al. vs. Hellerstedt* sentence: the rule of continuity of the principle

In the sentence *Whole Woman's Health et al. vs. Hellerstedt* of June 27, 2016, the United States Supreme Court again ruled on abortion, with a decision accepted as the most significant on the subject for more than twenty years, sanctioning the constitutional illegitimacy of two provisions of the State of Texas, provided for in *House Bill 2* (H.B.2.), which raised the safety standards required of clinics and professionals, specialized in abortion services (so-called *abortion providers*) (Siegel, 2016; Urley, 2016).

The first of the two provisions, the so-called *admitting-privileges requirement*, requires each structure to have a privileged contact with a hospital located less than 30

¹⁴ For a detailed analysis of this volume, see Giordano – Langford (2017).

miles away. The second, so-called *surgical-center requirement*, requires these structures to comply with the minimum safety standards set for surgical surgeries (Chiericato, 2016)¹⁵. According to a well-known anti-abortion strategy undertaken by many States, these measures have represented a classic example of a *Targeted Regulation of Abortion Providers* (TRAP). This formula refers to the numerous state provisions that, for the declared purpose of protecting health of women, impose increasingly stringent burdens and requirements on operators who practice abortive services to consistently reduce the number and, in doing so, limit the concrete exercise of the right to abortion.

The judges of the Court, with a majority of 5 to 3 (for a total of 8 judges instead of 9, due to the death of Judge Scalia not yet replaced at the time of the ruling), stated that the Texas law violated the principle of “undue burden”, as already established in the 1992 sentence. The Court took the opportunity to specify the *undue burden test*, which is the principle according to which state provisions that impose an excessive burden on the right to abortion are constitutionally illegitimate, and have the purpose or effect of posing a substantial obstacle to women in the free exercise of their own will to abort. On that occasion, the Court warned about the risk on the right to decide on terminating a pregnancy if it was affected by health provisions that had little to do with promoting women’s health. The words of the Court were the following: “as with any medical procedure, the State may enact regulations to further the health or safety of a woman seeking an abortion”; however “unnecessary health regulations that have the purpose or effect of presenting a substantial obstacle to a woman seeking an abortion impose an undue burden on the right”. The political value of this sentence is affirmed by the opinions of one of the most authoritative judges of the Supreme Court, according to which

so long as the Court adheres to *Roe v. Wade*, and *Planned Parenthood of South-eastern Pa. v. Casey*, *Targeted Regulation to Abortion Providers* laws like H.B.2 that do little or nothing for health, but rather strew impediments to abortion cannot survive judicial inspection.¹⁶

15 The author claims that “If at first sight the case would seem to concern solely the provision of health services, these measures have, on the contrary, profound implications on the constitutionally protected right of every woman to decide freely to terminate a pregnancy, recognized in the American order since the historic *Roe vs. Wade* case”.

16 The reference is to the US Supreme Court judge Ruth Bader Ginsburg who, in joining Judge Stephen Breyer in the majority opinion, wrote her fierce and concomitant opinion, warning the legislator that unnecessary medical restrictions on the right to abortion “*Will never be tolerated by the High Court*”.

4. *Banning abortion as a current tendency in the USA*

Going back to dealing with abortion on several occasions, and using the power of *self restraint* in a limited way, demonstrates not only the importance of the issue for American society, but also the awareness of the Supreme Court about the political role it assumed in the matter under consideration. Abortion rights have been at the center of U.S. state legislation in the first three months of 2019, too. While some States have taken measures to protect access to abortion, these efforts have been overshadowed by more incisive attempts to restrict access. In fact, anti-abortion policy makers have wasted no time in revealing their goal: *banning abortion*. Although the overall number of restrictive abortion regulations introduced so far in 2019 is essentially the same as in the first quarter of 2018, the extreme nature of this year's impositions is unprecedented. The State of New York led the way when it issued the *Reproductive Health Act* on January 22nd, on the 46th anniversary of *Roe vs. Wade*. This new law has affirmed the right to abortion until the fetus is viable and when the life or health of the patient is at risk¹⁷. The same legislative provision also repealed the decision of the State according to which abortion is provided by a doctor. Similar legislation was passed by the first legislative chamber in New Mexico¹⁸, Rhode Island and Vermont. With the addition of New York, 10 States have established legal protection for abortion. In particular, conservative state legislatures are trying to issue abortion bans in the hope of initiating a lawsuit that will give the U.S. Supreme Court, and its majority of conservative judges, ample opportunities to undermine or eliminate abortion rights.

The legislation in question in 28 States prohibits abortion in various ways, introducing rules that automatically make abortion illegal if the provisions of the *Roe vs. Wade case* were overturned, or by imposing gestational age prohibitions that prohibit abortion at a specific point in pregnancy (such as at 6, 18 or 20 weeks after the last menstrual period) or lay down rules prohibiting abortion based on fetal characteristics (such as sex, race or disability); or, finally, rules to prohibit specific types of abortion. These regressive attacks on the right to abortion are only part of the story. Concerned about the future of

¹⁷ The law of the State of New York would extend the guarantee of state coverage of contraceptives, requiring private insurance plans to cover, without shared costs, all the contraceptives approved by the FDA, emergency contraception and male and female sterilization. It would also allow members of private and Medicaid health programs to obtain a 12-month supply of their chosen contraceptive method.

¹⁸ The law of New Mexico would extend the existing law up to the request for private insurance plans to cover, at no shared cost, at least one of each type of contraceptive approved by the FDA (including any type that a supplier considers medically necessary), emergency and sterilization contraception, as well as maintenance and follow-up services. It would also require the Medicaid state program to cover 12 months of contraceptive prescription.

such rights under the aegis of a hostile U.S. Supreme Court, progressive lawmakers in 13 States are pursuing legislation that affirms abortion rights, establishing a legal standard for such practice or repealing existing restrictions.

Meanwhile, although these rights are at the center of many state legislatures, reproductive health problems linked to access to contraceptives and sexual education have also been discussed and addressed. In particular, both are under the lens of politics: the request for complete sex education in schools, as well as a legislation, which would ensure the coverage of contraceptives in health insurance plans, allowing pharmacists to write prescriptions for their free use. More specifically, in the first quarter of 2019, the governors of four states (Arkansas, Kentucky, Mississippi and Utah) signed a total of eight measures prohibiting abortion and other related reproductive rights. Similar measures had already been approved in Arkansas and Georgia and had been adopted by a legislature chamber in six other states. While the approaches vary from state to state, one thing is clear: these efforts to ban abortion violate the fundamental indications of the United States Supreme Court that protect abortion rights in a general sense, limiting the possibility of a state contracting or the right of access.

The most important trend in the restrictions on abortion rights are those legislative documents that prohibit abortion at six weeks, once a fetal heartbeat has been detected. Until the end of March 2019, these restrictions were enacted in Kentucky and Mississippi, approved in Georgia, while one of the chambers was approved in Missouri, Ohio and Tennessee. The new law in Kentucky would have entered into force immediately, but a federal district court issued an order that blocked its execution. The legislation of the Mississippi should come into force in July. Only two other states, Iowa and North Dakota, have issued bans on abortion during the first six weeks of pregnancy, which have been canceled by the courts¹⁹.

¹⁹ These bans have also been extended to other states: the governors of Arkansas and Utah have approved the prohibition of abortion at 18 weeks of pregnancy, allowing - for the first time - that abortion be practiced in this temporal stage of the pregnancy of a woman. Kentucky has banned abortion based on the alleged fetus race or sex or based on the diagnosis of a genetic abnormality (this law, like the law of Kentucky banning abortion at six weeks, is not in effect due to of an ongoing legal action), and Utah has enacted a law banning abortion when a fetus is diagnosed or thought to have Down syndrome: this law should come into effect in May. Currently there are eight states that prohibit abortion for sex selection purposes. Furthermore, Arkansas and Kentucky would become the fifth and sixth states to ban abortion if *Roe v. Wade* was turned upside down.

5. What if *Roe vs. Wade* was overturned?

Basically, since the *Roe vs. Wade* case, the Supreme Court has consistently reaffirmed the fundamental right to abortion, allowing - at the same time - new limits to a woman's ability to exercise the right to voluntary interruption of pregnancy (Siegel, 2008). The composition of the Court - after the appointment of Judge Brett Kavanaugh in 2018 - became more conservative, and it was clearly expected that more States would contest the protections produced in the *Roe vs. Wade* case, limiting abortion in the early stages of pregnancy. Indeed, changes to the composition of the United States Supreme Court in 2018 raised the possibility that the *Roe vs. Wade* case could be seriously undermined - or even overturned - essentially leaving decisions concerning the legalization of abortion to the individual States.

A reversal of the *Roe vs. Wade* case could establish an alternative legal route, a widely seen tactic as an attempt to provoke a legal challenge to a pillar decision for fundamental rights. In fact, many of these prohibitions - approved by the states - have been blocked by court orders that lead to further legal action. Other prohibitions were issued after *Roe* was designed to be "triggered" and take effect automatically, or following a rapid state action if *Roe* was overthrown. As mentioned above, several States even have laws declaring the intention to ban abortion to the extent allowed by the US Constitution, making clear the desire to stop access to abortion in the individual State. Meanwhile, lawmakers in some states have passed laws to protect abortion rights without relying on the *Roe* decision. Most of these policies prohibit the state from interfering with the right to obtain an abortion before the vitality of the fetus or when it is necessary to protect a woman's life or health.

In other words, despite the weightiness of the *Roe vs. Wade* case and the extensive literature created around the decision, the laws of individual States carry out projects aimed at limiting the operation of the constitutional right to voluntary interruption of pregnancy in accordance with a political vision aimed at compressing rights and increasing controls. Precisely in this sense, the State of Alabama, on May 14, 2019 approved - with a Republican majority - the *HB 314 law* which prohibits abortion even in cases of rape and incest. The only exceptions are the serious risk for the health and life of the mother, but the danger must be documented. Outside these cases, abortion is punished as a class A crime (up to 99 years in prison, excluding mothers). It is therefore a law that could lead to the challenging of the "*Roe vs. Wade* case" before the Supreme Court.

After the approval of the law in Alabama, which prohibits abortion even in the event of incest or rape, another U.S. State is preparing to launch a new tightening on the termination of pregnancy. In fact, the Senate of Missouri has approved a law that limits the period in which one can abort. It is limited to eight weeks compared to the current 21 weeks and six days²⁰. The only exceptions are cases of “medical emergencies”, but even in this case rape and incest. Now we need the vote of the State Chamber, controlled by Republicans like the Senate.

6. Some conclusive thought

After what seemed like a barrage of legislative attacks on abortion rights last month, some States are hitting back by strengthening their laws to protect the right to an abortion. Illinois, Maine, Nevada, New Jersey, New York, Rhode Island, and Vermont have all passed legislation this year, expanding access to abortion in various ways. In the current political climate, where some fear that *Roe v. Wade* is in danger of being gutted or overturned, state legislatures are a key battleground in the abortion fight. Legislatures and courts alike have been testing the very limits of the constitutional protections cemented in *Roe*. As deference to *Roe* wavers in the courts, advocates of abortion access are paying close attention to enacting proactive legislation as a strategy.

New York’s Reproductive Health Act, passed this January, is a sweeping measure that codifies the protections of *Roe* within state law. The NY law regulates abortion as healthcare, rather than a criminal act, and expands the types of qualified healthcare professionals that may provide abortion. It also extends post-24 week protections where a pregnant individual’s health or life is in danger, or the fetus is not viable. New laws in Rhode Island, Illinois, and Vermont were also signed into law earlier this month, providing broader protections for individuals seeking abortion care. For reproductive rights advocates, these are legislative victories that come on the heels of a decades-long battle.

Before the most recent wave of proactive legislation, just eight states had statutes codifying the right to an abortion up to viability, according to data published by the Center for Public Health Law Research’s Abortion Law Project. Available on LawAtlas.

²⁰ This is also playing out on the national stage as the Fifth Circuit in *June Medical v. Gee* seemingly sent a direct challenge to *Whole Woman’s Health* where the Fifth Circuit upheld Louisiana abortion restrictions that were basically identical to the Texas restrictions that were struck down. How *June Medical* is ultimately resolved will have ramifications for telemedicine in this particular context.

org, the data also explore court opinions that interpret state constitutional provisions, such as the right to privacy, as protecting abortion rights. State law initiatives such as these are significant for a few reasons. Most obviously, they unequivocally guarantee the right to abortion by enshrining protections in statutory law, meaning that even if the courts fail to uphold the decision in *Roe*, citizens in states like New York would still have abortion access. Additionally, public support for these laws could help to remove the stigma surrounding abortion and frame it as healthcare, rather than continuing to criminalize abortion providers and their patients.

Furthermore, there's an increasing chance that states will feel encouraged to follow suit by passing similar legislative measures, as demonstrated this year. Though not always rooted in evidence-based practice, states have the ability to set an example for other lawmakers and lead the way for further innovation. We've seen instances of how legislation can catch on like wildfire at the state level, for better or worse. Fetal heart-beat bans and many other types of state abortion restrictions are proposed as a result of "model legislation" pushed out by special interest groups in a nationwide strategy. With abortion rights perceived to be under threat at the federal level, some advocates are taking a page out of their opponents' playbook by enacting proactive state laws.

As these battles unfold in state legislatures, it is important to remember who will be the most affected. Lawmakers in Illinois claimed to be "building a firewall around Illinois to protect access to reproductive healthcare for everyone". While privileged women with the means to travel across state lines will continue to have access to the services they need, historically it was black and brown bodies who had their autonomy stripped away by oppressive political and social institutions. Today, women of color still seek abortions at a much higher rate than white women do, attributed to the lack of affordable healthcare and other manifestations of institutionalized racism. When 75 percent of women seeking abortion are low-income, barriers to safe abortion care hit hardest among those lacking the resources. So while state-by-state initiatives are a crucial tool that finally seems to be paying off in the fight for reproductive justice, the larger challenge ahead is ensuring that access to healthcare is no longer dependent upon a person's income level or zip code (A.R. Ghorashi, 2019)²¹.

It is legitimate the concern of a restrictive view about the rights that the population deemed acquired in the catalog of fundamental values. While considering that a different political orientation, physiologically, brings with it changes that affect the

21 *When It Comes to Abortion Restrictions, State Legislatures Try Fighting Fire with Fire*, in blog.petrieflom.law.harvard.edu

lives of citizens, the case in question has a particular value because it is based on a deceptive assumption and postulates the denial of a right that has its roots in the principle of self-determination of the woman in the choices concerning her person. The difficult events concerning the right to voluntarily interrupt pregnancy also reflects the decision regarding the extension of the personality to the fetus, which cannot be dealt with here. It is plausible to say that it is the task of the Constitution to allow or prohibit abortion explicitly, avoiding the judge “having to face an impossible interpretative undertaking that would inevitably lead him to an arbitrary decision” (Dworkin, 1996)²². Therefore, if it is the Court’s task to faithfully interpret the Constitution and safeguard its values, through which popular sovereignty is exercised, the task of replacing the state legislator is not given. It is thus only up to the State to regulate the matter, and therefore establish the deadline to which a woman is allowed to terminate the pregnancy.

In the background, suggestions and reflections remain which have given voice to daring and truthful considerations: generally women who choose to have an abortion neither wished nor wanted to get pregnant. If they find themselves in this state, it is because men are in control of sexuality, define the conditions, decide and impose the moment and the way in which the relationship must unfold, attribute a stigmatizing social meaning to female employment of contraceptives - an act interpreted as a permanent and universal declaration (direct to all) of a woman’s sexual availability and, therefore, also as a denial at the root of the possibility of being raped (Mackinnon, 2012). This vision coincides with the battle for reproductive freedom that for a long time did not contemplate the right of women to oppose a rejection of an unwanted sexual relationship (Lonzi, 1971)²³. In American iconography, the right to abort - despite the work of sensitive jurists - has not been perceived as freedom from the reproductive consequences of a sexuality defined by men and centered on the heterosexual genital relationship. This absence of paradigm has prevented it from reflecting and concretely express the conditions of gender inequality. As stated, “As long as women do not exercise control over their sexuality, abortion will facilitate the sexual avail-

22 Taking into mind “If a fetus is a constitutional person, then states not only may forbid abortion but, at least in some circumstances, must do so”.

23 The author states that “Conception is the result of a violence of male sexual culture on women, which is then empowered by a situation that instead has suffered. By denying them the freedom to abort, man transforms his abuse into a woman’s fault. By granting her such freedom, man relieves her of her condemnation by drawing her into a new solidarity that remotely removes the time when she asks herself if she goes back to culture, that is to say to man’s dominion, or to anatomy, or natural destiny, the fact that she becomes pregnant”. And again: “The legalization of abortion and even free abortion will serve to codify the voluptuousness of passivity as an expression of the female sex (..) The woman will seal the phallogocentric sexual culture through a de-dramatized exercise of her use”.

ability of women. In other words, in conditions of gender inequality, sexual liberation understood in this way does not free women, but male sexual aggression” (Mackinnon, 2012).

The reference made by the Roe sentence to the doctrine of *privacy* identifies a concept of State that limits its interference in individual choices so that everyone can interact freely and consensually on an equal footing. However, given that the intimate sphere is certainly the battleground between opposing ways of understanding emotional relationships and possible consequences, it is there that the inequality between men and women manifests itself and it is precisely for this reason that feminism has strongly asserted that the staff is political. Therefore, in the present time, the places of existence of women where the vulnerability of their condition is most revealed - power over body, heterosexual relationships, reproduction, affective life -, coincide with the areas in which the violence is physical and psychologically perpetrated, marital rape, exploitation of female labor (Giolo, 2012; Faralli, 2015; Casadei, 2017). Even the role of hard-working barrier, carried out over time by the American Supreme Court, gives way to intolerance and insensitivity towards the path of individual rights and freedoms. To the militant jurist the role of sentinel of rights.

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NOTAS Y DISCUSIONES

Sobre el libro

C. Casarino, A. Righi (Eds.)

ANOTHER MOTHER

**Diotima and the Symbolic Order
of Italian Feminism**

**University of Minnesota Press,
Minneapolis-London, 2018.**

IN THE BACK OF MY MIND. Corporeity and politics in the symbolic cut of the mother tongue

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“Your mother tongue and another language are so different. I can put it simply. I know a lot of German poetry by heart. The poems are always in the back of my mind. I could achieve that in a second language. I say things in German I’d never let myself say in English” (Arendt, 1964). Thus speaks Hannah Arendt, in an interview with Günter Gaus on October 28, 1964, in response to a question regarding her life in Europe and her connection with pre-Hitler’s Germany. “I don’t long for that. I can you assure of that. What has remained? The language remains” (Arendt, 1964). After the traumatic experience of escaping from Nazism and statelessness for Arendt, there remains in that past world only the relationship with the mother tongue, perceived as something concrete, involuntary, a trace deposited in the body and returning from there, resurfaces, bringing to mind verses of poems otherwise forgotten. It is no accident that, to give it back its meaning, Arendt interrupts the conversation in German and uses an English idiomatic expression - ‘in the back of my mind’ - in an attempt to express in word, to translate material reality into a form of the untranslatable, unrepeatably and not entirely symbolizable relationship that she maintains with the German mother tongue. This bodily dimension of language, constituting the maternal as a symbolic form brought into question by the Italian feminist thought of sexual difference, is at the centre of the volume edited by Andrea Righi and Cesare Casarino, *Another Mother. Diotima and the Symbolic Order of Italian Feminism*. In it the voices of some of the most authoritative thinkers of sexual difference are intertwined, in a collection of essays wisely translated

and assembled to interrogate the transformations of the present and reveal their forms of power: “Why is it so important and urgent for politics to think and to foster a debate about the mother here and now? What is this ‘here and now’? (Righi & Casarino, 2018, p. 5). This is the question from which the two curators start in focusing on the problem that shakes the global contemporary space: the explosion of sexual and racial violence, the resurgence of misogynist cruelty that bloods the current anomic phase of neoliberal capitalism.

Just think of the practices of violence perpetrated against women in the global context of ‘new wars’: informal war scenarios in which there is a spectacularization of torture and destruction of female bodies, seized and exhibited in a showcase for a public demonstration of their submission by the masculine power that emphasizes its domination with this spectacle. It is the tragic case recalled by Righi and Casarino: nineteen girls executed by ISIS in 2016 for having disobeyed the rules of the patriarchy, kidnapped and burned, lives in the streets, in Mosul, inside a cage, for refusing to become sex slaves. But, as much as they are most affected by male violence, the problem of the current misogynist cruelty is not limited to women: the intersection of racist, sexist, homophobic and transphobic violence in the contemporary global existence is a matter of fact. This urgently raises the question at the centre of the volume: the need to think of an alternative symbolic order to the male patriarchal one. A symbolic that the philosophical community of Diotima has identified in the politicized of the mother tongue and in the female genealogy of the mother-daughter relationship obscured within the hierarchical links of the male imaginary. “Luisa Muraro’s *The symbolic order of the mother* is the text we should turn to with these questions in mind. She shares with other female authors, first of all Light Irigaray, the project of bringing the figure of the mother and daughter relationship, both imprisoned in the patriarchal imaginary, to the light of the symbolic” (Dominijanni, 2018, p. 216). Thus Ida Dominijanni clarifies the scope of the feminist shift, the revolutionary rift introduced by the feminism of difference - in practices and thought - for access to the symbolic of a sexual subjectivity. This is the critical excavation carried out by Luisa Muraro, together with Luce Irigaray and other authors, in the epistemological field of modern representation: the liberation of the mother from the darkness of the private and its highlighting as a symbolic source of a female authority rooted in the free sense of sexual difference, as an existential condition not identifiable a priori, but knowable only through a practice in which one experiences the limit, the emptiness, the dependence, with the putting into play of oneself in the relationship with the other. Freed from the patriarchal imaginary, the symbolic root of feminine

authority is inscribed, then, in the figure of the primary relationship as a principle of individuation irreducible to the symbolic order of the law, generative of relations between being and language - thought and life, body and word - that modify the field of the sayable and decide on the opening of meaning to women's political freedom. The volume *Another Mother* takes as its starting point the radical nature of this challenge to show us how profound is the genealogical excavation carried out by the authors right into the present, here and now. The stakes, in fact, are to show how some of the key issues in the contemporary debate - the new wars, the economic financialization, the media coverage of politics, the spectacle of crimes against women, the intersectionality of racial, gender and violence class on a global scale - they can be read in their entirety only through an analytical lens capable of identifying the links and of interrogating the knowledge that defines the order of discourse in a given historical phase. Exactly the gesture made by Diotima that, to denounce the social subordination ascribed to the equal female condition in the fraternal contract, and to affirm the freedom of women, has adopted since the years of the feminist revolt a critical look capable of grasping the materiality of the symbolic in the field variable of social interactions. It is Luisa Muraro who tells us that "between symbolic and social orders there is complicity: material servitudes that become logical exigencies and, vice versa, conditions of symbolic production that translate into social impositions" (Muraro, 2018, p. 89). This analysis explains why, despite the pervasiveness of cultural and gender differences, the symbolic arsenals of race and gender continue to govern contemporary global space, with effects of subordination and violence. The answer lies in that *opaque complicity*, yet intensely operational, which Muraro traces, on the basis of Lacan, between symbolic production and the social order, between metaphorical language and the patriarchal regime. Taking into account this material connection, from which derives the recognition of a historicity of the sexes, the volume questions the historical - economic, cultural, geopolitical change - which took place after globalization, with the post-Fordist turn of capitalism and advent of neoliberal governmentality. The point in question is the relationship that the neocapitalist development model intertwines with feminist practice, in light of the profound crisis of civilization that neoliberalism has given to the forms of life in contemporary society - what Andrea Righi has effectively defined the 'psychopathology of the post-Fordism': a process of individualization and precariousness of the productive forces, based on a competitive business model in every sphere of life, according to the bio-economic project of human capital. With the post-Fordist turning point in the accumulation regime and economic financialization, social reality has lost its symbolic

function as an associative phenomenon endowed with a life of its own with respect to the lives of isolated individuals who are part of it. By encouraging the subjects to internalize an idea of entrepreneurial freedom and by mobilizing a process of deconstructing of work implying forms of marginalization of the subjects who are unable to adapt to the logic of the system, the neoliberal governmentality has progressively built the foundations for increasingly fragmented living conditions, insecure, with a decisive consequence on the symbolic level: the collapse of desire in the function of enjoyment. “This is the libidinal face of post-Fordism; this is the lucrative disorder of the society of enjoyment. “The chief consequence is that of the notion of desire has now collapsed into the function of enjoyment, which is private, repetitive, and excessive as the subject of the object of pleasure precisely as a thing” (Righi, 2018, pp. 291 – 292). Thus Righi focuses on the socio-symbolic change with which to come to terms today. Now that the order of the law, based on paternal interdiction and absorbed by the juridical form of the social pact, has been seriously damaged by the advent of an anomic rationality, structured around the financial powers of the market, the forms of hardship are no longer inscribed in a social imperative that prohibits enjoyment. Rather, they are inscribed in an imperative of enjoyment: a libidinal economy that encourages compulsive, serial, unlimited forms, practices in which the subject encapsulates the object of pleasure as a thing, an inanimate reality. Psychopathology is therefore the symptom of the post-Fordist productive model, as a psychic structure immersed in a hallucinatory dimension functional to the consumerist logic of contemporary capitalism. It is at this height that finds a space the question of maternal symbolism and feminine genealogy in the urgency of re-signifying the linguistic-expressive instances on the political level. “The symbolic match of the political resignification of the maternal becomes more urgent” (Dominijanni, 2018, p. 228), observes Ida Dominijanni. If, in fact, as the author suggests, the symbolic of the mother is not monolithic, but it is a cut in the “factual and eventual whole” (Dominijanni, 2018, p. 5) order language – an excess and, together, a limit given by an experience that is not entirely symbolizable, resistant to all forms of synthesis – then, what is at stake, in the contemporary global perspective, lies in the ability to make a twist on the level of language – even that already acquired in the feminist field of emancipation – starting from the experience of practices. A ‘rotation’ that allows the translation of “the multiplicity of meanings of feminine existence” (Dominijanni, 2018, p. 5) of all women and of each one – into the historicity of the present, where other subjects who spoke about the symbolic competence to say about themselves intersect: colonized, racialized subjects, subjected to imperialist and class domination. The

point is that, in a thought of sexual difference, that is, in a thought that chooses as vocation not to synthesize, not to abstract, to put the categories in relation starting from experience, the opening to the multiple and, therefore, to the intersection with other excluded subjects, does not subtract from the task of pausing in the limit of the contradictions given by the singular historical paths of sexuation, of racialization, of colonization. It is an impervious but necessary challenge that the global present poses to feminist thought. ‘Thinking with Diotima’ today means in any case taking on the living delivery of a language which, inscribed in the materiality of experience, allows us to bring back to reality what in the male domain is continuously abstracted, naturalized, pacified in a timeless and ahistorical representation. It means taking on the metomimic cut of the mother tongue enlightened by Luisa Muraro: a language guideline that allows us to pierce the discourses from within, “cutting across” (Muraro, 2018, p. 73) them, through the singular and common experiences of practice in which corporeality of lived enlightens the generative possibility of thought.

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NEW MOTHERS: MARKET, BODIES, LIFE

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Another Mother. Diotima and the Symbolic Order of Italian Feminist, edited by Cesare Casalino and Andrea Righi, is dedicated to Gender Studies. As is well known, Gender Studies revolutionized the culture and the way of thinking and structuring society, offering new theoretical tools to decode the current world, and new categories to read the distinction between man and woman: starting from a representation of gender as a cultural construction, in opposition with the traditional biological distinctions between male and female. Indeed, those studies led in the eighties to a strong emancipation turn. Starting from the critics to biological determinism, in relation to social expectations, roles and cultural models, Gender Studies aimed to reformulate gender and sexual-orientation-based identities. In a second time this goal was perceived through the deconstruction of a binary vision, homosexuality / heterosexuality, highlighting its performative aspect. As shown by Luisa Muraro, the *performative* structures the relationship between mother and child. It is an exchange of teaching and learning, a pedagogical “give-and-take” which defines and establishes language. With the words of Muraro (2006): “We learn to speak from the mother, and this statement defines both who the mother is and what language is.”

Undoubtedly, feminism has often been on the fringes of general philosophical and juridical reflection, since it is a complex and heterogeneous movement that aims to eliminate any patriarchal order; it evidently brings actions and political claims aimed at tarnishing the neutral and objectifying image which very often follows legal subjectivity. A subjectivity inevitably crossed by an ontological difference of the woman, which coincides in the patriarchy with the very negation of its identity: a subjectivity to be built through the recognition of sexual difference as a productive structural asymmetry, from an autonomous and independent symbolic matrix. In this sense, the

Diotima project – beating heart of this volume – represent a concrete political praxis in support of gender equality and inclusion policies, in opposition to any attempt to erase the asymmetry between man and woman by rereading it in terms of a millennial absence of women from history (Lonzi, 1982) and which focuses on the symbolic relocation of the maternal order.

Obviously, the analysis and critique of the reproductive work's productive dimension represents the spring of Italian feminism thought, in its attack on the patriarchy's symbolic dimension. To rethink the function of the mother inevitably means dwelling in the analysis of the forms in which the primary institution of human reproduction and socialization is practiced and lived (Casalino, Righi, 2015, p. 8).

In today's neoliberalism those issues are very problematic. As has been recently said referring to global bioproducts (Cooper, Walby, 2014), the neoliberal paradigm knows no waste of biological material, becoming a model of glocalization that fades the distinction between production and reproduction.

Indeed, the logic of the *homo oeconomicus* (Foucault, 2008), is widely affirmed in the area of health management, and above all of surrogate maternity practices. Entrepreneur of himself, subject with interests, in advanced liberal societies this subject is completely involved in the management of its business, pursuing his specific purposes and his own security. The individual confirms himself as a “producer” – and not just a recipient – of policies and practices of safety and health: increasingly involved patients, active consumers, product and service managers. In this sense, we are witnessing the effervescence of a set of power-conferring rules, through which flexible and horizontal normative self-regulation methods are enhanced, according to the logic that takes care of bodies, organizing and strengthening them. *Bodies that matter*, taking up the title of a very famous book (Butler, 1993), depending on the function and weight that are attributed to them, with heavy consequences on medicine and law, called each time to deal with specific cases, hard to be traced back to general case studies, but which in any case respond to a logic of continuous and unstoppable subsumption of the biological in the field of law (Giordano, Tucci, 2017).

This tendency leads progressively to the reconfiguration of some classically expressive functions of patriarchy with respect to which the great dichotomies of feminist thought (public / private) and of philosophical-juridical reflection (nature / artifice) are in tension. The latter one shows today an unprecedented relevance, facing the infinite variables progressively created by the technique, which reveal the prismatic *facie* of the “nature”, every day less distinguishable from what is artificial.

Nowadays we are seeing the weakening of highly disciplinary and coercive productive mechanisms and welfare policies for families and, as in a mirror, an increasing centrality of the body. In particular the female body, its self-valorization in a biological and biopolitical sense, as a source of value inseparable from life. In this spatial reconfiguration of Fordist family, in which reproductive labour is no longer far from work dynamics, there is not only a radical restructuring of the market on services previously limited to the private sphere, but also a problematic externalization of work that transfer risk sharing strategies from companies to workers, radicalizing processes of social stratification on the lines of gender and race.

In this reproductive outsourcing surrogate mothers and oocyte sellers follow different paths caused by unequal regulations: from the absolute prohibition, to the logic of the gift or a minimum refund, up to the total absence of legal limits; this fragmented and inhomogeneous framework traces labile and precarious coordinates in the international legality.

Undoubtedly, the primacy of private agreements and the regulatory vacuum are endogenous factors in the growing of cross-border reproduction. This is especially true in countries characterized by a transitional economy, where reproductive outsourcing becomes a form of autocalcapitalization in which the relationship between freedom and equality is strongly unbalanced, causing inequitable dynamics. The risk here is a radicalization of social vulnerability and social, economic and gender discrimination, hidden behind the reassuring image of self-government.

The regulatory discrepancy at the global level shows how hard is to deal with the marketability of the human body – expressly prohibited by the Oviedo Convention – and therefore with the issue of limits on the juridification of bodies.

Do the logic of empowerment – neoliberal expression of individual freedom and autonomy – and the very idea of bodies' fungibility and interchangeability, not show all the ambiguities in the corporeality/subjectivity relation? Do they not expose how body is the place not only of symbolic exchange, but above all of a subjective identity irreducible to "objectifying" categories?

The reference, to the other mother, the surrogate mother, involves the increasingly widespread and complex subject of commodification, which reproduces the dynamics of body objectification playing on fungibility and availability (Mackinnon, 1989). This risky objectification of the *self* operates in the neoliberal idea of body empowerment, based on its instrumentality and fungibility (Nussbaum, 2000). This expansion of the proprietary lexicon to the generative power of bios brings with it the risk of a reduction

of the human being to thing, damaging the Kantian notion of human dignity, the idea that the “recognition of the other is based on the moral value of the person understood as an end-in-itself”.

However, for some feminist – an approach that overcomes the public-private dichotomy, market-family, production-procreation- (Shalev, 1989) – the other mother, the surrogate one, the maximum expression of solidarity, a welfare service which allows a new source of productive activity for women with limited income and the realization of new distributional effects. This perspective assigns the possibility to recover that biological power of control over the procreative activity, to the responsibility and legitimacy of the patrimonial element. Aiming to underline the equality of women in the assumption of responsibilities and contractual commitments as overcoming the barriers of patriarchy and the attribution of a subjectivity free from emotionality and biological destiny, this viewpoint ultimately, tends, to replicate the economic-reproductive obsession, functionalizing it to a purpose. Therefore, we cannot accept a liberalist interpretation which, based on the concept of choice, introduces a dualism between commodification and exercise of self-ownership, to justify the possibility of managing one’s own body, disassembling and isolating portions of it in an incremental function.

On the one hand this reading key allows us to rethink the dispute on commodification-exploitation equation through the reinterpretation of the Kantian notion of dignity referred to a body thought only as a totality. But on the other hand, it hides the conditions of social and political vulnerability, pacifying them in the freedom and meekness of self-government. The meekness and the ambivalence of domesticated bodies, of docile, manipulable bodies, of container bodies that deliver to contingency portions of themselves, of disassembled and objectified bodies.

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ANOREXIC DAUGHTERS OF HYSTERICAL MOTHERS. ON THE SHADOWS (AND LIGHTS) OF THE MOTHER AS A SYMBOLIC ORDER

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“The liberation of the truth of the hysteric takes place with feminism, or, rather, with the feminism of difference and the primacy this assigns to the woman-to-woman relationship. This relationship is practiced within relations that are *not* ethically regulated by equality and reciprocity: they are unequal relations, of love and caring; often, they are conflictual relations; at times, they are obscured by the ‘shadow of the mother’” (Muraro, 2018, p. 166).

This quotation by Luisa Muraro contains, in extreme synthesis, the project of a liberation based on the relationship and not on the autonomy that lies at the base of the feminism of the Italian sexual difference, in particular in that expressed by Diotima. A feminism with some peculiar traits, often more cited than studied, that can be found in the volume edited by Cesare Casarino and Andrea Righi, which does a valuable job of collecting texts of the thought of sexual difference. In particular, these are texts related to the philosophical project of thinking a symbolic order of the mother, and reflections on it, which allow to open a dialogue and build a relationship, to approach a thought while maintaining a critical distance. This project is particularly relevant at a time when, as the two curators note, “the fact that the question of the mother is now no longer as central as it was for the last century is one of the many symptoms of the emergence of the

contemporary post-oedipal order – which is no less patriarchal for being post-oedipal” (Casarino and Righi, 2018, p. 2). A contemporary scenario, therefore, characterized by a questioning of Oedipus made possible by feminist struggles and thought, but which, in an ambivalent way, has also led to new forms of subjectivization, based on *jouissance*, which create new oppressive conditions for women. At the same time, although not mentioned in the text, a contemporary moment in which a global feminist movement resurfaces with force, with practices different from those of self-awareness but which, however, builds relationships and communities as fundamental tools for political practice. For this reason, investigating today what gave rise to the need to think about a symbolic order of the mother and what characteristics it has, but also what “shadows” this order carries with it, can allow us to imagine new forms of possible liberation.

The need for a maternal symbolic order arises within the feminist movement understood as a field in which to think and from which to think. It is also an attempt to use psychoanalysis against itself, or at least against its patriarchal approach, offering women a different access to the symbolic. Moreover, this diffraction of the symbolic allows us to illuminate the blind spots of revolutionary theories, anchoring them to a bodily dimension not intended in the biological sense, but as a material starting point for the construction of one’s own experience of the world. If, as Muraro points out, psychoanalysis traces the origin, recognizing that we are generated by a body, but does not modify the production of the symbolic (Muraro, 2018a), the same can be said of the different political theories, which are based on a lack, on a void. As Diana Sartori notes, in fact, “all these analyses concur on the diagnosis: there is a mother kept in the shadow of politics” (Sartori, 2018, p. 169). A shadowing of the mother that had effects on the production and reproduction of the political order, structured on the absence of the maternal. Moreover, the mother herself “has proven to be the most irreducible and resistant core within the issue of the inclusion of women in the public and political spheres” (Sartori, 2018, p. 175).

It is interesting to note that this overshadowing occurs not only in the classically understood patriarchal system, but, as Carole Pateman (1988) notes, also in the contractualism, that system believes it can overcome. Worthy of note, in this sense, are the reflections on maternal power in Hobbes, which he declares in *Leviathan*: “the Amazons contracted with the men [...] that the issue male should be sent back, but the female remain with themselves: so that the dominion of the females was in the mother. If there be no contract, the dominion is in the mother. For in the condition of mere nature, where there are no matrimonial laws, it cannot be known who is the father unless it be

declared by the mother; and therefore the right of dominion over the child dependeth on her will, and is consequently hers” (Hobbes, 1998, p. 133). Hobbes, therefore, recognizes a maternal power, different from the sovereign one because it is not based on the fear caused by equality and the possibility of being killed, but on the choice to feed, to let live, actively, so much so that mother is the one who feeds. In this sense, maternal power, maternal authority, is based on difference, “not on subjective liberty, does not need to be absolute, which in fact would be counterproductive. It is diametrically opposed to sovereignty, where enjoying one’s liberty paradoxically requires establishing an absolute ‘power’” (Rustighi, 2018, p. 9). However, the deletion of this type of authority is not only a removal, but also the very basis of sovereignty, “it is the point zero of the logic of sovereignty, which founds it but cannot in turn be founded through the same logic” (Rustighi, 2018, p. 17).

If the basis of sovereign power is the cancellation of the mother, the gesture of claiming her as the origin can only be a gesture that calls into question the very foundation of power, and it is no coincidence that Diotima in this sense speaks of authority. The symbolic order of the mother, thus, is a different order because it is metonymic and not metaphorical, which works by combinations and not by selections, which recognizes the proximity with the body, with the bodies, and which describes a subject dependent and in relation. An order that speaks another language not as a formal choice, but because, as Ida Dominijanni recalls, it is about “a metonymic symbolic order that doesn’t split body and language, experience and word apart, but holds them together, and does not imprison the social text in the selective synthesis of the metaphoric chain, but keeps it open to ‘anything we want to say’, especially for what it concerns, the wild social body” (Dominijanni, 2018, p. 50). For this reason, the difference that this feminism proposes is an open difference, to be built in the relationship, in the choice to allow, *hobbesianly*, to recognize ourselves as daughters of the mother and thus open access to another symbolic. It is, therefore, a question of building transformative genealogies which, as Sartori notes, are nourished by a reconciliation with the mother, a “symbolic reconciliation, [that] if it is truly reconciliation, is not the presumption of the closure of the circle on itself but a returning that twists the circle in an evolving spiral” (Sartori, 2018, p. 185).

As Dominijanni rightly points out, though, “after forty years of feminism, the mother is not behind us: as far as the social imaginary is concerned, we are the mothers. The real or phantasmatic perception of the mother directly concerns the real or phantasmatic perception of what we have said or done within feminism” (Dominijanni,

2018a, p. 226). This is a notation not only in temporal terms, that as a reader and “daughter” of that feminism I can only appreciate, but it can also be the starting point of a theoretical reflection that deals with the shadows of the mother. As Angela Putino already noted in 1998, in fact, the symbolic maternal order, if subversive to sovereignty, finds some forms of complicity with biopower, through the centrality accorded to care, gratitude and dual relationship. Moreover, despite the claim of always open relationships, the maternal relationship risks crystallizing in the hysterical reproduction of the identical: “through the love for the mother every woman give a value to herself [...]. However, for being precise, it is not maternal love – could be useful so questioning [...] if is so necessary, for a woman, come back to this dimension – but hysterical attachment to the mother” (Putino, 1998, pp. 7-8), a form of attachment that leaves no room for differences, since “the hysterical [...] cannot unleash herself from the vicinity, from the fear of the loss [...] in so far as she is not able to hypothesize a feminine otherness” (Putino, 1998, p. 48). The presence of the mother, therefore, risks being not only an opening to another genealogy and another symbolic one, but also a closing in that genealogy and that symbolic one.

Dominijanni again offers an interesting key to interpretation, pointing out how, in the contemporary world, there is a transition from hysteria to anorexia as symptoms of the female condition and asking: “if hysteria is the symptom that accompanied women’s entry into modernity and which feminism responded to politically, anorexia can then be seen as not only the symptom of a female resistance to a hedonistic and consumerist postmodernity, but also as an unforeseen and paradoxical effect of female change, of the female knowledge of woman, of the feminist symbolic revolution. From the neurotic symptom of female oppression to the perverse symptom of female freedom?” (Dominijanni, 2018a, p. 221). The anorexic daughters can be the reaction to a biopolitical seizure of power that paradoxically feeds on both the hedonistic dimension of the imperative of *jouissance*, and on the freedom of women won thanks to the break with sovereignty, and, it may be suggested, on the progressive dissolution of female sexuality in the symbolic order of the mother: Dominijanni writes: “within the order of the mother female sexuality has been gradually dissolving” (Dominijanni, 2018a, p. 217). In this sense the anorexic daughter would be a subject who tries to differentiate herself from the mother, where the hysterics were looking for continuity, a subject who aspires to desexualisation as much as the hysteric staged symptoms of hypersexualisation, a subject who tries to escape the imperative of *jouissance*, even with respect to gender and sexuality (see Young-Bruehl, 1993; Briody Mahowald, 1992; Ferreday, 2012). Dominijanni’s question,

therefore, seems to me to push us to rethink our relationship with the feminism of sexual difference, recognizing a genealogy but asking what gesture we can make to give space to our freedom in the context of the contemporary, not through a generational conflict – too often invoked – but through a relationship that, as this feminism teaches, knows how to overcome the symbiosis and the identical hysteric in a different order, always back to build.

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FROM MOTHERHOOD TO THE SYMBOLIC ORDER OF THE MOTHER. FEMINIST ROUTES STARTING FROM “*THE UNDECIDABLE IMPRINT*”

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A biological destiny

One of the issues that most occupied feminist reflection, beginning in the Seventies, is the relation with “the Mother”.

Motherhood was the subject of feminist interest also before the twentieth century: the first-wave feminism has often dealt with it. It identified maternity, as a kind of ‘biological destiny’ of the female gender, and in all that follows (care work, in the first place), a burden in the lives of women and an obstacle for achieving equality with respect to the male gender. Motherhood has been represented in this way for almost two centuries. At the end of the eighteenth century, Mary Wollstonecraft’s texts, dwells on laborious care activity that women put in place in private contexts (Wollstonecraft, 1792); in the nineteenth century, the works of Harriet Taylot and Stuart Mill, describe the invisible burden of caring for children whose mothers are burdened (Mill & Taylor, 1869); in the early decades of the twentieth century, Marxist feminist Aleksandra Kollontaj proposes a significant dismantling of maternal care, by women, through her socialization (that is to say through the entrusting of the children to public facilities) (Kollontaj, 1977).

This not so reassuring view of motherhood persists until the mid-twentieth century, for example, in Betty Friedan's stories: in *The Feminine Mystique*, she describes the lives of the young women of the American bourgeoisie, who live motherhood not as a choice, but rather as a social duty, and that often find themselves caged in a life of small daily comforts - fashionable appliances and small domestic entertainment - that alleviate the effort of care, but are certainly not able to compensate for loneliness and frustration (Friedan, 1963). Even Simone De Beauvoir, in the chapter dedicated to *La mère* in *Le Deuxième Sexe*, focuses on the danger of alienation that motherhood entails for a woman, questioning the concept of maternal instinct and focusing on the methods of birth-control and legal abortion, which, in the years she writes, began to spread in most western countries (De Beauvoir, 1949).

De Beauvoir describes the transformation that seems to be taking place: "C'est est la maternité que la femme accomplit intégralement son destin physiologique; c'est sa vocation "naturelle", puisque tout son organisme est orienté vers la perpétuation de l'espèce. Mais on a dit déjà que la société humaine n'est jamais abandonnée à la nature. Et en particulier depuis environ un siècle, the reproductive function n'est plus commandée par le seul hasard biologique, elle est contrôlée par des volontés" (De Beauvoir, 1949, p. 134).

The author underlines that, for the first time in history, sexuality/reproduction and maternity/care no longer seem inseparable. All this cannot leave the feminist *agenda* unchanged.

The symbolic order of the mother

The critique of the sexuality/reproduction pair allows, in the first place, to focus on female sexuality. This requires a confrontation, often controversial, with the existing sexual imagery, conveyed not only by common sense, but even legitimized by the medical and social sciences.

Secondly, it allows to conceive motherhood in a new light. On the one hand, it can be interpreted through feminist values, or considered as a free and conscious existential choice (Chrodow, 1978).

On the other hand, reflection on motherhood can be accompanied by one on the figure of the mother, which becomes central in the debate of the second-wave feminism. In Italy, the theme is systematically introduced by Luisa Muraro in the book *L'Ordine*

simbolico della madre, to which the contribution of Ida Dominijanni *The Undecidable Imprint* (Dominijanni, 2018) is dedicated.

Considering the priority objective of its battles, the demolition of the patriarchal system of power, the second-wave feminism holds that the radical deconstruction of language is an obligatory path. The comparison with psychoanalysis is continuous, particularly with Lacanian theories. Starting from the insights of the Lacanian school psychoanalyst Luce Irigaray (Irigaray, 1974), the theoretical reflection focuses on the subsisting connection between language and sexual/existential domain, so stringent as to reduce, in fact, the space of thought and action for women. Julia Kristeva, in particular, distinguishes a symbolic order, which indicates the language of the father through which he conveys to the sons and daughters information on their respective roles, which therefore are inserted in the western phallogocentric tradition and a semiotic order of maternal and prelinguistic matrix, which affects the perception of the world and of time (a cyclic and monumental perception). Women, according to Kristeva, must make this semiotic order a symbolic language to give voice to the maternal stage (Oliver, 1993). Kristeva's reflection is developed in Italy by Luisa Muraro, who, as Dominijanni points out, reiterates the need for women to build a symbolic order, as a language and as a practice, based no longer on the law of the Father, but on the figure of the mother and on the mother-daughter relationship, disavowed and de-legitimized by all patriarchal narratives. Muraro writes: "Alla potenza materna è mancata, e ancora manca, nella cultura tradizionale, la genealogia femminile. Le è mancato, cioè, il modo appropriato di esprimersi ed esercitarsi, tanto che viene rappresentata, mostruosamente, nella forma della madre fallica" (Muraro, 1973, p. 70). The mother, according to Muraro, is the gateway to life and language, thus providing access to the symbolic. This thesis allows us to deny Oedipus' theorems and his symbolic castration, revealing their patriarchal character: the paternal figure, in the symbolic order of the mother, although present, is faded, reduced to a possibility among others and this allows to structure the access to the symbolic independently of the oedipal triangulation.

Muraro's thesis gave birth to a vast literature and has come to condition the feminist approach to his own battles.

Today, almost thirty years after the publication of his work, we can ask: what was the theoretical and political outcome of those reflections?

There is no doubt that the maternal genealogy helped illuminate a political repression. It has highlighted the ideological components of liberal democratic thought, questioning, for example, the categories of formal equality between the genres or the

autonomy of the law. He developed a critique of power and also of law, underlining their not-neutral nature. It provided the conditions for rethinking politics and rights in a gender perspective (Cavaliere, 2016, Chapter III). However, the maternal genealogy presented (and presents) also significant limits: the most relevant is probably the underestimation of the paternal figure. Together with the father, in the model proposed by Muraro, the love that his daughter feels for him and, above all, the mother's sexual desire for man, are ignored. The latter is as if cancelled, as if the procreative act were to represent the fading of female sexuality. Of course, this is not the desired outcome of feminist reflection, but the danger of this omission is political: that of falling back into the patriarchal scheme of the de-sexualized mother. If we want to avoid this risk - endorsing, in fact, as Dominijanni says, an already dominant and widely used scheme, by the media and even by political communication - the only possible way is to use the maternal figure not like an idealization. This means not reducing the proposal of a maternal symbolic order to an empty self-congratulatory rhetorical strategy. Rather, to assume the burden of it: to consider the maternal power - with all its ambiguities, even with its dark side - as a space for surplus, a place of resistance with respect to power, but also of transformation of reality.

Exactly as Luisa Muraro warned, at the end of her volume, still today: “occorre dare traduzione sociale alla potenza materna per impedire alla sintesi sociale di chiudersi e tenerla invece aperta a ogni poter dire” (Muraro, 1973, p. 105).

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RESEÑAS

SIMONE REGAZZONI, *IPEROMANZO.*

Filosofia come narrazione complessa,

Il Melangolo, Genova 2018, pp. 110

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I immediately mark an aspect that strikes. Simone Regazzoni's book moves with a certain agility on the edge of a dizzying void: the crisis of *logos*. Author's ability to condense a large and complex picture into a small volume is surprising, especially since the synthetic construction of the book does not seem to affect its analytical capacity. On the contrary, this construction is the result of a precise approach of the author, which aims to draw in its peculiar features a general picture, its critical point and the possible way out of a problem that has long interrogated philosophy in an increasingly pressing way. The starting diagnosis is unequivocal: crisis of the *logos* means impotence of philosophy as "true discourse, concatenation of concepts"¹; the *logos* is no longer able to describe what Jacques Derrida called "the game of the world", that is, the "space of a reality as a complex network of references that does not envisage any center, any presence, any truth" (p. 14). The *logos* becomes mute facing the extreme complexity of the modern world. The paradox in which theoretical thought is lost lays all in this aphasia of philosophical discourse, coping with something whose presence is felt but cannot be named. But what exactly does philosophy no longer seem able to say? It is a matter full of elusive conceptualizations but which can be framed in a first approach as multiplicity, or difference.

It is not, at least not only, an empirical difference, a difference between beings, the one with which we are dealing, but something more complex that has been focused more

¹ The translation of the quotes in the text is mine.

and more clearly by the keen gaze of some philosophers. Starting with Nietzsche, who by erasing the “real world” has also brought down the second pole of dualism: the world of fiction, of unreality; thus, opening to multiplicity, difference, and to a becoming resistant to conceptualization (p. 31). That becomes even clearer with Derrida. He discovers in language something less and something more in relation to its philosophical use, that is, that capability of “crossing, in a peculiar way, a space of meaningless signs, opened by the non-origin of the *differance*” (p. 34). And it is precisely the quasi-concept of *differance* that leads us to the edge of the events of this peculiarity of thought that now we have to recognize and say. Or to try to say. It is a “anything else”, an “out of everything”, or an “absolutely other” (p. 29) which, although extraneous to the actual, is not outward to the real but is part of it as possible, as virtual. Now, this absolute otherness tends to exceed the formal constructs of rational discourse consolidated in the *logos* of the tradition. Since the world now reveals itself as consisting of dimensions or levels exceeding the conceptual perimeter, it is no longer enough to organize concepts to describe it. The philosopher could be terrified by such a challenge. Shall we, then, have to surrender to the end of philosophy several times predicted during the twentieth century?

Regazzoni’s proposal could be summed up as follows: instead of giving up philosophy, it must be strengthened; instead of surrendering to the extinction of the metaphysics of *logos*, one should concentrate the efforts on the space left empty, because it is just there that the “anything else” emerges. This operation, however, does not consist of a passive contemplation, but of “giving *birth* to a new paradigm” (p. 24). This “anything else”, we could say, must be brought to the surface.

Given up the idea that philosophy could dominate its own crisis (p. 49), other ways must be practiced to restore its strength. It is necessary to experiment new forms of writing, capable of exceeding the limits of *logos* (p. 13). Regazzoni suggests to accept the idea of Friedrich Schlegel (p.11), to return to the origin of philosophy as *logos*, to return to the moment when Western thought has deliberately chosen the rational discourse separating it from *mythos*, and from irrational narration, from the *mimesis* of poetic language. The author suggests that is necessary to return to the moment when the *diaphora*, that is the conflicting difference between philosophy and poetry (p. 22), and rational discourse and narrative and novel, was established. The author agrees with Schlegel’s thesis that the novel is “*the Platonic dialogue of our time*” (p. 13); indeed Plato had already sensed a certain theoretical potential of narrative writing embracing the dialogic form as the structure of its philosophical discourse; this awareness did not escape to Nietzsche’s acumen (p. 55). A particular phenomenon corroborates the idea that the

novel maintains a secret and deep link with philosophy: “the crisis of philosophy interlaces with the rise of the novel”; such an intimate link, that its developments can even be read as “a *metamorphosis* of philosophy into novel” (pp. 13-14). In that case, it is possible that Plato’s discontinuity between philosophy and narration was not the necessary realization of a *telos*, but a deliberate action – although deemed indispensable for a long while in Western thought – carried out on different but non-antithetical language levels which now have to be reconnected.

The most important attempts to capture the unspeakable with writing were not successful, nevertheless they are particularly instructive. Roland Barthes and Jacques Derrida understood the need to entirely draw from the resources of writing, for example with Barthes’ idea of an “Absolute Romance” (p. 24), or Derrida’s idea of a “Total Diary” (p. 39). Emblematic, however, the fact that both were not able to go beyond intuition, that in both the project of total writing has not seen the light but in a twilight shape, as fragments, drafts, stutters of a language still to be invented. But the check mate of Barthes and Derrida, their inability to pass through the “ghost of literature” (p. 40), was not vain. In fact, it leaves something fundamental to those who want to deal with this task: the desire; the solicitation to face the ghost and pass through it, severing the last ties with the metaphysics of the *logos*. Not only the author does not fear this spectre, instead – and above all – he is not afraid to abandon his master in the crossing, recognizing that deconstruction (as indeed hermeneutic) is a very important but now consumed moment of this passage (p. 28). In this way, Regazzoni proves that he learned from his master the most difficult lesson, grasping his most arcane inheritance, the only one that Derrida really considered such: deconstruction not as a notion but as the practice of writing the *differance*, experienced until its most radical implications. Therefore deconstruction as a “polyphony” (p. 107), as a definitive break with “the I think” and opening to a story made *by* and *of* multiple voices; a story whose most appropriate positioning would be that of the novel, precisely: polyphonic instrument, “machine to produce multiple interpretations” (p. 109).

The novel becomes thus a device capable of exploring the virtual, that, breaking into modernity, has enlarged the real. The virtual is sifted from the novel as “the potential multiplicity of what can be told” (p. 81), but also as manifold of structures of the narrative, where literature becomes “the combinatorial game of telling possibilities” (p. 82). From novel to hyper-novel then.

No surprisingly then, that the most successful - though not yet definitive - experiments of this new paradigm come from literature, not from philosophy. With Italo

Calvino the hyper-novel makes its appearance (p. 88) as a stack of autonomous plots, while in Umberto Eco it becomes “philosophical space” (p. 89), popular and accessible to everybody. In David Foster Wallace, the hyper-novel is pushed to its extreme consequences, acquiring the multiplicity of what can be told until the “explosion of the plot as a principle of order” (p. 99). Although in the right direction, these examples show the difficulty of maintaining the coordination between the different levels that this writing requires (p. 100), i.e. “hyperseriality” (p. 101). This difficulty can be overcome by shifting the field of storytelling from the plane of the page to the depth of the video; whose fertility as an expressive frontier had already been sensed by Foucault and Deleuze. Frontier beyond which, today, we would find the *complex TV* (101-102); according to Regazzoni, a new field of philosophical experimentation.

One of the following questions, implicitly raised by the book, - thus, perhaps, revealing its true speculative potential - asks: how far can we go dealing with the crisis of the *logos*? Regazzoni, carrying on the approach of Derrida and looking at what philosophy itself had rejected, uses literature to explore multiplicity. It is fair however to wonder if tools useful for this purpose can be traced elsewhere as well. If the problem posed to philosophy by the difference first of all has an impact on the concept, other efforts could be also considered that, precisely in the same years of Barthes and Derrida, have exerted from outside a constant and fruitful conceptual pressure on philosophy. This is the case, for example, of ethnology (Lévi-Strauss) or psychoanalysis (Lacan); borderline observation points for human sciences that were able to mitigate the vagueness of multiplicity, by outlining it in the inexhaustible richness of cultures or the elusive iridescence of the Ego. These are just examples, taken from writer’s point of view, which, however, demonstrate the extent of the question opened by Regazzoni, and, in general, the analytical perspectives that philosophy is able to mobilize to face the challenges of modernity.

ABOUT POSTVERITÀ E ALTRI ENIGMI,

by Maurizio Ferraris, Il Mulino, Bologna, 2017

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According to the authoritative opinion of the Accademia della Crusca, “post-truth” is a word which describes “a pseudo-truth based on emotionality and personal convictions, as opposed to objective facts” (Biffi, 2016). ‘After-truth’ means ‘the overcoming of truth’, meaning the loss of the importance of truth. The Treccani Dictionary too stresses the emotional aspect as the defining element of post-truth: “Argumentation characterised by a strong appeal to emotionality which, being based on widespread beliefs rather than verified facts, tends to be accepted as true, influencing public opinion.” The *Oxford Dictionaries*, which – as is widely known – proclaimed “post-truth” the word of the year in 2016, state that it is a term “relating to or denoting circumstances in which objective facts are less influential in shaping public opinion than appeals to emotion and personal belief” (Oxford Dictionaries.com. 16 November 2016).

One of the defining features of post-truth is that it presents the truth in terms of “alternative facts” (Vaccaro, 2018, pp. 210-214), aided by unintentional Nietzsche’s famous statement: “Against that positivism which stops before phenomena, saying ‘there are only facts,’ I should say: no, it is precisely facts that do not exist, only interpretations” (Nietzsche 1990, p. 299). Instead facts do exist, Salvatore Vaccaro observes, “but not in any objective univocality, so much as in a reciprocally alternating doubleness, whose determination can be neither deduced from a neutral position such as might guarantee objectivity, nor opened to a more or less convincing hermeneutical narrative; it is open only to a position of *power*, which affirms *that* “alternative fact” which is held to be true.” (Vaccaro, 2018, p. 211). As Humpty Dumpty puts it in *Through the Looking Glass*: “The question is [...] which is to be *master*, that’s all” (Carroll, 2005, p. 60).

The first thinker to suggest the idea that facts *are* interpretations is Protagoras. According to Sextus Empiricus, Protagoras “asserts that all sense impressions and opinions are true and that truth is a relative thing inasmuch as everything that has appeared to someone or been opined by someone is at once real in relation to him” (fr. 80B1, M. Bonazzi, 2007). Diogenes Laertius reports that according to Protagoras “there are two sides to every question (*pragmatos*), opposed to each other” (80A1.51, Bonazzi, 2007). This outcome was implicit to the relativist perspective that underscores Protagoras’ philosophy as a whole; the idea of man as the measure of all things reinforces this point of view. “Man is the measure of all things (*panton chrematon*), of things that are, that they are, and of things that are not, that they are not” (80 B1, Bonazzi, 2007). Sextus adds that what Protagoras meant by ‘measure’ the standard of judgement (the criterion) and by ‘things’ facts. For an age dominated by the pursuit of truth, Protagorean philosophy represented a real revolution (Jellamo, 2018, pp. 255-271), not unlike post-truth today.

While Protagoras was the first to regard facts as interpretations, the first to grasp the power of words was Gorgias: “The word (*logos*) is a great sovereign (*dynastes*), who by means of a tiny and invisible body performs the most divine acts” (*Hel.*, 8 = fr. 82 B11.8, Bonazzi, 2007). Words perform the most divine acts through their capacity to persuade (*peisas*) and deceive (*apatesas*). However, precisely the *Encomium of Helen* brings into focus the problematic, rather than mutually exclusive nature of the relationship between words and truth (Bona 1973, 6-33; Serra 2012, 121-132, 253-268; Giombini, 2012). Words act upon the soul, moulding it and directing it towards desired outcomes; they excite and confuse it. This is what deceit (*apate*) consists in.

Lies presuppose the existence of truth. Not so deceit. Even their divine genealogy points to this difference: Hesiod (Esiodo, 1994) presents Apate as the daughter of Night, and Pseudea as the daughter of Eris, strife (*Theog.*, pp. 224-230). Apate is deceit, Pseudea lies. Unlike lies, deceit implies an altered relationship with reality. In the *Ajax*, Athena deceives Ajax: his reality becomes distorted; in the *Agamemnon* it is Clytemnestra who deceives Agamemnon, by welcoming him as a devoted wife: Agamemnon’s reality too becomes distorted. Tragedies tell of acts of deceit, not of lies. “In order to be able to perceive the irrationality of things, which the concept of *apate* implies, it is necessary to have a way of thinking that unravels the dark knot of reality, to bring out irresolvable contrasts” (Untersteiner, 2008, p. 173). Even those who deceive may be deceiving themselves without being deceived by others: they may become victims of an altered perception of reality which they then transmit and spread as unwitting deceivers – as is the case with post-truth.

Another defining feature of post-truth is that it is difficult – at times impossible – to verify its content, owing to the fact that such content is spread through the Web. And the Web makes everyone potentially and simultaneously a producer and a consumer of news, as well as a commentator and more generally an “expert” in all fields: vaccinations, diets, food intolerance, skin rashes, even actual diseases and unlikely treatments for them. The words of experts drown in this sea of “experts”, and there arises the risk of confusing the two. No doubt, “recourse to expert knowledge” presents certain problems in itself, and experts often disagree. However, I find it very reductive to rank the knowledge of experts among beliefs and preferences, or to assimilate a scientist’s opinion to that of a magician (Maddalena, Gili, 2017, 25). It is precisely experts, after all, who address the countless problems posed by fake news (Garattini 2017; Erzegovesi, Rocco di Torrepadula, Bosaia, 2018; Burioni, 2018).

I agree with what Giuseppe Cannata writes when, discussing the state of our times, he emphasises how post-truth poses a problem that transcends that of so-called fake news (Cannata, 2018). I agree with him first of all because of the “clarity” of the latter compared to the former: whereas fake news are, at least from a political perspective, purposefully false news items that have been invented in order to mislead public opinion and orient it towards a sought-for outcome, post-truth presents an underlying ambiguity – it is vague, elusive. According to Anna Maria Lorusso this is partly due to its polysemic use, and partly to the ‘post’ suffix: “Does post mean *after* the age of truth [...] or beyond truth, which is to say *beyond* this category, in an epistemological sense?” (Lorusso, 2018, pp. 6-8). It must also be said that fake news presents some interesting aspects that are juridically relevant, so much so that it has been suggested that the news published online be regulated after assessing its accuracy (Frosini, 2017, V-X; Magnani 2018, 1-47; Zanon 2018, pp. 12-17). By contrast, post-truth constitutes a cultural problem: it marks a shift of horizon. Post-truth impacts our certainties and modifies our paradigms of reference, bringing about not just a change but what Ulrich Beck would define as a “metamorphosis of the world” (Beck, 2017).

Post-truth is the the topic of Maurizio Ferraris’ dense book *Postverità e altri enigmi*, the focus of the present Notas y Discusiones. The title of the volume echoes that of a well-known book by Michael Dummett, *La verità e altri enigmi* (Dummett, 1986). It does so intentionally, because Ferraris believes “that post-truth offers a privileged means to clarify a few enigmas, starting from what we mean by ‘truth’” (pp. 10-11).

The author indirectly answers the question raised by Cannata concerning the state of our times: the state of our times is precisely post-truth. “I believe that post-truth is a

new and important concept, and that its emergence [...] defines certain crucial features of contemporary public opinion” (p. 9). Building upon this premise, Ferraris takes post-truth as his focus of enquiry. He explores its ideological and cultural background and suggests an approach to deal with and overcome it.

The volume is structured into three dissertations, each dealing with a specific topic: the first is devoted to the roots of post-truth, the second to the transition from capital to docuementality; the third dissertation bears the evocative title *Dalla postverità alla verità* and discusses what Ferraris describes as “mesotruth” (“mesoverità”).

In the first dissertation, Ferraris presents post-truth as the outcome, and “possibly a degenerate one”, of postmodernism. The word entered philosophical debate with the publication of Jean-Francoise Lyotard’s *The Postmodern Condition. A Report on Knowledge* (Lyotard, 1981). According to Lyotard, the term “postmodern” describes the contemporary age as the age of delegitimation of the philosophical and ideological perspectives which, from the Enlightenment onwards, inspired Western cultural values. It is defined by a multiplicity of pragmatic discourses, which aspire to have only contingent and hence instrumental validity.

In his critique, Ferraris sets out by portraying postmodernism in terms of Bacon’s four *idola*: the *idola tribus*, “to be understood as the blunders of the philosophical tribe, which at the time could be summed up as: reality does not exist, only the language through which we describe it”; the *idola specus*: “brought up to respect the truth as an essential element of every humanistic or scientific education, the postmoderns have fallen under the spell of the very opposite, the power of falsehood”; the *idola fori*, the errors of the public arena and of language: “where ‘realist’ is often take to mean ‘supporter of a Realpolitik and hence reactionary’”; and, finally, the *idola theatri*: “the most seductive of which was Nietzsche’s principle, ‘there are no facts, only interpretations. This was a powerful and promising statement, because it afforded the most beautiful illusion of all: the illusion of being always right, under any circumstance, and independently of any proof to the contrary from history or experience” (pp. 19-20).

The 20th century – Ferraris goes on to argue – gave rise to two streams of thought, the hermeneutic and the analytical: Nietzsche and Heidegger’s heirs are the hermeneutic philosophers; Wittgenstein and Russell’s heirs are the analytical thinkers. The former conceive philosophy as a critique of Power, Capital, the Unconscious, and the Alienation of metaphysics; the latter develop ideas that are incomprehensible to anyone outside the “analytical circle”. Ferraris begins his critique with the hermeneutic thinkers. He criticises the tendency of this intellectual current to bracket words like truth and

reality – “as though they were improper or comical notions” – along with its challenging of scientific objectivity and its understanding of reason as a source of domination or trickery, in opposition to desires and emotions. As Aristotle writes, the passing of judgement is influenced by emotions – by feelings of pain or joy, friendship or hatred (*Ret.*, I,2.1356a). Already in his *Manifesto del nuovo realismo* Ferraris had argued for the need to rehabilitate objectivity, reality and truth against the idea “that objectivity, reality and truth are an evil” (Ferraris, 2012, p. 20). In his new book, he further develops and reinforces this criticism: “It is difficult not to see post-truth as the outcome of a conservative strand which has found its philosophical legitimation in postmodernism, and a means of political circulation in populism” (pp. 24-25). Another criticism that Ferraris directs against postmodernism concerns the “return to order”. Ferraris writes that the annoyance that postmodernists feel at any appeal to truth, and to the pursuit of truth, may be attributed to the question of the “return to order”. This question touches upon the very cornerstones of postmodern thought, which Ferraris sums up in three fallacies: the transcendental fallacy, the power-knowledge fallacy, and the accept-as-certain fallacy. The first fallacy consists in conflating ontology and epistemology; the second consists in regarding knowledge as a form of will to power; finally, the third consists in the idea that seeking to ascertain the truth means accepting it. As an example of the transcendental fallacy the author considers the case of Bruno Latour (the *proton pseudos*, as Ferraris calls him). In a work published in 1998, Latour – precisely by conflating ontology and epistemology – argued that Ramses II could not have died of tuberculosis because the tuberculosis bacilli were only identified by Koch in 1882. The power-knowledge fallacy is based on three key words: “the first is *ironising*, i.e. the idea that taking theories seriously betrays a kind of dogmatism [...] The second keyword is *desublimation*, i.e. the idea that desire as such constitutes a form of emancipation, since reason and intellect are forms of domination [...] The third keyword of postmodernism is *de-objectification*, i.e. the assumption that friendly solidarity should prevail over objectivity, the latter being in any case false (for there are no facts but only interpretations) and hence violent” (pp. 38-39). The ascertain-accept fallacy leads postmodernists to reject any “return to order”. Ferraris notes that if what we mean by return to order is a Caesarist government, Caesarism affirmed itself precisely through postmodernism and its evolution into populism and post-truth, insofar as the delegitimation of knowledge entails the reaffirmation of *imperium*. This holds true for both the United States and for Russia, which currently have a Caesarist leadership based on populist legitimation, but also for the Roman pontiff. “It is easy to see how the way in which the pope takes power

and the way in which he exercises it are identical to those found in the Roman Empire [...] The pope shares the emperor's omnipotence [...] The pope shares the emperor's complete rejection of the democratic system" (pp. 45-47). Things could hardly be any different. As Kelsen noted, Christianity is incompatible with democracy, if for no other reason but the absolute inequality that exists between rulers and ruled: all differences among men "are irrelevant compared to the fundamental difference that exists in their relationship with God" (Kelsen, 1998, p. 331). It is worth paying attention, in my view, to Ferraris' observation that democracy without truth constitutes not a step forward but two steps back: "the populism of recent decades has benefited precisely from the divorce between democracy and truth, although the postmodernists had affirmed it for other, antithetical purposes" (p. 41). This overturns Vattimo's thesis that "wherever politics searches for the truth, there cannot be any democracy" (Vattimo, 2009, p. 25).

As regards populism, I would argue that Aristotle's warning with regard to rhetoric – which "dons the mask of politics" (*Ret.*, I.2.1356^a) – remains valid: whenever the mask of politics is worn in order to sway the masses according to an orator's whims, we have a demagogue – an obsolete word which speaks of populism and populist legitimization. As Laura Bazzicalupo observes, the populist mechanism avoids arguments and rather expresses itself through catchwords or the image of a flesh-and-blood person who is both captivating and impossible to define (Bazzicalupo, 2010, pp. 369-381). Ferraris' statement regarding the split between democracy and truth conveys the need to re-establish *facts* as facts, to restore an objectivity that might act as a bulwark against post-truth. The point is that bidding the truth farewell has devastating consequences. "On the one hand, one loses the only possibility of restraining the human will, which knows no limits, and of providing conclusive arguments [...] On the other hand, bidding the truth farewell strips humanity of the only barrier against those who are most capable of taking advantage of the remarkable indifference of human beings towards cognitive values" (p. 43).

The second dissertation, which outlines the features of documediality, starts with a twofold criticism: hermeneutic thinkers are criticised because they refuse to acknowledge the existence of post-truth; analytical thinkers because they consider post-truth to be philosophically irrelevant. Ferraris argues that post-truth is actually an indicator of a technological, social and anthropological revolution. Instead of interpreting the world from the standpoint of capital, we must interpret it from the standpoint of documediality. Here begins an analysis that constitutes the backbone of this dissertation: the transition from capital to documediality. Documediality "is the union between the

constructive power immanent to documediality and the power of diffusion and mobilisation that becomes actualised the moment in which every receiver of information can be a producer, or at least transmitter, of information and ideas [...] This connection between documents and media has transformed our lives as much as capitalism and mediocracy, only in a swifter way and by involving a far larger number of actors” (p. 69). Ferraris argues, therefore, that documediality describes contemporary social ontology better than capital and mediality, which is to say communication society, but also that it reveals how capital, mediality and documediality have a common foundation in documentality.

The transition from capital to documediality is a process whereby capital is replaced by social objects: namely, documents. Ferraris suggests that capital must not be considered as the ultimate yardstick of social reality, but rather as a historical form of documentality, which may be seen as the “genetic condition” of all forms of human organisation, including capital: “without documents and their intrinsic normativity, no capitalist development is possible” (p. 72).

Capital, mediality and documediality are historical manifestations of documentality (Ferraris, 2009, 2016); in each of them – Ferraris notes – the law whereby Object = Recorded document is reproduced. “On the basis of this law, documentality emerges as the foundation of social reality: it is at work before capital, constitutes its foundation, and continues to be in force even after capital has given way to mediality and documediality” (p. 73). What Ferraris means when he speaks of “recording” is that every social object is the product of a social act whose defining feature is the fact of being recorded on a medium – on paper, in people’s minds, on the Web. Because this act necessarily involves at least two people, its accomplishment requires individual intentionality; at this level, documentality emerges as the necessary yet not sufficient condition of social facts. At a second level, however, it also becomes the sufficient condition of society, insofar as it is necessary for the transition from the individual to the collective: “Documentality constitutes a principle rooted in nature which opens up the path leading to culture and knowledge” (p. 74).

Ferrari argues that documediality represents the epistemological, ontological and technological absolute of our time; it is absolute in the sense of *ab-solutus*: the Web is free from everything, it is absolute like the power theorised by Hobbes. This absolute-ness brings together its many, contradictory facets. It amounts to absolute knowledge but also absolute non-knowledge; it is absolute power – “seeing that outside documediality there is no economic, political or military power” – but it also amounts to

absolute duty – “the categorical imperative, a motivation underlying a mobilisation of resources and energies that finds no precedent in human history” (p. 75). Post-truth would never have existed without the technological conditions ensured by docu-mediality. In analysing the cause/effect relation between docu-mediality and post-truth, Ferraris brings five fundamental factors into play: viralness, which is chiefly characterised by increasingly swift transmission compared not just to newspapers but also television; persistence, by virtue of which documents are pushed outside time, both in the sense that they are generally undated and in the sense that they recur on the basis of docu-medial occurrences; mystification, i.e. the ease with which fake identities are created; fragmentation, whereby the capacity of a source to reach a large number of recipients fragments reception, engendering more restricted discussion communities; opacity, whereby the Web becomes the domain of “it is said”, with evident repercussions in terms of authorship and accountability for the information transmitted. Drawing upon the work of André Leroi-Gourhan (Leroi-Gourhan, 2018), Ferraris argues that technological know-how is “where the leap from ape to human being occurs, not on the level of *Homo sapiens*, of the rational animal, but on that of *Homo habilis*, of the technological animal [...] The path leading from the first tools to the spirit and to culture is a very long one, but this does not authorise us to believe that the spirit, culture and intentions precede rather than follow technology” (pp. 80-81). Ferraris goes on to note that it was modern geographical exploration which created the need for – and hence the concept of – natural law. No doubt, Ferraris is referring here to the modern idea of natural law: for the concept of natural law as such was already present in Justinian’s *Corpus Juris*, and derives from Greek philosophy. It was a widespread theme, viewed from different perspectives: according to Gaius, the concept of *jus naturale* only concerns humans, whereas according to Ulpian it applies to all living beings (Solari, 2013, p. 166). Ferraris goes on to explain that it was the development of manufacturing technologies that led to the emergence of the concept of capital, with the related concepts of alienation, surplus value, utility value, and exchange value. After the industrial and media revolution – Ferraris argues – we now have a third revolution, the “post-truthist” one: capitalism corresponds to the age of production; populism to mediality; and docu-mediality, which is to say recording, to post-truthism. Each category – Ferraris continues – subsumes the previous one(s) at a higher level of generality: mediality brings “the mystery of goods” as social objects to light, while recording manifests the formula Object = Recorded document. Ferraris further clarifies the concept, as it is crucial to his argument: “A social object (a good,

item of news or fake news, a symbolist poem, a document...) is the outcome of a social act (such as to involve at least two persons: a worker and an employee, a buyer and a seller, an author and a reader...) which is characterised by the fact of being recorded on a medium, which might even be the minds of the two social actors” (p. 84). Ferraris extends his analysis by considering the different phases of production, communication and documentality, and enriches it with new formulas, which are also illustrated through schemas: Mediality-spectacle, Documediality-social object; but also Manufacturing-labour, Mediality-consumption, and Documediality-mobilisation, all of which are examined in detail. “It may be argued that the dreams of communism were fulfilled in a different way from what had been hoped for, yet the difference between the ideal and reality is no smaller than what we find in the accomplishment of any utopia, which not only reveals its limits, but better defines its contours” (p. 96). One last point regarding this second dissertation: among the various pairs of “kindred” terms we also find Manufacturing-Sustenance, Mediality-Compensation, and Documediality-Recognition. “Recognition” is an important category: it has fuelled, – and continues to fuel, – philosophical debate, as is shown by the Italian translation of Axel Honneth’s latest book (Honneth, 2019). By addressing a different topic, and hence employing different tools, Ferraris uses this category in a different yet related way compared to Honneth, but also to Habermas and Taylor. The first and arguably main difference is that whereas the aforementioned authors view recognition within a circuit of reciprocity, Ferraris assigns it a sort of atomised unidirectionality. The lack of reciprocity is due to the tool used: the Web. However, the meaning of recognition is the same, namely the human desire to be recognised. Someone who takes a selfie “does so in order to publish it and his/her aim is not self-fulfilment, but rather recognition by as many other human beings as possible” (p. 108).

The third dissertation starts with a comparison between hermeneutic and analytical philosophers in relation to the question of how post-truth should be approached. Ferraris writes that, as the debate currently stands, there are two possible solutions: to embrace post-truth, knowing that it concerns precisely post-truths rather than truths, or to argue that it does not concern philosophy. The first solution is favoured by most hermeneutic philosophers, the latter by most analytical philosophers. Within this context, the first step is a comparison between hypotruth and hypertruth, terms which Ferraris uses to describe, respectively, the hermeneutic philosophers’ and the analytical philosophers’ interpretation of reality. “I call this perspective ‘hypotruth’ because, although it seems to assign much (positive or negative) importance to the truth, it does not know what to

do with it, and subordinates it to other concepts and objectives such as emancipation, solidarity, class struggle, Christian charity, alternative medicine, nomadism, and creativity. These are very different things, yet (at least from the perspective of hermeneutic philosophers) they all share the fact of bidding the truth farewell” (p. 122). By contrast, the notion of truth developed by analytical philosophers is very strong, hence its definition as hypertruth. It is called hypertruth “because it postulates a necessary correlation between ontology and epistemology, whereby the proposition ‘snow is white’ is true (epistemology) if and only if ‘snow is white’ (ontology) is rephrased as: if snow is white, then it is true that snow is white, so it would be true that snow is white even if there were no human being on the face of the earth (and never had been and never will be any)” (p. 123). With regard to hypertruth Ferraris specifically refers to Diego Marconi’s work *Per la verità* (Marconi, 2007). Talking of truth, Marconi here states: “I do not believe that the truth is ‘the way in which things stand’; rather, the proposition that *says* that things stand as they stand is true” (Marconi, 2007, p. 38).

“Reality is something which is, which exists, independently of there being anyone willing to appreciate it. The truth is something we know, and which is said with regard to something which is” (p. 127). Newton’s laws (epistemology) did not exist before Newton formulated them, but the reality to which they refer (ontology) existed. What Newton did was reveal something that already existed, which shows – as Ferraris goes on to explain – that the truth with regard to planetary motion depends on the technical apparatus available. The truth is something that is made; and technology, insofar as it records existing reality, eludes the concepts of truth and falsehood, although it can engender truth and falsehood.

“I thus define truth as *the encounter between ontology and epistemology accomplished by technology*” (p. 127). This gives rise to the concept of “mesotruth”, which Ferraris sets in contrast to hermeneutic hypotruth and analytical hypertruth. Its defining traits are that it distinguishes between ontology and epistemology, and that it stresses the mediating role of technology. Indeed, the role of technology is the crucial feature of mesotruth. Ferraris writes that whereas hypotruth and hypertruth conceive reality as a one-way relation between ontology and epistemology – for hermeneutic philosophers what we know is what exists, for analytical philosophers what exists is what we know – mesotruth conceives it as a three-way relation, involving ontology, epistemology, and technology. “Up until now technology has not received the attention it is due as a philosophical realm which is as important as ontology and epistemology”: technological functions such as hermeneutics have been attributed to either ontology or epistemology (p. 144).

According to Ferraris, neither hypotruth nor hypertruth are capable of offering alternatives to post-truth; hence the idea of mesotruth, which is not limited to observation, but consists in making. “In the perspective I am suggesting, there can be reality without truth, yet not truth without reality, and truth is precisely what one makes, the sum of true propositions emerging from reality” (p. 148). Making the truth – Ferraris argues – is the exact opposite of the idea of unmaking reality we find in the thesis that there are no facts but only interpretations: interpretations exist precisely because facts exist. This overturning of Nietzsche’s claim confirms Ferraris’ realist position and defines his concept of truth: “truth is only relative to technological means of assessment, but absolute with respect to the ontological sphere it refers to, and to the epistemological need it meets” (p. 130).

The truth – Ferraris concludes – is not violent and dogmatic, but rather “closely connected to the existence and dignity of human beings” (p. 157).

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The articles shall fulfill the following requirements:

- The text shall not exceed 7.000 words (A4 sheet), including abstracts, tables, graphics, footnotes and bibliography page at the end of each article.
- The text shall be written in Times New Roman, 12 points, 1,5 line spacing; footnotes shall be written in Times New Roman, 10 points, single spacing.
- The title shall appear on the first page, centered and in capitals. Then the name and surname of the author or authors and their affiliation, also centered, shall appear and then an abstract (among 100-150 words) and a list of keywords (among 3 and 5). The title, abstract and the keyword list shall have both a Spanish and an English version, in order to facilitate the inclusion in international databases and bibliographic indexes.
- The articles shall be accompanied by information for contacting the author (e-mail address) and by a short *curriculum* (academic information, research topics and main publications).

- Quotes shall be written in double quotation marks “at beginning and at the end”. Long quotes (more than three lines) shall be preceded and followed by a blank line (not if the text is quoted as a footnote or inside it).

Bibliographic references are based on guidelines established by the American Psychological Association (APA). Authors must strictly adapt to the scheme presented below:

- **Book (one author):**

In the text: (Hart, 1961, p. 15)

Reference to the end of each article:

Hart, H. L. A. (1961). *The Concept of Law*. London: Oxford University Press.

If the book has more than one edition or volume, or a book (bk) or volume is cited (vol./vols.) in particular, the reference will read as follows:

In the text: (Basadre, 1983, VI, p. 57) which means volume six, page 57 of the 1983 work of Basadre.

- **Reference to the end of each article:**

Basadre, J. (1983). *Historia de la República*, 7.^a ed., t.11. Lima: Editorial Universitaria.

Book (two or more authors):

In the text: (Deleuze & Guattari, 1980, p. 185)

- **Reference to the end of each article:**

Deleuze, G. & Guattari, F. (1980). *Mille Plateaux Capitalisme et Schizophrénie*. Paris: Les Editions du Minuit.

- **Book chapter, articles of collective monographs, prefaces and epilogues:**

In the text: (Rosenau, 2004, p. 19).

Reference to the end of each article:

Rosenau, J. N. (1992). Governance, Order, and Change in World Politics. En J. N. Rosenau & E. O. Czempiel (Eds.), *Governance without Government: Order and Change in World Politics* (pp. 1-29). Cambridge: Cambridge University Press.

- **Articles of scientific journal and newspaper articles:**

In the text: (Bazzicalupo, 2016, p. 59)

Reference to the end of each article:

Bazzicalupo, L. (2016). Populismo y liberalismo: la pretensión de la inmanencia. *Soft Power. Revista euro-americana de teoría e historia de la política y del derecho*, 4(2), pp. 57-70.

- **Internet documents:**

In the text: (Rosanvallon, 2004)

Reference to the end of each article:

Rosanvallon, P. (2004). La democracia en América Latina. En PNUD. *Contribuciones para un debate. Comentarios*. Recuperado de www.ndipartidos.org/es/node/1336.

Any indication of the translator will go to the end of the text.

Articles not fulfilling these requirements will be rejected.

Recommendations for reviews and bibliographical essays:

Reviews and bibliographical essays shall be sent as an archive file to the e-mail soft-power.journal@gmail.com. The text shall be accompanied by information for contacting the author and shall be written with single spacing in Times New Roman, 10 points. Reviews shall not exceed 4 pages; bibliographical essays shall not exceed 10 pages.

The Editorial Board will evaluate the publication of the text and will decide the issue in which it will be included.

CÓDIGO DE ÉTICA

Prevenir publicaciones negligentes es una de las importantes responsabilidades del Consejo y del Comité Editorial. Este código describe la política de *Soft Power* para asegurar el tratamiento ético de todos los participantes en la revisión entre pares y en el proceso de publicación. Editores, revisores y autores están invitados a estudiar estas directrices y dirigir cualquier pregunta o duda a los correos: vgiordano@unisa.it o softpower.journal@gmail.com.

Esta guía se aplica a los manuscritos presentados a *Soft Power* a partir del 1.º de enero del 2014 y podrán ser revisados en cualquier momento por el Editor y el Consejo Editorial.

Deberes del Editor

El Editor es responsable del contenido de la revista y de garantizar la integridad de todo el trabajo que se publica en ella.

- **Las decisiones sobre la publicación:** El Editor tiene el derecho de tomar la decisión final sobre si aceptar o rechazar un manuscrito en referencia a la importancia, originalidad y claridad del manuscrito, y su relevancia para la revista.
- **Revisión de los manuscritos:** *Soft Power* sigue un proceso de revisión de “doble ciego”, por lo que los autores no conocen a los revisores y viceversa. El Editor se hace responsable de obtener la revisión oportuna, independiente y anónima de revisores debidamente cualificados que no tienen intereses en competencia de descalificación, de todos los manuscritos enviados a la revista. El Editor se hace responsable de asegurar que la revista tenga acceso a un número suficiente de evaluadores competentes.
- **Justa revisión:** El Editor y el Comité Editorial deben asegurarse de que cada manuscrito recibido por *Soft Power* sea revisado por su contenido intelectual sin distinción de sexo, género, raza, religión, nacionalidad, etc., de los autores.
- **Confidencialidad de la documentación presentada:** El Editor y el Comité Editorial asegurarán adecuados sistemas de control para garantizar la confidencialidad y la protección contra el uso indebido del material enviado a la revista

durante la fase de revisión; la protección de las identidades de los autores y evaluadores; además, se comprometen a adoptar todas las medidas razonables para preservar la confidencialidad de las identidades de los autores y revisores.

- **Divulgación:** El Editor debe garantizar que los manuscritos presentados se procesan de manera confidencial y que ningún contenido de los manuscritos será compartido con nadie más que el autor correspondiente o los revisores.
- **Conflictos de interés:** El Editor debería excluir de considerar manuscritos que tienen un real o potencial conflicto de interés que resulte de las relaciones o conexiones competitivas, de colaboración, financieras o de otro tipo con cualquiera de los autores, empresas o instituciones relacionadas con el manuscrito.
- **Autoridad:** Al Editor pertenece la decisión última y la responsabilidad de la revista. El Editor debe respetar los componentes de la revista (lectores, autores, revisores, equipo editorial) y trabajar para garantizar la honestidad e integridad de los contenidos de la revista y asegurar una mejora continua en la calidad de la revista.

Deberes de los revisores

- **Justa revisión:** Los revisores deben evaluar los manuscritos de manera objetiva, justa y profesional. Los revisores deben evitar prejuicios personales en sus comentarios y evaluaciones, y deben expresar sus opiniones claramente con argumentos de apoyo. Los revisores deben proporcionar revisiones fundamentadas y justas. Estos deben evitar ataques personales y no deben incluir ninguna opinión que sea difamatoria, inexacta, engañosa, obscena, escandalosa, ilegal o de cualquier otra forma objetable, o que infrinja los derechos de autor de cualquier otra persona, derecho de privacidad u otros derechos.
- **Confidencialidad:** La información relativa a los manuscritos presentados por los autores debe ser confidencial y será tratada como información privilegiada. Los revisores no deben discutir del manuscrito con cualquier persona que no sea el editor, ni deben discutir cualquier información del manuscrito sin permiso.
- **Certificación de las fuentes:** Los revisores de los manuscritos deben asegurarse de que los autores hayan señalado todas las fuentes de datos utilizadas en la investigación. Cualquier tipo de similitud o coincidencia entre los manuscritos

considerados con cualquier otro documento publicado de los cuales los revisores tienen conocimiento personal debe ser inmediatamente comunicada al Editor.

- **Puntualidad:** En el caso de que el revisor perciba que no es posible para él/ella completar la revisión del manuscrito en el plazo estipulado, debe comunicar esta información al Editor, de manera tal que el manuscrito pueda ser enviado a otro revisor.
- **Derecho de rechazo:** Los revisores deben negarse a revisar los manuscritos: a) cuando el autor ha formulado observaciones escritas sobre el manuscrito o sobre su versión anterior; b) cuando aparecen conflictos de interés que resulten de relaciones de colaboración, financieras, institucionales, personales o conexiones de otro tipo con cualquiera de las empresas, instituciones o personas ligadas a los artículos.
- **Quejas:** Cualquier queja relativa a la revista debe, en primera instancia, ser dirigida al Editor de *Soft Power*.

Deberes de los autores

- **Originalidad:** Los autores deben garantizar que ninguna parte de su trabajo es una copia de cualquier otro trabajo, ya sea escrito por ellos mismos u otros, y que el trabajo es original y no ha sido previamente publicado en su totalidad o en parte sustancial.
- **La autoría del artículo:** La autoría se limita a aquellos que han dado una contribución significativa a la concepción, diseño, ejecución o interpretación del estudio presentado. Otros que han hecho una contribución significativa deben estar inscritos como coautores. El autor debe asegurarse de que todos los coautores hayan avalado la versión definitiva del documento y acordado su publicación final.
- **El plagio y autoplagio:** El trabajo en el manuscrito debe estar libre de cualquier plagio, falsificación, fabricaciones u omisión de material significativo. El plagio y el autoplagio representan un comportamiento editorial poco ético y son inaceptables. *Soft Power* se reserva el derecho de evaluar los problemas de plagio y redundancia en una base de datos, caso por caso.

- **Reconocimiento de las fuentes y de los conflictos de intereses:** El autor debe indicar explícitamente todas las fuentes que han apoyado la investigación y también declarar cualquier conflicto de interés.
- **Puntualidad:** Los autores deben ser puntuales con la revisión de sus manuscritos. Si un autor no puede cumplir con el plazo establecido, debe escribir a los correos vgiordano@unisa.it o softpower.journal@gmail.com tan pronto como sea posible para determinar la posibilidad de prorrogar la entrega del artículo o su retirada del proceso de revisión.

El Código de Ética de la revista *Soft Power* se basa principalmente en las siguientes fuentes en línea:

- COPE - Committee on Publication Ethics, 2011. Code of conduct and best practice guidelines for journal editors. Accessed February 2014.
- Ethical-Guidelines, 2011. Ethical Guidelines for Educational Research, 2011. Accessed February 2014.

CODE OF ETHICS

The prevention of publication malpractice is one of the most important responsibilities of the Editorial Board. This Code describes *Soft Power's* policies for ensuring the ethical treatment of all participants in the peer review and publication process. Editors, Reviewers and Authors are encouraged to study these guidelines and address any questions or concerns to the vgiordano@unisa.it or softpower.journal@gmail.com.

These guidelines apply to manuscripts submitted to *Soft Power* starting January, 1, 2014, and may be revised at any time by the Editorial Board.

Duties of Editor

The Editor is responsible for the content of the journal and for ensuring the integrity of all work that is published in it.

- **Publication decisions:** The Editor has the right to make the final decision on whether to accept or reject a manuscript with reference to the significance, originality, and clarity of the manuscript and its relevance to the journal.
- **Review of manuscripts:** *Soft Power* follows a double-blind review process, whereby Authors do not know Reviewers and vice versa. The Editor is responsible for securing timely, independent and anonymous peer review from suitably qualified reviewers who have no disqualifying competing interests, of all manuscripts submitted to the journal. The Editor is responsible for ensuring that the journal has access to an adequate number of competent reviewers.
- **Fair Review:** The Editor and their editorial staff must ensure that each manuscript received by *Soft Power* is reviewed for its intellectual content without regard to sex, gender, race, religion, citizenship, etc. of the authors.
- **Confidentiality of submitted material:** The Editor and the editorial staff will ensure that systems are in place to ensure the confidentiality and protection from misuse of material submitted to the journal while under review and the protection of authors' and reviewers' identities and will themselves take all reasonable steps to preserve the confidentiality of authors' and reviewers' identities.

- **Disclosure:** The Editor should ensure that submitted manuscripts are processed in a confidential manner, and that no content of the manuscripts will be disclosed to anyone other than the corresponding author, reviewers, as appropriate.
- **Conflicts of interest:** The Editor should excuse themselves from considering a manuscript in which they have a real or potential conflict of interest resulting from competitive, collaborative, financial or other relationships or connections with any of the Authors, companies or institutions connected to the manuscript.
- **Authority:** The Editor must have ultimate authority and responsibility for the Journal. The Editor should respect the Journal's constituents (Readers, Authors, Reviewers, Editorial Staff), and work to ensure the honesty and integrity of the Journal's contents and continuous improvement in journal quality.

Duties of reviewers

- **Fair reviews:** Reviewers should evaluate manuscripts objectively, fairly and professionally. Reviewers should avoid personal biases in their comments and judgments and they should express their views clearly with supporting arguments. Reviewers must provide substantiated and fair reviews. These must avoid personal attack, and not include any material that is defamatory, inaccurate, libelous, misleading, obscene, scandalous, unlawful, or otherwise objectionable, or that infringes any other person's copyright, right of privacy, or other rights.
- **Confidentiality:** Information regarding manuscripts submitted by authors should be kept confidential and be treated as privileged information. Reviewers should not discuss the manuscript with anyone other than the Editor, nor should they discuss any information from the manuscript without permission.
- **Acknowledgement of Sources:** Manuscript reviewers must ensure that authors have acknowledged all sources of data used in the research. Any kind of similarity or overlap between the manuscripts under consideration or with any other published paper of which reviewer has personal knowledge must be immediately brought to the Editor's notice.
- **Timeliness:** In the event that a reviewer feels it is not possible for him/her to complete review of manuscript within stipulated time then this information must be communicated to the Editor/Guest Editor, so that the manuscript could be sent to another reviewer.

- **Right of refusal:** Reviewers should refuse to review manuscripts: a) where they have provided written comments on the manuscript or an earlier version to the Author, b) in which they have any conflicts of interest resulting from collaborative, financial, institutional, personal, or other relationships or connections with any of the companies, institutions, or people connected to the papers.
- **Complain:** Any complaint relating to the journal should, in the first instance be directed towards the Editor of *Soft Power*.

Duties of Authors

- **Originality:** Authors must ensure that no part of their work is copied from any other work, either authored by themselves or others and that the work is original and has not previously been published in whole or substantial part.
- **Authorship of the paper:** Authorship should be limited to those who have made a significant contribution to conception, design, execution or interpretation of the reported study. Others who have made significant contribution must be listed as co-authors. The author should ensure that all co-authors have affirmed the final version of the paper and have agreed on its final publication.
- **Plagiarism and self-plagiarism:** All work in the manuscript should be free of any plagiarism, falsification, fabrications, or omission of significant material. Plagiarism and self-plagiarism constitute unethical publishing behavior and are unacceptable. *Soft Power* reserves the right to evaluate issues of plagiarism and redundancy on a case-by-case basis.
- **Acknowledgement of Sources and Conflict(s) of interests:** The author should indicate explicitly all sources that have supported the research and also declare any conflict(s) of interest.
- **Timeliness:** Authors should be prompt with their manuscript revisions. If an Author cannot meet the deadline given, the Author should contact to vgiordano@unisa.it or softpower.journal@gmail.com as soon as possible to determine whether a longer time period or withdrawal from the review process should be chosen.

The Code of Ethics of *Soft Power* draws heavily from the following on-line sources:

- COPE – Committee on Publication Ethics, 2011. Code of conduct and best practice guidelines for journal editors. Accessed February, 2014.
- Ethical-Guidelines, 2011. Ethical Guidelines for Educational Research, 2011. Accessed February, 2014.

