

LOOKING TO THE TOOLS

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The experience of social isolation in response to COVID-19, renewed daily evidence of presidential abuse of powers, of entrenched racism and state violence, as well as the widespread public protesting of police violence, all now coalesce and bear down on us, and on our philosophical practice. The image of *bearing-down* seems right in both its intensity and ambiguity. While the crisis bearing down on us might concentrate our efforts to diagnose this moment, it could instead overwhelm our efforts, or it could advance their birth into actionable forms.

Tools as Functioning Objects

John William Miller is a central figure in a book I'm writing on the metamorphosis of idealism in the American philosophical tradition. Miller had a theory about the way we use tools to touch off the ideas that appear as *givens* in our lives. He called the class of tools that enable conditioning scheme-works *functioning objects*. Every system, he argued, however apparent or obvious, is made operative via functioning objects, whose symbolic, meaning-conditioning contributions tend to fade from notice in the using of them. As Martin Heidegger also said of tools, we notice them when in crisis; when the hammer breaks.

I've realized that Miller's approach illuminates how liberal systems are invoked by laws and policies, and how capitalism, liberalism's historical twin, is likewise constituted through laws regulating how property is owned, how labor is sold, and how wealth is held. Laws and policies are the tools (or functioning objects); liberalism and capitalism are the conditioning frameworks activated by tool-use. As Miller suggested, looking to the tools tends to reveal that multiple instruments nestle into a shared application to mutually support any ideal system, and that most anything can be used and

discarded and used again as a viable functioning object.

Race as a Functioning Object

Examining how tools such as liberal-democratic laws work, we can appreciate that in the actual history of the United States, they dovetail with race. Race too has served as functioning object; an artifact that allows us to distinguish, measure, compare, and organize populations—in terms of their relationship or access to liberal law.¹ As a tool, racialization hooks into the functioning policies of liberalism. A reading of racialization as functioning object, hidden in plain sight by constant use, reveals that American society (among others) depends on racialization to organize access to ostensibly liberal laws and policies.

If this is true, then we will find that functioning tools such as rights, instruments for wealth-management, protected avenues for contesting unfair acts or illegal practices, and voting for and engaging with elected officials, are supposed to be accessible universally, but in practice are accessed along racialized divisions. None of this implies that liberal universal principles are wrong. Instead, it tells us that they aren't even operationalized. The functioning objects at play are projecting different conditioning frameworks than those anticipated by our politically-liberal ideal theory. Our tools reveal the actual world we've found and founded with them. Crisis provides the test that discloses our tools for what they've been to us—the hammer breaks and we notice the project at hand.

¹ Falguni Sheth identifies three dimensions within which race functions as a technology for dividing, subduing, and reorganizing populations, and for rendering them more and less vulnerable legally. Falguni A. Sheth, *Toward a Political Philosophy of Race* (Albany: State University of New York Press, 2009), p.38; 129-143.

Liberal Tools?

If we consider the current protests as demanding attention to this long-brewing crisis, then among the questions raised by protests are these: can we use the tools of liberal-democratic free assembly and speech? Can we use them to help repair our legal and criminal justice systems?

Some probably counted on protests as a liberal-democratic tool, which could help access a damaged but accessible liberal-democratic system. Instead, policing that answers protests with violence has responded: no. No, you do not actually have access to these rights. Trumpism's increased politicizing of criminal-justice also responds: no. And the non-response to or defense of police violence against protesters by legislators and citizens confirms: no. The *no* signals that we are no longer operating *liberal* laws, if ever we were. Some speech and some assembly by some citizens will be tolerated, but our allegedly rightful actions are not protected systematically. Actions such as free speech and assembly are not the articulation of universal rights, but are privileges that may be rescinded. Whereas in the past, access to ostensibly-universal liberal rights has been—and likely still will be—maneuvered with the functioning object of race, understanding racialization as a tool helps to lay bare the arbitrary, relational character of any access to our allegedly liberal-democratic system.

Similarly, the novel corona virus illuminates some of the ways that superficially liberal democracy has further eroded under Trump, and some of the ways that systemic racism plays out in access to healthcare. But more to the point, the breakages occasioned by COVID-19 reveal how our social systems were organized to begin with: who had early access to information that could lead to financial profit and mitigation of financial risk, who had immediate access to testing, who can still depend upon safe home environments, optional

work from home or relatively safe work environments, ready health care and its financial coverage, enough scientific and political literacy to parse expert recommendations, and who can successfully demand these things when they are scarce.

Again, watching them at work, we see that our standard legal and institutional instruments have not been engaged with liberal democracy or democratically-gearred capitalism, even if democratic ideals have provided ideological cover, and even while access to certain liberal mechanisms remains the privilege of in-groups.

New Times, New Tools

But what to do, now that the deepening crisis has drawn attention to the undemocratic, non-liberal system at hand?

One needn't give up on ideals named by historically cited terms such as *free speech*, *assembly*, and *press*, or on the ideal institutions embodied in *electoral politics* or *universal suffrage*, to recognize that the tools we've been using to take their measure were not designed to do so. Teaching, writing, and activism are several of the activities through which we can still contribute to approaching these ideals and rejecting their false appropriation, both in the subjects we study and in the power dynamics we foster. I'll close by identifying two institutions that offer better tools for teachers, writers, and activists working toward liberty and liberation.

1: Social democracy. We must unapologetically reclaim the critique of capitalism and neoliberal doctrine. Despite the incredible irony, Trumpism won support by declaring the wrongness of commodity fetishism and alienated life.² Condemning the social

²Tucker Carlson 1/2/2019:

<https://www.foxnews.com/opinion/tucker-carlson-mitt-romney-supports-the-status-quo-but-for-everyone-else-its-infuriating> (accessed 7/4/2020);

Steve Bannon at Oxford Union 11/16/2018

<https://www.youtube.com/watch?v=8AtOw-xyMo8> (accessed 7/4/2020).

consequences of crony capitalism, Trump's apologists even now decry the rise of a political class devoted to the defense of capitalism's elite. As former Trump advisor Steve Bannon and Fox News anchor Tucker Carlson have been saying, these very concepts are key elements of the "revolutionary spirit which Trump rode to the White House."

If Trump's supporters don't recognize the genealogy of these criticisms, this is also a failure of Leftist initiatives—both to educate and to resist the incursion of a capitalism it was supposed to regulate. While the progressive Left has been busy distancing itself from "Marxism," the fundamentalist Right has redacted Marx's name and pushed a narrative about for-hire political actors collaborating to support finance capital and the interests of its most privileged few. Trumpism's solutions to the problems caused by the "global capitalist elite" are xenophobic and nationalist, but its identification of capitalism's destructiveness highlights how the critique of capitalism was the Left's to lose. Our failure to openly embrace a democratic-socialist assessment of capitalism and to produce political-economic alternatives to turbo-capitalism has left the opening which Trumpism exploits successfully.

2. Transitional Justice. To reclaim a genuinely Leftist handling of capitalism and neoliberalism, we ought to be utilizing the tools of *transitional justice*. The United States has not yet built the vehicles necessary to deal with the abuses that have always distinguished our justice system and our government. In our teaching, writing, and activism, we have the opportunity to help facilitate a national referendum on our history, on the mechanisms of private property and financial markets, and on the devices of the criminal justice system. Though truth and justice commissions on the South African model may be instructive, our working groups must avoid assuming that any privileged party holds special insight into how vulnerable groups should deal with political power. An effective referendum process will require tools of scholarship and discourse, as well as

reparations programs and the criminal prosecution of violent representatives of the state.

The vulnerability that Trumpism and COVID-19 exposes is not new. What's new is a sense of endangerment felt widely, including by in-groups who've not before questioned the universality of liberal law or their own relative safety. The dangers we face are real, as are opportunities to illuminate their underpinnings.