Zeitschrift für Diskursforschung

Journal for Discourse Studies

Sonderausgabe zum zehnjährigen Jubiläum/Special Issue for the Tenth Anniversary

- **Teil A Grundlagen/**
  Part A Fundamentals

- **Teil B Forschungsüberblicke und einzelne Ansätze/**
  Part B Research Overviews and Specific Approaches

- **Teil C Exemplarische Anwendungen/**
  Part C Exemplary Applications

- **Teil D Diagnosen – Diskussionen – Perspektiven/**
  Part D Diagnoses – Discussions – Perspectives

Inhaltsverzeichnis

Teil C Exemplarische Anwendungen/Part C Exemplary Applications

Teil D Diagnosen – Diskussionen – Perspektiven/Part D Diagnoses – Discussions – Perspectives

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Beyond Negative Humanism. Subjectivation, the Lived Body and Human Rights

Abstract: The social production of subjects has been a longstanding matter of scholarly dispute in the social and educational sciences. In the second half of the last century, the prominent contribution of the human sciences to the shaping of modern selves was discovered through discourse studies. By and large, this critical description of the human sciences has itself become part of such sciences, contributing to a permanent critique of its metaphysical and anti-emancipatory moments. However, in the 21st century, a visible erosion of the institution of the modern subject leads not to emancipatory transgressions of modernity but to regression into authoritarian mentalities. We suggest taking one step back, appreciating critical moments in the human sciences, and two steps forward to discover the connexion of violence and human rights in the social production of the subject.

Keywords: discourse, subjectivation, humanism, social science, human rights

Zusammenfassung: Die gesellschaftliche Herstellung von Subjekten ist seit langem Gegenstand von Auseinandersetzungen in den Bildungs- und Sozialwissenschaften. In der zweiten Hälfte des letzten Jahrhunderts wurde in der Diskursforschung der Beitrag der Humanwissenschaften zur Produktion moderner Selbste entdeckt, mitsamt ihren problematischen Auswirkungen. Im 21. Jahrhundert führt die Erosion der modernen Subjektformation jedoch nicht zu emanzipatorischen Überschreitungen der Moderne, sondern zu einer Regression in autoritäre Mentalitäten. Wir schlagen vor, einen Schritt zurück zu gehen, indem wir die Kritik der Diskursanalyse an den Geistes- und Sozialwissenschaften würdigen, und zwei Schritte vorwärts, um den Konnex von verletzlicher Körperlichkeit, Gewalt und Menschenrecht in der Produktion des Subjekts zu entdecken.

Schlagwörter: Diskurs, Subjektivierung, Humanismus, Sozialwissenschaft, Menschenrechte

1 After the beach

There was a time when a philosopher claimed that if the »arrangements of knowledge« concerning the human being disappeared, »[It] would be erased, like a face drawn in sand at the edge of the sea« (Foucault 1966/2005, p. 422). When this was written, in the mid-1960s, it was a *metaphor* borrowed from a poet. Now we are in a situation where the sea levels are *actually* rising, and the notion that the human being can be erased has escalated from a philosophical speculation to a very real possibility. We would like to discuss how this change of situation modifies how we think about ourselves as subjects, and if we should hopefully await the day when the human »would be erased«, or whether we should *fear this event*. We suggest that the radical critique of the modern subject is a pro-

ject that has run its course, that its historical index is today more clearly visible, and that it is *already obsolete* if it will not be supplemented by an understanding of the subject as a bearer of (social and human) rights. The focus of responsibility shifts from a fundamental critique of the human sciences to their reform in the face of the very real possibility that the modern subject may disappear.

Well understood, this possibility of extinction is not about the biological human being, its bare life disappearing entirely, but about its way of life as a society-building animal, safeguarding the belief that all people are »born free and equal in dignity and rights« and granting that »they are endowed with reason and conscience and should act towards one another in a spirit of brotherhood« (Universal Declaration of Human Rights 1948). The modern subject model includes empathy, the ability to tell the truth and the ability to transcend reality as minimal criteria (Joas 2013). Is there no justified concern that life without a modern cult of the individual (Durkheim 1898), human rights and democracy is in fact acceptable by majorities?

There are developments pointing in this direction: Dominant groups are today continuing to lobby for the destruction of ecological conditions necessary for democratic mass societies to exist. Also, growing minorities even in democratic systems support authoritarian leadership. The figure of the modern subject is threatened and *partly attacked directly*. Both market radicalism and ethno-nationalism aim at an erosion of the human sciences, the welfare state and its subjects. While the prospect of the modern human being disappearing today incites fear, it had not always been so. There was a time when the prospect of a disappearance of the human being (of the human sciences) excited sizable camps in the intelligentsia. Why is that so, and what do we make of this today?

This intervention proceeds in two steps: First, we will contend that Foucault and the poststructuralist current did not reject the human sciences *in toto* but aimed to reform them through a strategy of ›negative humanism‹. Then, we propose that theories of subjectivation should turn their interest to the institution of the individual human being, »with her three-dimensional body [...] accorded freedom and dignity« (Lindemann 2021, p. 307) and human rights as its representation. The vulnerable subject, endangered by and engaging with violence has been neglected by traditional social theory as well as Foucauldian thought, particularly discourse analysis, where (non-repressive, productive) power was privileged over domination and violence.

2 Critique of the human sciences: epistemic violence?

Discourse analysis is a methodological approach and arguably also an intellectual movement which emerged in the process of a critique of the modern subject. It enabled a critical discussion of powerful *metaphysical remains* hiding behind the naturalism of psychology, sociology, pedagogy, and other human sciences: will, genius, soul, health, beauty and other conceptual tools of power and domination. These metaphysical anachronisms served as containers handing down homophobic, misogynistic, authoritarian, ableist pat-

terns of thought.[1] The constitutive contamination of the human sciences has been discussed in the postcolonial debate as *epistemic violence* (Spivak 1981/2008).

Discourse research today still entertains a deeply ambiguous relationship with the human sciences and the notion of the modern subject. This is part of its heritage and its historical index. The structuralist and especially post-structuralist critique of the human sciences stands in a line of continuity with the Enlightenment critique revitalised as a critique of enlightenment in the wake of European fascism. The genocides, war crimes and other human rights violations of the early 20th century made it clear that the Enlightenment and its modern institutionalised forms, among them the university, not only could *not prevent* the catastrophes, but in view of their *dialectical* character had even partly fuelled them (Horkheimer/Adorno 1944).

Michel Foucault's works manifest the intellectual strategy of historicising the human sciences. Revisiting the (in)famous passage quoted initially points in this direction:

> »[A]mong all the mutations that have affected the knowledge of things and their order, [...] that which began a century and a half ago and is now perhaps drawing to a close, has made it possible for the figure of man to appear. And that appearance was not the liberation of an old anxiety, the transition into luminous consciousness of an age-old concern, the entry into objectivity of something that had long remained trapped within beliefs and philosophies: it was the effect of a change in the fundamental arrangements of knowledge. As the archaeology of our thought easily shows, man is an invention of recent date. And one perhaps nearing its end. If those arrangements were to disappear as they appeared, if some event of which we can at the moment do no more than sense the possibility – without knowing either what its form will be or what it promises – were to cause them to crumble, [...] then one can certainly wager that man would be erased, like a face drawn in sand at the edge of the sea.« (Foucault 1966/2005, p. 422)

The critique of enlightenment is obvious here. The newness lies in an ontological assumption: not only that the *figure of the human* is dependent on scientific knowledge, but that this relation is exclusive to an unprecedented degree; the human being appears as fundamentally dependent on the human sciences. Their breakdown, the loosening of their grip on the soul, is seen as a »promise« not a threat. Remarkably, the imagination of heterotopian futures, inspired by the arts and by literature, is optimistic. The topos of a *promising* disappearance of the subject was a main reason for Foucault's polarised appreciation in Europe. Indeed, his sometimes triumphalist rhetoric lends itself to an anti-humanist reading. However, there is an argument to be made that the post-structuralist movement should not be understood as anti-humanism but as *negative humanism*.

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1 These anachronisms were increasingly targeted in the post-war period, in Germany partly in the context of de-Nazification efforts. In the bloc confrontation with its competition for the best ›system‹, the critique of the human sciences can be seen as part of the search mission for a Third Way (between state socialism and liberalism) which poststructuralist intellectuals shared with unorthodox Marxists.

3 Negative humanism

In Foucault's œuvre we find indications that his critique of the human sciences has encouraged their reflexivity instead of pushing back their influence. Foucault's deconstruction of the human sciences contains an *appreciation of the human sciences* that has been overlooked in the dominant reception. This appreciation becomes operational by rejecting the faulty humanism that the human sciences have reproduced so far but not the human sciences (and the creation and representation of the human) themselves: »representation is not simply an object for the human sciences; it is, as we have just seen, the very field upon which the human sciences occur« (Foucault 1966/2005, p. 396). By critically reflecting the discursive representation of human beings, human sciences develop self-critical traits.[2]

For Foucault, heterodox fractions of the human sciences take on the role of internal critique, negating the faulty humanism they contain – this critical negation of humanism is what we call *negative humanism*.[3] He highlights psychoanalysis and ethnology in particular as »counter sciences« (ibid., p. 454) within the human sciences: From today's perspective, ethnology and psychoanalysis seem to have fulfilled this role less since the 1970s, while discourse analysis *itself* takes on the task of analysing the structure of representation of the human (Castel 1979; Castel/Castel/Lovell 1982; Rose 1990). It thus performs the function of negating the humanism of the human sciences by critiquing their metaphysical remnants and their contributions to the reproduction of domination. In a phase of social democratic-technocratic self-assuredness in the 1970s and 1980s, this *negative humanism* supported new social movements in Europe that exposed exclusions, democratic deficits, and blind spots in the welfare state. In the epoch of globalisation that is coming to an end today, the Foucauldian framework afforded a critique of the neoliberal world view and its therapeutic (Rose 1996; Traue 2010) and entrepreneurial (Bröckling et al. 2000) subjectivation regimes.

The strategy of negative humanism also contributed to a search for *alternative sources of the modern self*, which had been obscured by the inherent naturalism of the human sciences. These sources were sought namely in the arts (Nancy 1996) and in technology (Pyyhtinen/Tamminen 2011). Negative humanist strategies also entered into competi-

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2   »They never cease to exercise a critical examination of themselves. They proceed from that which is given to representation to that which renders representation possible, but which is still representation. So that, unlike other sciences, they seek not so much to generalize themselves or make themselves more precise as to be constantly demystifying themselves: to make the transition from an immediate and non-controlled evidence to less transparent but more fundamental forms.« (Foucault 1966/2005, p. 397)

3   Dirk Tänzler argues that »the leading science of negative Humanism is no longer the ruling knowledge of economy as a technique for ordering and rationalisation of the domestic economy that provides the necessities of life, but ecology as a theory of relationships or the theory of the interaction between different forms of life«. Negative humanism »aims at a resurrection of nature, in which the separation of body and spirit and thus the brokenness of man and, with Latour, of humanity according to the ethnological myth of the good savage founded by Rousseau, to whose mode of existence we will return« (Tänzler 2021, p. 9).

tion with attempts to highlight the religious genealogy of the modern self (Taylor 1989) as well as human rights, which both emphasise the moral dimension. This movement to search for alternative sources has oscillated between anthropological understandings of the human being as a natural being and as a cultural being. Practice theory for instance has emphasised the technological aspect of social action and the self, connecting the cultural and the natural while *eclipsing the moral*. But negative humanism has a (welcome?) tendency of transporting moral aspects into the social sciences, while seeking to weed out its metaphysical aspects.

4 The relationship between discourse and subject

One tactic of negative humanism is to engage with discourses constructing the modern subject. Foucauldian discourses are forms of meaning that cannot be traced back to individual authors or bearers, nor can they be easily interrupted or modified by subjects. Hence their minor, *supplementary* status. The unity of a discourse is based on various moments that ensure its recognisability and effectiveness in language, in the world of signifiers as well as in collective strategies. Discourses can impose themselves, be imperative, or merely attractors and potentials; in discourse research, they almost acquire a subject character: It is they who act and make a difference, who captivate subjects, and who provide for the stability of orders. The problematisations of a self-dependent person on powerful discourses reach their productive tension through the fraught relationship that discourse research maintains with the subject. It appears above all as assujetissement, as *subjected to* something: as a plaything of stronger powers, as a lever in power relations, as a mere addressee and effect of discourses (Traue/Pfahl 2022).

Discourses mostly shoot arrows at subjects, usually not the other way around. Subjects thus only appear as agentic entities at certain critical moments. And this cautiousness concerning the relevance of the individual and even the group is precisely what makes discourse studies valuable for the study of subjects, subjectivity and subjectivation: its scepticism and critique of the ever-agentic bourgeois subject, this grand illusion (Bourdieu 1986). In the sociology of knowledge approach to discourse (Keller 2011), the actorial moment is accentuated more clearly, following the Weberian and Schutzian tradition (Keller 2005). Although the question of representation of subjects is highlighted (e.g. how are subjects positioned in discourse?) agency has remained backgrounded in discourse studies on subjects. They locate its position in the discourse but do not lend themselves easily to the study of the agency of *embodied selves*.

Questions of agency, bodies, and subject formation (Butler 1990) prominently emerged in feminist and gender studies and are characterised by a turn to questions of inequality and injustice in subject constitution and construction. Recalling approaches of socialisation, role theory, and pragmatism, the linkage with knowledge-critical procedures aims at embedding the ›becoming‹ of subjects in the analysis of power-knowledge complexes. To understand discourse effects such as discrimination, dehumanisation, epistemic violence, on subjects as embodied selves, power-analyses on the order of the epistemes

should be complemented by subject-oriented analyses of social relations, moral feelings, and relations of care.

We seek to re-emphasise the importance of ethical and moral phenomena within the social sciences. Sociologically speaking, human rights are a correlate (in the legal system) of the institution of the individual as equal in freedom and dignity. The argument was first proposed by Émile Durkheim in his discovery that modern society had installed a cult of the individual:

> »It is a religion in which man is both the faithful and the God. But this religion is individualistic, since it has man as its object, and man is an individual, by definition. There is no system where individualism is more uncompromising. Nowhere are the rights of the individual more energetically asserted, since the individual is made sacrosanct; nowhere is the individual more jealously protected against encroachments from outside, wherever they may come from.« (Durkheim 1898, p. 9)

The human rights perspective and the Durkheimian concept of the cult of the individual have recently been connected theoretically. Social theorist Gesa Lindemann examines the formation of social order from the perspective of living bodies and their protection. This perspective brings questions of violence and repressive forms of power back into theoretical debates.

> »Understanding human beings as embodied actors, and material artifacts and non-human beings as similarly involved in the formation of order, emphasizes the fact that order formation is not purely meaningful, but also bodily, material, and sensorially perceivable process.« (Lindemann 2021, p. 11)

The human being as condition and object of knowledge is conceived in its institutional status as body-individual or »lived body« (Lindemann 2021; Knoblauch 2020). This underlines that subjects derive their agency from the instances and discourses of modern society, decisively from fundamental and human rights. These determine individuals as free and equal in dignity and capable of political action, as bearers and initiators of collective rights; as »Human Rights Subjects« (Poferl 2018) or as »subjects of rights« (Traue/Pfahl 2022). Questions of the emergence, the exercise, but also the loss, and the restriction of agency are empirically investigated in subjectivation research.

5 The resurgence of repression: violence and the subjects of rights

There can be no doubt that Foucault's achievement consists in his contributions to the historicisation of the human sciences; not pushing their disappearance but their critique. Stylising Foucault as an arch-enemy of the human sciences is nothing more than a hagiographic trope. Foucault *sceptically* points out the problematic legacy of humanism, its

metaphysical anachronisms – and in the way of a response develops the *negative humanist strategy*.

However, where is the lived and vulnerable body in poststructuralist thought, as a site of subjection and resistance? Negative humanism in its deconstructive movement cannot bring it back. Bringing back the phenomenologically accessible lived body may seem naïve, as repeating vitalist representations. But an avoidance of the body within the context of the human sciences requires a high price: the inability to discuss violence. Power, in the sense of Spinoza's »potentia agendi« (Saar 2015) is productive. But domination and authority do not disappear. But is the claim that domination has lost relevance in modern societies not a metaphysical construction itself?

The alternative to this avoidance of the lived body (»Leibkörper«) links lived experiences with social and human rights, addressing questions of agency and of what it means to be human in a particular place at a particular time by accentuating the self's social relatedness. Traditional Foucauldian subjectivation theory is designed to explain how technologies of power are interlinked with technologies of the self (Foucault 1988). These studies have shown that chances to become a subject experiencing agency have been reduced. We already traverse this era in which the disappearance of the subject is a threat rather than a promise. The symptomatic reactionary movements have gained worldwide traction, harvesting approval from desubjectified individuals ready to accept political and even terrorist violence (Theweleit 2015). Desubjectivation, the withdrawal of agency, is what necessitates the conceptualization and empirical reconstruction of the »subject of rights«, which integrates subjection and subjectivity:

> »Both subjection and subjectivity are terms we need to describe the limits of and presuppositions for the attainment of rights-generating agency, since neo-Kantian or Foucauldian discourse theory are in themselves little helpful in describing the participatory vicissitudes of struggles of talking back (hooks 1989) to authorities. These are struggles for the right to ›subjectivate ourselves‹, shifting the boundaries between us, them, and I.« (Traue/Pfahl 2022, p. 31)

Contemporary social movements have rediscovered violence in its repressive dimensions, and its linkages to epistemic violence, the violence of suppressed or distorted knowledge.

Black Lives Matter, #metoo, the trans movement and the debate about inclusion of people with disabilities, or humanitarian aid for refugees: these are movements that demand an end to violence through law. The examination of violence summons its twin: morality.

> »[W]e must remind ourselves of the link between violence and morality: violence is excercised by entities that have moral status, that is by legitimate social actors. And violence is used against such entities that have a moral status, that are thus also considered to be legitimate, universally recognized social actors.« (Lindemann 2021, p. 15)

Falling victim to violence or enacting violence implies becoming a being with a moral status. Elaborating on the existential dimensions of the link between violence and human

rights, Angelika Poferl has underscored the importance of human rights as an interpretive framework allowing subjects to communicative their experiences of vulnerability and violence:

> »The language of human rights functions as a symbolic system, within which meaning is attributed and social and cultural practices are carried out. It organizes perceptions, worldviews and definitions of situations (cf. Clarke, 2005). This contributes to the creation of common ›social worlds‹ (Strauss, 1993), i.e. worlds of shared meanings, aims and action, but can also evoke serious conflicts. [...] Under the aspect of subjectification, the awareness of human rights (both collective and individual) expresses a historically specific form of ›truth-telling‹ (Foucault, 2010) that is based in equal measure on an incorporation into a (more or less powerful) social order and on self-fashioning.« (Poferl 2018, p. 5 f.)

The role of human rights may be situated more clearly now[4]: Those rights allow subjects to objectify their experience of violence. They are the tape by which to measure the moral character of experience. We follow Poferl in the assumption that the rejection of illegitimate violence by (re-)claiming rights is tied in with ethical projects anchoring human rights in the life-world as well as in the legal sphere. In fact, theorizing violence is never an entirely neutral, analytical enterprise; the observation of violence forces us as researchers to position ourselves. »[T]he question of whether or not certain occurrences are ›violence‹ can never be decided by any objective criteria, but depend on the perspective, i.e. the norms, values and objectives, of an ›observer‹« (Koloma Beck 2011, p. 353).

Pointing out that we can only answer the question of whether violence is (or is not) at play by reflexively confronting the perspectivity of our location and the limitations it imposes means nothing other than to communicate our ideas with others about the normative claims that guide our observations. For only entering into communicatively supported relationships offers a way out of the fiction of a singular observer of the world.

Practices of positioning have ethical and epistemic consequences. Feminist scholar of visual politics Maria-Carolina Cambre points out how a critique of subjection can be joined with discovering

> »modes of subjectivation, which [Guattari] calls ›processes of singularization‹ that function as ways to refuse ›modes of preestablished encoding, manipulation and remote control, rejecting them in order to construct modes of sensibility, modes of rela-

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4   We cannot elaborate further here on how the concept of human rights sits in the social sciences. It must suffice to note that there are different conceptual strands and derivations: as an element of the formation of a world society (Meyer 2010), as a secularization of religious beliefs (Joas 2013), as a functional requisite of social differentiation (Lindemann 2018), an interpretive framework for thematizing violence (Poferl 2018, 2021), and as an institutionalization of the claims of civil rights movements through those affected by symbolic violence , e.g. social inclusion (Pfahl/Koebsell 2017; Biermann/Pfahl 2020). In the emphasis on the interpretive dimension, our own approach is closest to, and adds to the proposal elaborated by Angelika Poferl.

tion with the other, modes of production, modes of creativity that produce a singular subjectivity‹ (Guattari/Rolnik 2007, p. 23) are possible.« (Cambre forthcoming)

The notion of singularity creating non-conventional, yet socially binding ethical ways of feeling and acting may find support in Poferl's characterization of the human rights project as compatible with modern reflexive individualism:

> »[...] human rights represented a process of release from traditional ties and collectivism in favour of an ›institutionalized individualism‹ (Beck & Beck-Gernsheim, 2002) that was linked both to functional prerequisites and emancipatory visions ›modernization of tradition‹«. (Poferl 2018, p. 5)

For the observer, to refer to human rights brings the difficulty of having to position oneself, to accept a moral anthropology and its political implications. The social sciences have traditionally referred to an understanding of the human as a natural being, or a cultural being. As a natural being, we follow drives or interests; as a cultural being, we create knowledge and habits. As a moral being, humans judge right from wrong, the *desirable* from that which is feared. This third anthropological option had been *excluded* from the social sciences in their bid to objectivity at the cusp of the 20th century. Neo-Kantianism in the social sciences is an expression or perhaps a symptom of this split. Kant's differentiation between knowledge and morality, between subjectivity as a capacity for knowledge and morality as a general rule was taken up by Max Weber and other sociologists and historians. Following the debate of the ›Werturteilsstreit‹, the social sciences would from then on *preferably* describe morality as an element of culture but avoid moral evaluation themselves (Weber 1904).

This distinction has proven – from today's point of view – too facile. Is it not necessary to search for more nuanced relationships between valuation and objectivity? Georg Simmel, Weber's contemporary, had proposed to strengthen the connection between the social sciences with ethics through a ›science of morals‹ (Simmel [1892/1893]), similar to Max Scheler ethical writings. Michel Foucault is in fact close to Weber's position in his attempt to *dissolve morality* into webs of power. This succeeds in pointing out the local character of domination, a violent microphysics of power. Its weakness is the conceptual omission of possible collective protection against violence. There is a noticeable tendency in the contemporary poststructuralist and praxeological literature to *discount lived and institutionalised ethics* (such as social and human rights). To give but one example: while his analysis of cultural capitalism is acute, why does Andreas Reckwitz (2020) scarcely consider potentials for solidarity in view of the pervasive ›singularization‹ of modern culture and subjectivity, leaving aside Guattari's (and other authors') emancipatory view of singularisation, which for him is »of no use to the sociology of singularities« (ibid., p. 324)? The maintenance of analytical and deconstructive capacities is certainly paramount in the social sciences, but they should also turn to the ethics of social orders, legal goods and lived human relations which protect against rising sea levels, which contribute to healing trauma located in lived bodies, which shape the modern cult of the individual.

The omission of social theory cannot be ignored: Its disregard of the ›feeling body‹ in humans relation as expressed through violence as well as (basic and human) rights. This disregard challenges social thought today: How to accept that the membrane between observation and evaluation, the legitimatory ground zero of the social sciences, the fragile basis of their societal acceptance and effectiveness, has become porous?

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