S. Susen and B. Turner (eds) *Boltanski* London: Anthem Press

The Promise of Pragmatic Sociology, Human Rights, and the State

Kate Nash

*Introduction*

As a sociologist working in the emerging area of the sociology of human rights, I find the approach Boltanski and his various collaborators take to cultural, moral and political questions inspiring. There is an urgent need to develop theoretical concepts and methodologies to study human rights, which have been growing in importance as a result of the activities of transnational advocacy networks, digital communication, and the codification and enactment of international law since the end of the Cold War (see Nash, 2012). What resources do human rights offer for critique of injustices? Are human rights contributing to imagining solidarity beyond borders? How do we study what difference human rights make to existing social forms – for good or for ill? Pragmatic sociology, with its emphasis on the importance of principles of justice as intrinsic to social life, is an attractive starting point for exploring such questions. Breaking with perspectives in which social life is seen as structured by violence, self-interest or habit, which all too easily and automatically position human rights as nothing but neo-liberal imperialist ideology, pragmatic sociology opens up the study of disputes, uncertainty and socially embedded moral argument in ways that can only be promising. Boltanski’s ground-breaking book, *Distant Suffering* (1990 [1993]), is itself a landmark contribution to the field - although it is on humanitarianism and responses to suffering rather than on principles of justice and human rights. It was *Distant Suffering* that first led me to Boltanski’s work (Nash, 2008). Reading further, however, it is striking that Boltanski has written nothing explicitly on human rights, despite the concerns of pragmatic sociology with contemporary questions of justice.

In this chapter I reflect on the value of Boltanski’s work on everyday justice and injustices. I also question his neglect of the study of principles of human rights, arguing that it is not just an empirical lack; it has consequences for the development of his theoretical framework. In the first section I outline why pragmatic sociology (especially as Boltanski developed it with Thévenot in *On Justification*, 2006 [1991]) is so promising for sociology today, and question the lack of attention that has been given to human rights in refining it theoretically and empirically. This is a matter both of oversight and of misunderstanding. I agree with Axel Honneth (2010) that the focus of Boltanski’s and Thévenot’s models of justice on ‘desert’ is too narrow: it is part of the reason why they are inclined to understand rights-claims as strategies for individual advantage rather than invoking principles of justice. In the second section, I discuss Boltanski’s understanding of institutions, and especially of the state, arguing that the model he has developed since *On Justification* remains unsatisfactory. Had Boltanski and Thévenot been more sensitive to the importance of human rights in *On Justification*, this might not have been the case since, perhaps to a greater extent than the other ‘polities’ they model (with the obvious exception of the civic polity), claims for rights invariably and obviously address states. The state is barely theorized in Boltanski’s work, though there are frequent asides on its importance, until his most recent book, *On Critique* (2011 [2009]), in which he develops a theory of the ‘enterprise-state’ in the context of his understanding of institutions as formatting and confirming social reality. The theory in *On Critique* is quite unexpected given the model of social action and justice outlined in *On Justification*. In the third section of the paper I suggest an understanding of the state that is closer to the pluralist model of *On Justification*. The pragmatic theory of plural ‘worlds’ and ‘polities’, supplemented with a theory of the state, still seems to me to be a very important contribution to establishing the sociology of human rights. It needs developing, however, through the empirical study of demands for justice, as well as through conceptual refinement, if it is to realize its potential as a paradigm that can re-establish and reconnect sociology with popular disputes and everyday normative reasoning.

1. *Everyday Justice*

Everyday life is normative. In my view, it is this insight, developed over Boltanski’s major writings, from *On Justification* through *Distant Suffering* and *The* *New Spirit of Capitalism* (2005 [1999]), and on to *On Critique* (2011 [2009]) that is the most significant contribution of his work to sociology. Pragmatic sociology involves understanding everyday life as involving disputes over the appropriateness of principles of justice in particular situations that takes sociologists beyond the limitations of a Nietzschean/Marxist framework, very popular today in appropriations of Deleuze, through which social action is seen as invariably motivated by hidden interests, habit, or the ‘will to power’ (see Boltanski and Chiapello, 2007: xiv). As outlined by Boltanski and Thévenot in *On Justification*, pragmatic sociology also goes beyond the limitations of the emphasis on agreement associated with Durkheimian sociology and with social interactionism. For pragmatic sociology what is of interest is the *fragility* of agreement where uncertainty is one of the ontological conditions of social life, and the *multiplicity* of possible agreements where there is a pluralism of equally valid principles out of which agreement on the common good can be reached in any given situation. This would seem to be especially important for sociology today, as we get to grips with the study of pluralist societies in which actors are continually dealing with situations of uncertainty.

It is in *On Justification* that, in collaboration with Thévenot, Boltanski worked out the basic principles of pragmatic sociology – though he has continued to develop it in different ways (sometimes converging and sometimes diverging from the development of Thévenot’s thinking) throughout his subsequent writings. In *Love and Justice as Competences* (2012 [1990]), Boltanski reflects on the model he developed with Thévenot in *On Justification*. Simplifying their original exposition, he suggests there are two levels of society: that of reflexive individuals, and that of the ‘polities’ or ‘cités’, the discourses of common good, or justice, with which individuals are able to identify (Boltanski, 2012: 12-4). Individuals are situated in ‘worlds’, to which they are not intrinsically attached, either as individuals or as members of groups, that are assemblages of miscellaneous ‘persons, institutions, tools, machines, rule-governed arrangements, methods of payment, acronyms and names’ (Boltanski and Thévenot, 2006: 41; see also 18). In effect, these are assemblages of ways of categorizing, through which the ‘world’ is made intelligible to social actors. They are at same time categorizations of fact (how the world is), and of worth (how just equivalences are drawn between people such that some are attributed greater value – and therefore gain greater access to social goods – than others).

One of the most innovative aspects of Boltanski’s and Thévenot’s theorization, drawing on the work of Latour, is the emphasis they give to ‘arrangements of things’, especially in testing categorizations of reality (Boltanski and Thévenot, 2006:16-17). Tests provide ‘proof’ that social reality is organized correctly to ensure that principles of justice are being properly applied, whilst at the same time they organize reality as such. The paradigm case here (to which Boltanski and Thévenot frequently refer by way of illustration) is the examination. When a student sits an examination, justice requires that the mark they achieve reflects their merit – their ability and hard work – otherwise the goods they get, or fail to get, as a result are being unjustly awarded (Boltanski and Thévenot, 2006: 221-2). When uncertainties arise about ‘how to go on’, when social actors hit a ‘snag’ or a failure in a particular situation, they are obliged to consider whether tests are being properly applied according to the principles of justice they assumed were at work, or, more radically, whether the moral principles themselves are justified in this case. In the example of the academic examination, they may try to correct for factors that influence the exam but should not (cultural or social capital perhaps, in Bourdieu’s terms). A more radical critique would challenge the test itself. An example given by Boltanski and Thévenot is that of someone in a supermarket who challenges the very basis of checking out and paying for the goods on sale on the basis that property is theft (Boltanski and Thévenot, 2006: 224).

The methodology Boltanski and Thévenot used in *On Justification* is innovative and controversial. It involved a mixture of fieldwork, through which they identified ‘actually existing’ polities in contemporary French society, and which they then formalized by elaborating various themes in the history of political philosophy, supplemented with analysis of manuals intended for business in order to analyse how justifications can be mobilized in practice (Boltanski and Thévenot, 2006: 12-8). The fieldwork is not dealt with very fully in *On Justification*, but from across their joint and individual work we find that it involved small group experiments, and analysis of letters to the press complaining about injustices at work (Boltanski and Thévenot, 1999: 365-9; Boltanski and Thévenot, 2006: 4-6; Boltanski, 2012: 49). Precisely how they extrapolated from the fieldwork to the particular polities they identify as relevant in *On Justification* is not explained. The polities they explore in that work are: inspiration, the domestic, the world of fame, the civic, the market, and the industrial. Axel Honneth has criticized their use of political philosophy on the grounds that the relation they posit between ‘ordinary’ judgements and philosophical traditions is unclear: whilst they sometimes suggest that philosophical traditions have actually influenced the polities available to individuals in French society, on other occasions they use arguments from political philosophy more simply to illustrate empirical polities (Honneth, 2010: 380-1). Honneth is correct that Boltanski and Thévenot are rather vague about precisely how they conceive the relationship between philosophical traditions and ordinary judgements; but in principle their methodology seems reasonable, not to say highly inventive, for their purposes. As Boltanski points out in *Love and Justice as Competences*, when social actors justify moral principles, they generally do not articulate them fully. Their pronouncements are often incomplete, fragmentary, even incoherent, but that does not mean that they are unintelligible or self-regarding. If moral arguments must be universal in order to be legitimate – if we accept that they can not be valid only for the person who makes them, nor solely applicable to particular groups of people – and if we suppose that actors are aware of the difference between moral and self-interested arguments, it is reasonable to extrapolate from what is intended by empirical fragments, to help clarify what underlies a particular position, even if the actors themselves are only partially or intuitively aware of all the nuances of the justifications they are setting out in a particular situation (Boltanski, 2012: 44-5).

On the other hand, and especially given that the empirical component of their work is rather slight in relation to the scope of the claims they make for it, there can be no guarantee that by using this methodology all the current polities available to social actors in any given situation will be identified and analysed. The comprehensiveness of the analysis depends not only on what turns up in the fieldwork, but also on what the sociologist is attuned to by their own education in, and orientation towards, particular traditions of political philosophy. The most obvious principles of justice that are neglected in *On Justification* are those of human rights. Empirically this is an important and rather surprising oversight in that this model is now very evident throughout Europe (indeed, it is strongly linked to the project of building Europe), including in France (where there have been distinctive and significant campaigns for human rights, such as those for the rights of *sans papiers*, and the *droit au logement*) as well as elsewhere in the world. Thévenot has acknowledged that they missed what has become an increasing emphasis on individual rights (Blokker and Brighenti, 2011a: 392). It seems, however, that Thévenot considers expressions of rights only as strategic, intended to further an individual’s advantage, rather than as fragmentary and incomplete expressions of a model of justice. Following Marx’s trenchant critique of the ‘Rights of Man’ invoked in the French Revolution, this has been a common conception of rights on the Left (Marx, 1992). It is warranted today insofar as the enormous increase in demands for rights coincides with neo-liberal marketization (both following the end of the Cold War). On the other hand, discourses of rights are now themselves highly pluralised and continually expanding, encompassing a huge range of political claims on behalf of individuals and groups, including demands for social and economic rights (see, for example, Donnelly, 2003; Baxi, 2002). They are not limited, as they were in practice (though not rhetorically) at the time of the French Revolution, to the civil rights of privileged (wealthy, white, male) citizens (see Hunt, 1996).

The polity of human rights is not to be confused with the ‘civic polity’ Boltanski and Thévenot formalize on the basis of Rousseau’s *On the Social Contract* (1996 [1762]) through which actions are justified in terms of ‘the general will’. If human rights are a social contract, they are not with a particular state but with ‘humanity’. Human rights go beyond a social contract with a particular state since at least some rights cannot be qualified with regard to the common good democratically decided (‘the general will’) especially given the difficulty in practice of diassociating actually existing empirical democracy and majoritarianism (see Rosanvallon, 2011 [2008]). In fact, today the contemporary global regime of human rights encompasses aspects of social life far beyond anything dreamed of by Jean-Jacques Rousseau or John Locke, so that it would be very difficult to link it to classic political philosophy. It would nevertheless be absurd to consider human rights as irrelevant to justice, as Amartya Sen’s ‘capabilities’ approach amply demonstrates (Sen, 1999).

In *Love and Justice as Competences*, Boltanksi lays out the two, rather abstract, specifications for a polity that he and Thévenot used in *On Justification*. In the first place a model of justice depends on common humanity; it concerns the equivalence of identity amongst individuals, with no human being left out (Boltanski 2012: 53). According to this specification human rights are certainly concerned with justice. According to the second specification, justice requires an order of worth according to which equivalences are drawn between individuals that allows for differences to be made between individuals for the common good (Boltanski 2012: 53-4). (Interestingly, these two specifications map perfectly onto Article 1 of the French Declaration of the Rights of Man and the Citizen, which states that: ‘Men [humans] are born and remain free and equal in rights. Social distinctions may be founded only upon the general good.’) Human rights are more complex with regard to this second specification. Whilst there are many rights that can, and must, be qualified for the common good (including most of those listed in the Universal Declaration of Human Rights and the European Convention on Human Rights), some are absolute, including prohibitions on torture, state murder and slavery. These are precisely designed to apply to all human beings at all times and in all places. They are attempts to make ‘common humanity’ a reality, ruling out any possibility of ambiguity with respect to qualifying some people as non-human. In this respect principles of human rights go beyond models of justice based on merit or desert, which, as Honneth argues, appears to be the only foundation for theories of justice recognized by Boltanski and Thévenot (Honneth, 2010: 381-2). Enabling differences of treatment based on merit is out of the question for principles of justice based on human rights when they take the absolute form ‘No-one shall…’ (as opposed to those that take the form ‘Everyone shall be entitled to…’). Human rights are somewhat differently founded in terms of a model of justice, then, from those that Boltanski and Thévenot outline in *On Justification*. But this surely does not make human rights instrumental rather than moral (even if they can be used for immoral ends).

The significance of ignoring human rights as a model of justice goes beyond the lack of analysis of a particularly prominent ‘polity’ today. It has two further consequences. The first, which I do not intend to go into here, is Boltanski’s and Thévenot’s neglect of *globalization*. Throughout his work, Boltanski often qualifies his findings spatially and temporally: as he has developed them, they are applicable only to contemporary French society (eg Boltanski and Chiapello, 2005: xxi-ii). In one way the modesty of his claims is admirable. Boltanski is committed to a version of sociology that is both empirical and conceptual: he grounds his theoretical speculations on careful analysis of the meanings deployed by social actors in specific situations, as organized through the innovative methodologies mentioned above. Had they taken human rights seriously, however, it would have been much more difficult to avoid considering globalization *in France* itself. Boltanski is aware of problems with ‘methodological nationalism’ (Boltanski, 2011: 45-6). But Boltanski and Thévenot could have developed their theoretical model much more fully had they considered plurality and uncertainty as part of global change, systematically studying the importance of migration and multiculturalism, the building of transnational connections and networks concerned with justice, and ‘arrangements of things’ and tests now developing across borders.

Perhaps more importantly, however, neglect of the polity of human rights is linked to a theoretical lack in pragmatic sociology, the conceptualization of institutions and, most significantly, of the state. It would surely have been much more difficult to ignore the state had Boltanski and Thévenot taken human rights seriously. Claims for justice using human rights invariably address states, whether in terms of demands for new national law to enact international obligations, the implementation of existing law, the reform of regulations and procedures to deal with discrimination, or policy-making to redress gross inequalities and eradicate absolute poverty. Furthermore, although Boltanski notes at various points throughout his work, in general all institutions, and all tests therefore, are funded by and rely on the state (eg Boltanski, 2012: 84), it is not these aspects of the state that Boltanski develops when, in *On Critique*, he eventually does turn his attention to systematically theorizing institutions.

1. *States, Justice and Critique*

It has been noted, most famously by Paul Ricœur, that Boltanski and Thévenot do not specify the *kind* of political society to which their model is applicable in *On Justification* (Ricœur, 1995). It is evident that, as it was developed in *On Justification*, pragmatic sociology can only be valid in a constitutional democracy in which there is respect for pluralism (Blokker and Brighenti, 2011b; Honneth, 2010). What is also lacking, however, is any insight into how different models of justice are actually realized, denied, or avoided. Accepting their point that dilemmas over justice are much more mundane and common than we suppose, we surely need to make a distinction between localized disputes, in which people can reach agreements between themselves, and those that become wider, national or even transnational, in which there is organized lobbying to change the very forms through which justice is administered – including considerations of how violence (state and civil) is curtailed and wealth distributed as well as how well legal and bureaucratic procedures conform to rational-legal principles.

As Boltanski points out, the critiques of everyday injustices that give rise to disputes and justifications are almost invariably reformist. They are, as he puts it in *On Critique*, ‘realistic’ (Boltanski, 2011: 31). In part the reason is psycho-social: as Boltanski established in his earlier fieldwork, actors engaged in radical critique, who try to argue that existing tests are inappropriate, risk being perceived as abnormal by their fellows (see Boltanski, 2012: Part 3). In part, however, the reasons are historical: in recent decades polities have been organized around meritocratic understandings of justice that are above all concerned with ending discrimination, rather than with radical redistribution of power and wealth in society (Boltanski, 2011: 32). For the most part, then, and for good reason, if the sociologist is to put themselves on the ‘same plane’ as social actors in order to understand everyday critique, pragmatic sociology is overwhelmingly concerned with reformist demands for justice. While Boltanski makes a number of cogent criticisms of the *epistemology* of critical sociology, pragmatic sociology is also concerned with *political strategy*. Where (and here it is explicitly Bourdieusian sociology that Boltanski has in mind) the sociologist is engaged in metacritique of the totality of society as domination, if they go public with their sociological analysis, they must inevitably engage all the justifications by which ‘ordinary people’ orient themselves in their worlds (Boltanski, 2011: 4-6). The ‘scientific’ status of sociology, which Boltanski sees as anyway over-estimated in critical sociology, does not save metacritique from having to engage with ordinary justifications in order to persuade people of the value of an analysis, though it does allow the sociologist to ‘subject everything to critique without ever having to disclose one’s own normative presuppositions’ (Boltanski and Chiapello 2005: xiv-xv).

When Boltanski finally theorizes the state, however, he does not engage with the polities outlined in *On Justification* and elaborated elsewhere in his work at all. On the contrary, he outlines a highly speculative metacritique of the state as securing domination, stating categorically that in order to escape it, ‘there doubtless exists no other road than the eternal road of revolt’ (Boltanski, 2011: 158).

In general terms, in *On Critique* Boltanski develops a theory of institutions as realizing ‘semantic functions’. This theory gives a good deal of emphasis to language as the paradigmatic institution through which social reality is constructed. According to Boltanski’s theory of institutions, space for critique is opened up by the ‘hermeneutic contradiction’. Boltanski argues that institutions construct social reality definitively - defining the ‘whatness of what is’. Though he never explicitly defines ‘institutions’, in this respect his theory seems to be similar to that of Berger and Luckman, who see institutions as ‘reciprocal typifications of habitualized actions’ (Berger and Luckman 1966: 51). Boltanski builds on this understanding to make an original suggestion in arguing that because institutions can only exist concretely through people who are embodied in time and space - those who are authorized to speak for the institution - there is always room for doubt. Is it the institution that speaks, or is it a particular person with their own perspective, concerns and interests? In addition, Boltanski argues that there is a kind of pragmatic hermeneutic contradiction at work in all institutions. Building on the idea of ‘tests’ as involving ‘arrangements of things’ and as necessary to stabilizing social life that he and Thévenot developed in *On Justification*, Boltanski argues that institutions must try to control not just what is said, but how people follow the rules they prescribe in ordinary life. Because it is impossible, however, to exercise complete control over all contexts of social action, again a contradiction opens up: the words that are used to define reality can become increasingly distant, by virtue of attempts to control them, from the contexts of everyday social action. In both cases, institutional attempts to close the gap between reality as it is defined and ‘the world’ as it is lived, is seen as *prompting*, rather than *preventing*, disputes and the mobilization of critique (Boltanski, 2011: Chapter 4).

Boltanski then develops this general theory to understand the role of what he calls ‘the enterprise-state’. He argues that the enterprise-state contributes to domination through change (rather than through repression) that he sees as characteristic of neo-liberalism, and which he began to study with Eve Chiapello in *The New Spirit of Capitalism* in terms of changes to managerial discourse (Boltanski and Chiapello 2007). The enterprise-state is conceptualized as totalizing and dominating. According to Boltanski’s argument in *On Critique*, the state totalizes society by deploying instruments in tests of reality, which it also represents: like other institutions it defines the ‘whatness of what is’, but the enterprise-state offloads the responsibility for defining and testing reality to experts. Experts (presumably predominantly economists, aided, Boltanski notes, by repeated crises) resolutely confirm that there is no alternative to neo-liberalism to which state officials must also conform. In addition, however, and at the same time, Boltanski suggests that elites – state, industrial and financial – are convinced that in order to maintain the spirit of the rules they impose on others, they must break them. In order to be successful in their projects, they must be free to make up their own rules. What emerges, therefore, is the absolute distinction between the ‘haves’ and the ‘have nots’ that is characteristic of domination: whilst elites take the liberty of acting according to their own plans and strategies, the rest of us are bound to conform to rules set by others (Boltanski, 2011: Chapter 5).

According to Boltanski’s theorization of the contemporary enterprise-state, then, it can never be a resource for achieving, or even approximating, justice through claims that emerge from everyday criticisms of particular situations. Denouncing particular instances of rule-breaking, or trying to reassert the rule of law and robust regulations against the rule-breaking of elites is apparently futile. In fact, the criticisms that ‘ordinary’ people are undoubtedly making of elites now, following the financial crisis that began in the US and Europe in 2008 (which would be easy to study, for example, in letters to newspapers), receive no attention in Boltanski’s work. Change is apparently only possible as a result of sociological metacritique, which can ‘unveil’ the way in which the enterprise-state simultaneously makes and masks reality, and it is only revolt, not reform, that can remedy the domination to which it subjects all but the wealthiest.

Boltanski’s metacritque of the enterprise-state is disengaged from ‘ordinary’ critiques that, according to Boltanski and Thévenot in *On Justification*, are always a possibility in pluralist democratic societies. It does not relate to, nor engage with, any of the criticisms that arise from the polities identified in *On Justification*, and nor is it rooted in a new or emerging polity. It is, in this sense, a classic example of critical sociology to which pragmatic sociology was a (critical) response. There is currently a movement that Boltanski might think of, as many of its adherents surely do, as revolutionary - that of ‘Occupy’ insofar as it involves attempts to live beyond or outside existing laws (1). It is difficult to know without empirical study, however, how far the politics of Occupy find resonance with or engage with the undoubted dissatisfactions and criticisms ‘ordinary people’ make of the current conjuncture. It is far easier to erupt on to the mediated public scene, as Occupy did in 2011 in great style, than it is to mobilize over sustained periods to persuade people that specific goals need to be achieved (in Boltanski’s and Thévenot’s vocabulary, that existing tests need to be remade or replaced). In fact, the demands of the Occupy movement and others associated with it (such as UK Uncut) often call on the state and inter-state institutions to exercise power on behalf of ‘ordinary people’, rather than bankers and economic elites: to raise and collect taxes, for example, and to cut bonuses rather than pensions. Even this most radical of contemporary movements has a social-democratic, reformist dimension around which other political actors also mobilize, including unions, human rights NGOs, welfare and anti-poverty organizations and so on. It is unclear, then, why Boltanski goes against all the basic precepts of pragmatic sociology in order to elaborate a revolutionary metacritique that is not grounded in daily disputes over justice, most of which are oriented towards reform through the state rather than trying to overthrow it.

1. *States as ‘Composite Set-Ups’*

In his appreciative and critical assessment of *On Justification*, Ricœur notes that, on his first reading of the book, he was dissatisfied with Boltanski’s and Thévenot’s neglect of the state, and the way in which they list the civic sphere as simply one polity amongst others, rather than seeing the social contract as inaugurating the sovereign state as the polity *as such*. On reflection, however, he came to see the advantages of their theorization. Ricœur argues that putting the civic polity on the same plane as others makes sense now because we are living in times in which the constitutional state has difficulty encompassing the whole of the territorial society over which it remains nominally in charge. In other words, it makes sense because justifications in terms of the civic polity must now engage justifications in terms of the market, industry and so on to a far greater extent than ever before (Ricœur, 1995). What Ricœur seems to be suggesting here is that, although the state remains the pre-eminent institution towards which demands for justice are oriented, it is no longer as effective as it once was for its citizens, and citizens are no longer as effective as they once were in achieving the common good of the democratic people through the nation-state. Although couched in far less philosophical terms, this is a familiar argument to those who work in the sociology of globalization. Over-estimations of the ‘weakening’ of the state have been corrected in favour of understanding how state elites have been involved in the altering of regulations (‘de-regulation’) that has fostered economic globalization in particular, but it is common nevertheless to understand the state as diminished in its capacities to successfully make law and regulations on behalf of its citizens (Sassen 2008).

Ricœur’s understanding of the state as now unable to defend the civic polity against the incursions of others, opens up interesting theoretical possibilities for pragmatic sociology. Might we understand the state itself as plural, as comprised of multiple situations in which disputes over justice arise and are put to the test?

In fact, Boltanski and Thévenot seem to gesture towards the plurality of the state themselves in *On Justification*, though it is not followed up in their subsequent work, when they argue that tests that are supposed to ensure justice may take place in ‘composite setups’ made up of several worlds. The co-existence of such situations, they suggest, makes for ‘awkwardness’ as those involved are unsure of what precisely is being tested and how (Boltanski and Thévenot 2006: 225-8). It seems likely that compromise will be the outcome of disputes in situations in which several worlds co-exist. Boltanski and Thévenot analyse compromise as the outcome of a dispute when people agree to halt it rather than pressing on to ensure that a principle of justice is definitively assured in a particular situation. What if such ‘composite set-ups’ were far from rare? What if they were in fact, very common? What if ‘composite set-ups’ were the predominant form of testing, given the pluralism and complexity of the state?

The pluralism and complexity of the state may or may not be a new development. It would be naïve, not to say un-sociological, to suppose that the liberal-democratic state was *ever* organized in reality to channel popular sovereignty as the general will. Indeed, it is not clear that such a statement is even logically coherent. Here I propose, as a thought experiment, that, following the general principles of pragmatic sociology outlined in *On Justification*, we consider how state officials (if not ‘the state’ as such) could be addressed, and could reply, in terms of any of the polities analysed by Boltanski and Thévenot - not just the civic polity. It is quite evident that state officials are regularly called on to justify state activities in terms of markets – whether in terms of policies that promote markets (by ‘rolling back the frontiers of the state’), or incorporating them into the heart of states’ activities (in what are called Public-Private Finance Initiatives in the UK, for example). We can also readily see justifications being mobilized in terms of the criteria of industry, again in terms of policies designed to promote efficient use of state funds (‘taxpayers’ money’) in public institutions. It seems unlikely that this is a new departure, for obvious reasons, but certainly today the swingeing ‘austerity cuts’ in Europe are justified in terms of ‘efficiency’. The polity of inspiration, especially in terms of religion, has never disappeared completely from modern states. It is very much in evidence in British state ceremonial rituals. Even in France, the pre-eminent secular republic, we might see Sarkozy’s banning of the *burqa* in public places as indicating a confirmation, in a *de facto* multicultural society, that modern, European states are Christian. Of course, the ban is generally justified in the civic terms of freedom and gender equality, but Christian justifications of anti-Islamic pronouncements and decrees are not exactly unimaginable. Indeed, Caitlin Killian reports that in 1994 the minister of education, François Bayrou, made precisely this claim, arguing that ‘France is a Judeo-Christian country’ (Killian, 2006: 21). The modern state is also founded on the separation of the family (in the dynasty of royalty) and citizens as equals. There are, however, numerous assessments of the rise of what is called ‘Presidentialization’ in political science, the manoeuvring in political parties and the media so that particular individuals come to personify political parties, and, if they are successful, the electorate too, increasing their personal power in relation to parties and parliaments (see Poguntke and Webb, 2005). If it is difficult to justify the fitness of political leaders to rule in terms of party policies, given that there is often little to choose between them, it may more easily be done in terms of their loyalty, as an individual, to the people they serve. Similarly, the polity of renown (‘charisma’) is hardly alien to politics. It may be, however, that it that too is increasing, in a kind of routinized way, as media becomes more and more integrated with politics, and with the rise of ‘celebrity politics’ (Street 2004).

Finally, it would not be difficult to add the polity of human rights to those listed by Boltanski and Thévenot in *On Justification*. In terms of principles of justice we see a range of justifications centred on the rights of humanity mobilized in the strategies of human rights NGOs. In terms, for example, of campaigns for the rights of *sans papiers*, it is argued that illegal immigrants contribute to French society: they are fulfilling obligations as if they were citizens (working, often paying tax, sending children to school, becoming involved in local churches and associations), and they should therefore enjoy the same rights as their French neighbours and fellow workers. In a sense, the challenge is to the civic polity in that it is argued that human beings who are not citizens, but who are living like citizens, should enjoy (at least some) of the same rights. Such campaigns have been quite successful in mobilizing ‘ordinary people’, especially where they find themselves connected to individuals and families at risk of deportation. It may be, then, that where they have been successful, claims to rights for *sans papiers* have been connected to justifications in terms of the domestic polity to oppose the civic. Alternatively, it may be that the civic polity is being expanded to encompass residents ‘outside the nation’, albeit in a limited way (as, for example, Soysal argues in relation to long-standing non-citizen residents in Europe (Soysal 1994)). In terms of the ‘*droit au logement*’, the ongoing campaign has included high-profile media events in Paris and elsewhere, and built on the French constitution and international human rights agreements to argue that all human beings should enjoy the basic conditions necessary to their development. In this case justifications based on human rights directly challenge justifications based on the market: properties left empty simply to increase their price should be occupied by those who need them. Again, these campaigns challenge the limits of the civic polity as applying only to citizens: minimal social rights should be accorded to people on the basis of their humanity, not their nationality.

A dramatic way of characterizing a pragmatic sociological theory of the state as I have outlined it here is to say that ‘the state’ does not exist. States are never unified; they are always complex assemblages of official positions, rules, categorizations and instruments that are close to what Boltanski and Thévenot analyse as ‘worlds’. Indeed, one way of reading Foucault’s genealogical studies into authority, knowledge and institutions is as demonstrating there is no clear-cut separation between the state and civil society (see Mitchell 1999). Similarly, what Boltanski and Thevénot call ‘tests of reality’ involve assemblages of persons and things that are often difficult to situate firmly ‘inside’ or ‘outside’ the state. State regulation is dispersed, often contradictory, inter-woven with professional practices and knowledges, situated in a range of social spaces that are not, and do not need, to be joined up into a coherent whole.

I suggest then that we may find it useful to understand states not as unified, totalizing institutions, but following Boltanski’s and Thévenot’s work on *On Justification*, as pluralist, fragmented, complex, even incoherent. Although compromise is the most likely outcome of disputes in such situations, this does not mean that ‘anything goes’ in terms of claims to justice. As Honneth (2010) argues, there is a kind of path dependency of normative justifications: it is not possible to make *any* justifications appropriate in *any* situation. For example, in pronouncements of elected governments that are intended to resonate with citizens, which are oriented towards the mediated public, justifications for decisions and policies are invariably made in terms of the civic polity. What has been decided is always for the good of the citizens (which is why justifications of human rights must always ‘take on’ the limits of the national in addressing governments and judiciaries within nation-states (see Nash 2009)). Especially, however, in periods of fluidity and rapid change, it would not be surprising to find that those justifications are also invariably mixed, and compromises are routinely struck that allow for at least partial satisfaction in terms of various different, and on the face of it, conflicting polities and worlds.

*Conclusion*

The value of pragmatic sociology lies in its potential to reconnect sociology with moral disputes and justifications in everyday life. The realisation of this promise is, however, conditional on staying close to the ground of moral critique in the experiences, doubts and convictions of ordinary people, the programme of study that Boltanski and his collaborators have elaborated in all the sociological studies on which he has worked up to *On Critique*. In this chapter I have argued that the theory of institutions Boltanski develops in *On Critique* is problematic because it diverges so radically from the theory and methodology of pragmatic sociology. Insofar as he works out a theory of the state there, his aim is admirable. As I have noted, a theory of the state is implied by the previous studies in which Boltanski has been involved, in that ‘worlds’ and tests are often at least partly funded and regulated by states, and pragmatic sociology has hitherto assumed a particular *form* of political society, pluralist and democratic, without specifically addressing its systemic possibilities and limits. However, the theory of institutions and of the enterprise-state he develops in *On Critique* falls far short of realising the promise of pragmatic sociology because it is too abstract; it is not connected to the empirical study of actual criticisms of injustice that are made by ‘ordinary people’ in everyday situations and, perhaps even more significantly, through collective mobilisations.

I have argued here that had Boltanski and Thevénot taken human rights seriously as principles of justice it would have been much more difficult for them to ignore the importance of the state in *On Justification*, since rights-claims invariably address state officials. Finally, then, I have suggested in a very brief sketch of how we might better understand the state as what Boltanski and Thevénot call, in *On Justification*, a ‘composite set-up’. Such an understanding of the state could open up empirical study of the multiple worlds in which state officials - who are responsible for ensuring that the common good is ensured in laws and policies made on behalf of ‘the people’ - are situated, and the polities they use to justify their influential positions on particular issues in relation to ‘ordinary’ critiques of injustice.

Rather than elaborating theoretical metacritiques, pragmatic sociology advocates staying close to, studying, and engaging with, critique that is embedded socially. To be sure, as sociologists we enjoy conditions of reflection – time, education, resources – that are not available to everyone. If we can make a difference, however, it is as citizens that we are able to do so, in conversation and in solidarity with others. The promise of pragmatic sociology in this respect is its potential to bring sociologists and citizens together, rather than splitting us into ‘experts’ and ‘objects of study’. Understanding the state as a ‘composite set-up’ suggests that compromise is the most likely outcome when disputes over justice arise in complex, pluralist societies. This does not mean giving up on justice. It does mean recognising that revolution is not so obviously ‘an eternal road’ to ordinary people, even if it seems self-evident to critical sociologists.

Notes

# The Occupy movement erupted in Europe and North America in 2011-2, when people set up camps in the financial centres of New York and London, protesting against rapacious capitalism in general, and the austerity cuts following the banking crisis in particular. They received an enormous, and surprisingly sympathetic media coverage, coining terms like ‘We are the 99%’ that were widely taken up. The movement was embraced by Left-leaning intellectuals as, in Cornel West’s terms, ‘a democratic awakening’ (Quinn 2011; see also Mason 2012).

References

Baxi, Upendra (2002) *The Future of Human Rights* 3rd edition, Oxford: Oxford University Press.

Berger, Peter, L. and Thomas Luckmann (1966) *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, Garden City, New York: Anchor Books

Boltanski, Luc (2012 [1990]) *Love and Justice as Competences*, trans. Catherine Porter, Cambridge: Polity.

Boltanski, Luc (2011 [2009]) *On Critique: A Sociology of Emancipation*, Cambridge: Polity.

Boltanski, Luc (1999 [1993]) *Distant Suffering: Morality, Media and Politics*, trans. Graham Burchell, Cambridge: Cambridge University Press.

Boltanski, Luc and Laurent Thévenot (2006 [1991]) *On Justification: Economies of Worth*, trans. Catherine Porter, Princeton: Princeton University Press.

Boltanski, Luc and Eve Chiapello (2007 [1999] *The New Spirit of Capitalism*, trans, Gregory Elliott, London: Verso

Boltanski, Luc and Laurent Thévenot (1999) ‘The Sociology of Critical Capacity’, *European Journal of Social Theory* 2(3): 359-77

Blokker, Paul and Andrea Brighenti (2011) ‘Politics between justification and defiance’, *European Journal of Social Theory* 14(3): 359-77

Blokker, Paul and Andrea Brighenti (2011) ‘An interview with Laurent Thévenot: on engagement, critique, commonality, and power’, *European Journal of Social Theory* 14(3): 383-400

Donnelly, Jack (2003) *Universal Human Rights in Theory and Practice*, 2nd edition, Ithaca: Cornell University Press.

Honneth, Axel (2010) ‘Dissolutions of the Social: On the Social Theory of Luc Boltanski and Laurent Thévenot’, *Constellations* 17(3): 376-89

Hunt, Lynn (1996) ‘Introduction: the Revolutionary Origins of Human Rights’, in Lynn Hunt (ed.) *The French Revolution and Human Rights: A Brief Documentary History*, Boston: Bedford/St Martins, pp. 1-32

Killian, Caitlin (2006) *North African Women in France: Gender, Culture, and Identity*, Stanford: Stanford University Press

# Mason, Paul (2012) *Why It's Kicking Off Everywhere: The New Global Revolutions*, London: Verso

Marx, Karl (1992 [1844] ‘On the Jewish Question’ in *Early Writings*, trans Rodney Livingstone and Gregor Benton, Harmondsworth: Penguin Classics, pp. 211-42

Mitchell, T. (1999) ‘Society, Economy and the State Effect’ in George Steinmetz (ed.) *State/Culture: State-Formation After the Cultural Turn*, Ithaca: Cornell University Press.

Nash, Kate (2009) *The Cultural Politics of Human Rights: Comparing the US and UK* Cambridge: Cambridge University Press.

Nash, Kate (2008) ‘Global citizenship as showbusiness: the cultural politics of Make Poverty History’, *Media, Culture and Society* 30(2): 167-181

Nash, Kate (2012) ‘Towards a political sociology of human rights’ in Edwin Amenta, Kate Nash and Alan Scott (eds) *The Wiley-Blackwell Companion to Political Sociology*, Oxford: Wiley-Blackwell, pp. 444-53

# Quinn, Sally (2011) ‘Cornel West keeps the faith for Occupy Wall Street’ *The Washington Post* , <http://www.washingtonpost.com/blogs/on-faith/post/cornel-west-keeps-the-faith-for-occupy-wall-street/2011/11/10/gIQAZxhk8M_blog.html>, Downloaded 14/8/2012

Rosanvallon, Pierre (2011 [2008]) *Democratic Legitimacy: Impartiality, Reflexivity, Proximity*, trans. Arthur Goldhammer, Princeton, Princeton University Press.

Rousseau, Jean-Jacques (1996 [1762]) 'On the Social Contract', in David Wootton (ed.) *Modern Political Thought: Readings from Machiavelli to Nietzsche*, Indianapolis, Ind.: Hackett, pp. 464-534.

Ricœur, Paul (1995) ‘La place du politique dans un conception pluraliste de justice’, Joëlle

Affichar et Jean-Baptiste de Foucauld (dir), *Pluralisme et équité: Penser la justice dans la democratie*, Paris: Esprit pp. 71-84.

Sassen, Saskia (2008) *Territory, Authority, Rights : From Medieval to Global Assemblages* Princeton: Princeton University Press

Sen, Amartya (1999) *Development as Freedom*, Oxford : Oxford University Press.

Soysal, Yasemin (1994) *The Limits of Citizenship : Migrants and Postnational Membership in Europe* Chicago: Chicago University Press

Street, John (2004) ‘Celebrity Politicians: Popular Culture and Political Representation’, *The British Journal of International Relations and Politics* 6(4): 435-52

Words: 7,500