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Coping with Frontier Society Instead of Building the City Upon a Hill: A Novel Philosophy of Justice and its Interest in Literature

Michael G. Festl

Based on an investigation of recent developments in justice theory – a sub-discipline of philosophy – this essay delineates a new perspective on the relation between literature and philosophy. Against the backdrop of the still dominating account in justice theory – here called “city-upon-a-hill-conception” –, which has, since its initiation, been eager to shut out literature, the essay sketches the outline of a novel account in justice theory – called the “frontier-society-conception” –, which is not only open to stimulation from literature but even in need of literature. The latter account needs literature because literature can be of help in identifying normative shortcomings of society, which in turn serve as the starting points for normative inquiries. Furthermore, literature is of value to the frontier-society-conception of justice theory when it provides thick descriptions of individual suffering from concrete injustices, which are crucial for eliciting in individuals the altruistic sentiments necessary for comprehending and appreciating normative progress. Last but not least, it is expounded why literature permeates the new account in justice theory all the way down to its conceptual work in general.

Philosophy consists of nothing but footnotes to Plato, so a famous saying ascertains. Unfortunately, one of the things Plato said is that philosophers should stay away from poets because poets tell lies (607b). Taking a look at this admonition it really seems the famous saying is true: it is, as a matter of fact, the case that major streams in philosophy are eager to shut out literature. This has been especially true for justice

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theory, a sub-discipline central to practical philosophy, which has experienced a recurrence triggered by John Rawls's 1971 publication (*Justice*, expanded in 1999). As the current state of justice theory provides, in my view, a good example for pinpointing why philosophy often feels the urge to exclude literature but also shows where possible areas for fruitful exchange might lie I will explore justice theory's relation to literature. What is also interesting about the case of justice theory is that a new way of conceiving this discipline is currently elaborated that tries to break down the iron curtain justice theory has erected against literature. I begin with the old way of conceiving justice theory and the reasons why it had no role for literature and then elaborate on the currently emerging type and its relation to literature.¹

As I have already implied, justice theory in its modern form starts with John Rawls's *A Theory of Justice* published in 1971. Rawls's guiding idea is to take up the tradition of contract theory, which justifies political power by invoking an imagined situation without a state, the so-called "natural state." Based on the various conceptualizations of this natural state, different theorists within this tradition came up with a number of reasons why this natural state is not durable and, hence, needs to be overcome by the formation of state power. Thomas Hobbes, for example, argued, in *Leviathan*, that the natural state necessarily leads to a war of all against all and needs to be overcome for this reason. John Locke, on the other, more optimistic hand, did not share Hobbes's bleak outlook on the state of nature but, in his *Second Treatise of Government*, nevertheless maintained that state power is a necessity because only state power ensures adequate punishment of crimes. Rawls appropriates contract theory's core idea of deducing the legitimacy of state power from an imagined natural state but at the same time lends a new tinge to it. He not only uses the thought experiment of the natural state to justify political power *per se* but invokes it as a device for delineating the principles, laws, and institutions a state thus founded ought to adopt if it wants to be fair to all its members. Rawls asks how a state would be conceived, from a normative perspective, if its members could start, from an *ex nihilo* situation, all over again. Such a state, according to Rawls's self-set ambition, would be a fully just and, therefore, ideal state; his theory provides an understanding "*sub specie aeternitatis*," bears validity

¹ Rawls's work still provides a good starting point for entering this philosophical debate; it also offers glimpses into neo-Kantian practical philosophy as one of the major streams of philosophy to have erected a barrier against literature (*Justice*). Amartya Sen offers a recent overview of the debate on justice as well as important cues on the novel conception of justice theory (*Idea*).

“not only from all social but also from all temporal points of view” (514).

This program gathers momentum when Rawls expands his thought experiment by outlining the qualities the individuals in the state of nature as the ones fictitiously molding the new state are equipped with. It is crucial for Rawls to ensure that these individuals do not have an incentive to construct a state that is beneficial to *their personal* well-being only – for example, that individuals who know that they have huge talents for making money advocate a state that renounces on social security – but that it is rational for them to construct a state that is just to *all* its members, no matter where their talents lie and if they have any. The safest way to do so, according to Rawls, is to render individuals ignorant of what is beneficial for their personal well-being. This is where the famous Rawlsian idea of the “veil of ignorance” enters the stage. Thanks to this veil, individuals do not know anything about their individual features, such as their talents, their desires, their propensity to take risks, their health, their conception of the good life, etc. In this way, Rawls intends to ensure that individuals are not influenced by a promotion of their personal – egoistic – well-being when deciding on the features of the state they design. Based on this initial situation Rawls applies this procedure all the way to the point where it supposedly reveals the countenance of the perfectly just state.

The rationale behind this kind of justice theory is that only the model of the perfect state thus ascertained provides the ground for determining what the right thing to do is in real-life situations with a normative bearing. The ideal state serves as the yardstick for assessing the normative value of actions. It allows determining with regards to every action whether the action in question would bring society closer to the ideal or not and consequently whether the action is normatively justified or not. Although Rawls’s justice theory has been criticized many times it is fair to say that its general procedure of first determining an ideal that is then applied for assessing real-life situations is still dominating the discipline. I call this type of thinking about justice the “city-upon-a-hill-conception.” Just as in the Bible the city upon a hill serves as the ideal the rest of mankind needs to aspire to (Matthew 5:14), in Rawls’s theory the ideal state serves as the blueprint the real world needs to approximate. Thus, the main task for justice theorists of the Rawlsian bent is to erect – if only in thought – the summit of justice, an epistemic summit

from which the milk and honey of justice can be poured into the valleys of the status quo, purifying what is touched by them.²

It is no surprise that such a way of conceiving justice theory leaves no room for literature. Justice theory along the lines of Rawls gets its edge from isolating the construction of the ideal state from any sort of real-life influence. The isolation concerns, on the one hand, the epistemic status of the theory: a theory of universal validity is erected, a state that is ideal not only for a special people at a special time but ideal for human beings as such. The isolation fully permeates, on the other hand, the construction of the theory: all kinds of particularities are eclipsed by invoking an idealized situation, the natural state, and by filling it with individuals entirely stripped of individual attributes.

Literature is at odds with both parts of this strife for seclusion.³ Contrary to the epistemic intention pursued by Rawls, literature, realist literature especially, is often deeply enmeshed in the status quo. As especially, but by far not exclusively, new historicism emphasizes, literature is a response to cultural contexts as well as a shaper of these contexts. Literature is therefore not particularly interested in aiming at universal truths; on the contrary, it is often at odds with such an ambition. Moreover, from a literary perspective, it is hard to believe in the feasibility

² I am, of course, aware that the concept “city-upon-a-hill” as well as the concept “frontier society” (see below) carry considerable weight in American studies. Nevertheless, within the confines of the essay at hand I want these two concepts to be understood in the rather innocent way I define them here. If my tags provided a starting point for American studies scholars to embed this philosophical debate, which emanated from and is still dominated by philosophers working in the USA, in broader cultural discussions, such as discussions on American exceptionalism, all the better. Maybe the city-upon-a-hill-conception of justice theory which initiated the philosophical discussion in the early 1970s can be seen as an epiphenomenon of America’s perceived calling to make the world a better place. I thank Ridvan Askin and the anonymous reviewer for helpful comments on this point.

³ This is at least true for the kind of literature justice theorists usually rely on in the seldom cases when they do refer to literature (see for example what I say on Richard Rorty below). Although philosophers thus work with a relatively lax understanding of literature it is observable that they usually have realist fiction in mind. For reasons of my own exposure to literature, a lay-person’s one, I also mostly rely on realist fiction. However, I do not see a general impediment why other, less conventional forms of literature might not also serve some of the purposes literature is needed for I suggest towards the end of this essay from the point of view of justice theory. It is not inconceivable, for example, that literature which is not concerned with what is possible in the real world, due to natural laws for example, might not also bring to the fore social developments in the real world, maybe even in a better, more pointed way (see also below, n16). Although I do not know whether he shares this hunch I have to thank Ridvan Askin for critical comments on this question.

of the Rawlsian program because, in the last instance, also theories, philosophical ones especially, emerge within historical contexts and are, hence, just like literature, not completely separable from such contexts. Seen from this perspective, Rawls's program is an illusion, a dangerous illusion even: it pretends to be of universal validity while being – necessarily! – the product of a specific time and people.

Contrary to the eclipse of particularity in Rawls's theory, literature is, for the most part, attentive to concreteness. The difference between the work of literature and Rawls's justice theory is, I think, starkest when it comes to the interest in the individual. Starting from the individual, literature and Rawlsian justice theory go into opposite directions: whereas Rawls – being concerned with the universal in the individual – goes to the ever more abstract and general, literature – being concerned with the individual in the individual – goes to the ever more concrete and particular. At least according to Philip Roth's character Leo Glucksman from *I Married a Communist* literature is "the great particularizer" and must, hence, not "erase the contradiction, not [. . .] deny the contradiction, but to see where, within the contradiction, lies the tormented human being," it must "allow for the chaos," must "let it in" (606). Literature thus locates the human in the mess that is the real, hence, imperfect individual.⁴ Rawls, on the other hand, intends to find the perfect state within the tidiness that is the idealized, hence, impeccable individual. Rawls creates humans without qualities. Literature immerses itself in the qualities of humans; and this is true even when it focuses on a "man without qualities" – then it is all about becoming engrossed in the quality of having no qualities.⁵

Consistent with this genuine discrepancy, literature does not occupy space, let alone meaningful space, in Rawls's justice theory. Even in his broad treatment of individuals' acquisition of a "sense of justice" (§§ 69–72) Rawls does not refer to literature.⁶ In a program concerned with

⁴ With this "mess" that characterizes the real individual I mean, among other things, the often irrational decision procedures individuals base their actions on as well as the contradictory impulses, habits, and preferences human beings often rely on – facts that are suppressed by Rawls's idealizing, rational choice philosophy.

⁵ My juxtaposition of Rawls with literature is consistent with Michael Hampe's critical dissociation of a kind of philosophy that aims at making assertions ("behaupten") from literature with its aim of narration ("Erzählung") (11).

⁶ References to literature would be most natural to this part of Rawls's theory because the assertion that literature is important for moral education is the most extensively elaborated relation between literature and philosophy as demonstrated among others by Nussbaum (236–37) and Rorty (*Objectivity* 21–34). At one point Rawls, at least, refers to

deducing the countenance of the perfect state from ideal conditions, literature and the human messiness it deals with is nothing but a gadfly and therefore needs to be excluded at all costs. But it is Jürgen Habermas's silence on literature that serves as the most blatant symptom for the high degree the separation of justice theory from literature has assumed. Not that Habermas would surpass Rawls's striving for idealizations – quite the opposite.⁷ Rather, the point is that justice theory's silence concerning literature must surprise all the more when it comes from a philosopher of Habermas's vintage, the vintage of the Frankfurt school. Like no others, philosophers of this school took for granted that political philosophy and literature – the arts in general – are inextricably entangled. It suffices here to mention Theodor Adorno, Walter Benjamin, and young, pre-communist Georg Lukács. But in Habermas's oeuvre – arguably the richest of all Frankfurt school philosophers – literature is the squalid child. And the observation that Habermas's break with his forebears when it comes to the role attached to literature has received close to no attention rounds out the charge that justice theory has taken Plato's warning against poets to heart.

However, in competition to the Rawlsian, and still dominant, type of justice theory another type is currently emerging. Proponents of this type, the author of the essay at hand included, argue that by confronting a world as diverse, complicated, and full of vagaries as the world of the twenty-first century with an ideal conception of *the just state*, Rawls's city-upon-a-hill-conception misses the mark: the challenge modern-day society poses for normative thinking is exactly that there can be no such thing as *the just state* and that even if this were possible, such an ideal would be unhelpful in dealing with the normative problems of a world that is, maybe with some regional exemptions, characterized by ongoing societal flux in the form of technological, economic, political, migratory, and further change, a globalized world dominated by a social (dis-)order which has recurrently proven immune to intentional reconstruction. In such a world, justice theory based on the city-upon-a-hill-conception is too detached from the status quo to offer any sort of guidance. The new type of justice theory, therefore, begins in the here and now and accepts, from a normative perspective, the world as it is unless there is reason for doubt; but not doubt in the abstract or vis-à-vis the status quo in general but doubt that refers to a concrete aspect of society. To prevent

Dostoevsky but not to Dostoevsky as a novelist but to a philosophical argument given in *The Brothers Karamazov* (398n1).

⁷ On the exact relation between Habermas's and Rawls's justice theory see Festl (*Gerechtigkeit* 160-72).

an approach that commences this way from collapsing into mere acceptance of the status quo, or worse, into sheer adulation, this start is complemented by a willingness to track down, spell out, and operationalize problems with a bearing on justice that are implicit in the status quo. Taking the *Unübersichtlichkeit* ("complexity"), to use a term from Habermas, of today's globalized world into account this new type regards justice theory as a discipline which is, on the one hand, supposed to improve the conceptual means for coping in more successful ways with the normative challenges posed by a society in perpetual flux and, on the other hand, supposed to use the means thereby attained for conducting concrete normative inquiries. This is why I dub this new type "frontier-society-justice-theory" – it accepts that the real world as the one and only world we can have the ambition to improve faces us with the conditions of what is sometimes, fittingly, called a frontier society in the broad sense (not in the narrowly historical sense initiated by Frederick Jackson Turner), a society forced to deal with perpetual change, forced to overcome ever new challenges. Today, the whole world is, in that sense, a frontier society, albeit when it comes to justice, especially global justice, a rather unsuccessful one, one that has hitherto been incapable of even remotely replicating in justice the progress that was accomplished in, say, technology. And this lack of success when it comes to justice may have been brought about not least because considerations of justice mostly rely, to the present day, on a kind of normative thinking that was initiated at a time when there was still reasonable hope to significantly slow down societal change.⁸

Opposed to building on this now frustrated hope, the frontier-society-conception, by starting in the concrete, with society as it is, overcomes the largest impediment for being permeable to literature. As a matter of fact, it is not only open to literature but in need of it. I will demonstrate this by briefly referring to Axel Honneth's theory of justice and at more length to my own approach. Honneth's theory builds on a concept of individual autonomy which, despite its historic emergence, is irreversible – or reversible only "at the price of cognitive barbarism"

⁸ Just like Turner in his original frontier thesis, the new type of justice theory assumes that new societal circumstances breed new norms and ideals and that, hence, justice theory cannot hope to delineate, once and for all, a hierarchically structured set of norms to call on when evaluating real-life problems with a normative bearing. Turner's seminal essay concludes with a reflection on the clash between the new, "stubborn" environment of the American frontier and "the inherited way of doing things" and explains that this clash broke "the bond of custom," offered "new experiences," and called for "new institutions and activities" (38).

(*Right* 17). In modern society this concept of autonomy can be lived meaningfully only if understood as “social freedom,” which in turn is manifested in three complementary societal spheres: “personal relationships,” “market economy,” “democratic will-formation.” Based on this conceptual framework Honneth conducts “an analysis of society” which is supposed to delineate the concrete forms social freedom has currently assumed in each of the three spheres and, in doing so, to put into relief the practices and values that presently need to be actualized from a normative perspective. The material thus garnered is eventually called on by Honneth to criticize aspects of the status quo that fall short of it.⁹

Literature enters this theory of justice – the latest to come out of the Frankfurt school, reconnecting with the generation of its grandparents – at the point where Honneth outlines the concrete manifestations of social freedom. Here, literature is of significance because it provides a view on society that is, according to Honneth, capable of revealing aspects of the status quo that cannot be captured by the sciences. Honneth makes this explicit when it comes to the revelation of certain moods that could hint at deeper social distortions:

The analytical tools used by sociological researchers are generally too blunt to capture such diffuse moods or collective sentiments; therefore, the best approach for diagnosing such pathologies remains, just as in the time of Hegel or young Lukács, the analysis of indirect displays of these symptoms in the aesthetic sphere; novels, films or works of art [are] still the best source of initial insights into contemporary tendencies toward higher-order, reflexive deformations of social behavior. (*Right* 87)

We may assume that Honneth regards this special capacity of “novels, films or works of art” to also be of pertinence to his analysis of society in general. In any case, he refers to literature at numerous points in order to strengthen normative arguments, for example to Jonathan Franzen’s *Freedom* (2010) and Philip Roth’s *Patrimony* (1991) for recent developments in family relations (*Right* 171n116 and n117), and to, among others, Theodor Fontane’s *Effi Briest* (1896) for the emergence of a society in which feelings are taken more seriously (*Right* 144n46) – this list could be easily expanded.¹⁰ All in all, literature is invoked in Honneth’s theory as a representative force; it needs to be investigated because it frequently “shine[s] the clearest light” (*Right* 144) on and often is “the

⁹ For a good example of this procedure see Honneth’s *The I in We* (56–74).

¹⁰ There are many further passages in the very same book in which Honneth invokes literature for the same purpose (116ff., 138, 143, 167, 201, 214, 225, 226).

most accurate indicator" (*Right* 151) of normative developments in society which, in turn, guide the normative judgments of the theory.¹¹

Staying devoted to Honneth's linking of a normative theory with an analysis of contemporary society the justice theory I propose – "justice as historic experimentalism" – intends to delineate the way to pursue normative inquiry best fitted to the improvement of a frontier society in the above sense.¹² The central difference on which "justice as historic experimentalism" builds is the difference between the aspects of the status quo in need of revision and those worthy of preservation. As it would be impossible to list all the aspects of society currently not in need of critical inquiry, it is, for practical matters, most conducive to launch a normative inquiry by identifying an aspect of society that is, in fact, in need of revision. This can be done in a direct way by scanning society for aspects that do not live up to the normative level a society has already attained in other areas. But more importantly, it is done in an indirect way by lending an open ear to utterances of dissatisfaction coming from within society. Such complaints, as well as behavior hinting in this direction, can be an indication of existing injustices and thus provide guidance for launching a concrete normative inquiry. Due to the often inchoate form utterances of dissatisfaction assume in real society, one of the justice theorist's main tasks is the transformation of such utterances into concrete and workable problems with a normative bearing. As it can be shown that democratic societies are more likely to provide the proper conditions in which such criticism as the starting point of a normative inquiry can thrive than any other political form we know of, these considerations can be further developed into the outline of what I call "creative democracy," which therefore lends the name to the first out of four components of my frontier-society-justice-theory.¹³

After a concrete normative problem has been identified by the first component, the theory's second and central component intends to bring to the fore a number of different possibilities for coping with the problem under consideration, including a rating of these very possibilities. The driving idea behind the second component is that history can be regarded as a laboratory for experiments in justice. I thus reject the notion – so characteristic of the city-upon-a-hill-conception – that the best

¹¹ These reflections on Honneth are indebted to discussions with Winfried Fluck and to Fluck's recent essay "The Concept of Recognition and American Cultural Studies." See also his contribution to this volume.

¹² I can here only sketch the most central aspects of this theory. For an in-depth explanation refer to Festl (*Gerechtigkeit*).

¹³ I borrow the term "creative democracy" from John Dewey (224).

way to deal with concrete problems in justice is to, first, outline the opportunities for action a society has and then to determine which of these brings society closest to the ideal of justice which has been conceived *a priori*. Rather, the idea is to learn from the past – a possibility much downplayed in philosophy over the last decades – by taking a look at the genealogy of a problem with a bearing on justice and at how people have coped with similar problems in the past, and why they were successful or not. Such former ways of dealing with problems can be regarded as experiments in justice – “explorative experiments” instead of “test experiments” to use a differentiation by Friedrich Steinle (18), which emphasizes that experiments are not only needed to test already established theories but also to trigger an innovative process of identifying new, alternative ways of coping. The second component of my justice theory which is, due to its central character, labeled “historic experimentalism in the narrow sense,” proposes therefore to make use of experiences already made in order to burst the box of the currently dominant ways of coping, ways that have been identified as problematic by the first component of the theory.

The theory’s third component forecasts the consequences for society if the action that is suggested by the second component of the theory as the most just way to cope with the normative problem under consideration would really be implemented. Special consideration is devoted to the question whether the second component’s suggestion would in the end really garner the effects it is meant to garner. Hence, in the third component justice as historic experimentalism assumes the form of an applied ethics or sectional ethics, as I prefer to call it, as it intends to make use of the state-of-the-art tools of the scientific field(s) that has (have) a bearing on the normative problem investigated, e.g., economics when dealing with a normative problem with regard to the distribution of income. However, the aim of the third component is not to curb the significance of normative thinking by circumscribing the area of the reasonably possible. Quite the opposite, the third component is supposed to increase the normative room for maneuver in that it investigates what needs to be done additionally so that the measure which is deemed just by the second component really yields the desired effects. Only if the second component’s prior suggestion can really not be put into effect, the third component is forced to reject it and to check the feasibility of the second suggestion in the ranking compiled by the second component. I call this third component “instrumentalist sectional ethics” because its aim is to instrumentalize the knowledge attained in other scien-

tific disciplines, but also in other areas of life if these prove helpful to promote the demands of justice.

However, even if components two and three elaborate a way to replace the aspect of the status quo that was criticized by the first component with a new, better way of coping, and even if this new way has been implemented, justice as historic experimentalism is not yet finished with its concrete normative inquiry. In this rare but pleasant case it still needs to deal with the effects the new conduct generates. The main problem here is that the institution of a new way to handle things, a way that is deemed more just, usually also generates people who feel, and maybe as a matter of fact are, disadvantaged. If a normative inquiry has to grapple with a real problem in justice, it is likely that the alternative way of coping it suggests is to some extent a compromise: the resolution is reached by arbitration between at least two normatively justified values that came in conflict with each other in the case under consideration. Hence, the theory will often be obliged to lend priority to one value over the other and, as such, to reject a value that at least to a certain extent is also justified. The Rawlsian city-upon-a-hill-justice-theory fails to see the extent to which the problems of a frontier society bear traces of such a dilemmatic nature. But due to the dilemmatic nature of most normative problems in real life new ways of coping, even the most just ones, often generate people who have, from an individual, possibly egoistic perspective, reason to complain about the new, from an all-things-considered perspective more just way of coping – and be it only for the reason that they cannot understand why a way of coping they have been initiated into needs to be superseded.

Therefore, justice as historic experimentalism comes equipped with a fourth component. This fourth and final component tries to reconcile the ones who feel disadvantaged by a normative progress of society to the new way of coping. It intends to achieve this by expounding why the new way how things are done is necessitated by the comprehensive angle of justice, an effort that includes remembering where the society in which the problem of justice has emerged comes from, what this society stands for, what obstacles to justice it had to overcome in the past, and what are, based on all this, the possible general roads of justice open to it. In addition, this component often has to search for possibilities that offer the individuals who feel at a loss under the new way of coping a novel role and a novel self-description under the altered and, according to a normative inquiry, more just societal constellation. This is of special pertinence after a massive and/or swift remodeling of the respective

practices.¹⁴ I call this component “reconciliatory memory culture” as it is concerned with reconciling individuals to the new way of coping by outlining why, based on this moment in history at this specific place, the new practice is a necessity from the point of view of justice.¹⁵ Success in this final endeavor of a normative inquiry is indispensable for improving society based on criticizing current ways of coping because the individuals’ reconciliation with the newly enhanced state of justice not only completes the inquiry in question but also provides the basis for a society in which each member can feel free to criticize her fellow citizens and can, at the same time, accept being criticized. Reconciliation is the necessary safety belt for people who need to be quick in deciding which of the ever unfolding new roads they want to take – roads that perpetually open up in a frontier society.

Literature, as I see it, is of less importance to the second and the third components of my justice theory – the normative nitty-gritty – but all the more pertinent to the first and fourth components – the fringes of normative inquiries. The table below provides a glance at my theory of justice’s relation to literature.

Justice as Historic Experimentalism		
Components	Tasks	Need for Literature
1) Creative democracy	Initiates normative inquiry via critique	High
2) Historic experimentalism in the narrow sense	Suggests and ranks alternative ways of coping	Low
3) Instrumentalist sectional ethics	Accepts or declines suggested ways of coping	Low
4) Reconciliatory memory culture	Finalizes inquiry and lays the ground for new inquiries	High

To get its normative inquiries going, justice as historic experimentalism is dependent on criticism of the status quo. As it is usually the least-

¹⁴ For a historic case study of such a massive change, see F. M. Turner’s investigation of the impact of Darwin’s theory of natural selection on religious people.

¹⁵ My concept of memory culture is somewhat indebted to Aleida Assmann’s work.

advantaged members of society that have most reason to complain, this theory needs to be attentive to them – it needs to listen to the “cries of the wounded,” as William James put it (210). Literature is pertinent here for two reasons. First, cries of the wounded are often hard to understand, let alone to interpret – they signify suffering, not its causes. But some literary texts come into such close proximity to how real people perceive societal circumstances and to how they perceive the sufferings society inflicts on them (to an extent philosophy cannot achieve as a discipline that is not primarily concerned with individual feelings; maybe psychology could compete with literature here) that they are capable of translating these cries into a diagnosis, often even into a powerfully articulated one. Taking a look at literature can therefore alleviate the justice theorist’s task to detect problems with a bearing on justice that are already felt but not quite on the public agenda yet.

Second, literature is of relevance for the first component of my justice theory because people can get so used to a certain kind of suffering that they no longer feel the pain it causes. Hence, they do not cry although they are wounded.¹⁶ Literature often has healing effects here because, by virtue of its role to cast a revealing light on society, it makes evident diseases that do not cause pain. In literary works justice theorists might therefore find hints to injustices that exist but are not felt by those that are affected. Literature, in other words, helps to track down blind spots of justice. For both of these endeavors – providing diagnoses and tracking down blind spots – literature has proven to be of special value to justice theory. This is why justice as historic experimentalism pays attention to literature when it tries to point out existing injustices in order to trigger a normative inquiry.¹⁷

Furthermore, literature is of especially high relevance when completing a normative inquiry and hence for the fourth component of my theory, the reconciliatory memory culture. Often individuals show a lack of reconciliation with a more just way of coping because they fail to take into account how others had to suffer under the previous way of doing things. In its effort to reconcile the ones who feel disadvantaged by a new societal constellation it pays for justice theory to take a closer look

¹⁶ Sen provides a very illustrative example in this respect when referring to women in rural India who are incapable of answering the question “How are you?” because, due to their initiation into the societal role they are supposed to play, they can only provide an answer that pertains to the well-being of their families but not to their own well-being as individuals (*Gender* 126).

¹⁷ In a forthcoming paper I hint at the relevance of Philip Roth’s *The Plot against America* for criticizing certain tendencies in contemporary Swiss society (“Despair”).

at literature as literature often enough provides descriptions of the negative effects the old way of coping generated for many people, descriptions that are personal and thus thick enough to make this suffering comprehensible for the ones who were not exposed to it, the ones who might even have thrived under the old regime. By lively and profoundly depicting deficiencies triggered by a now superseded habit, literature has the competence to usher people into the new way of doing things. In addition, literature frequently invents new descriptions of the self, and some of these might be pertinent to cases of massive societal change, cases in which reconciliation with society necessitates finding a new role for people who are, without help, incapable of comprehending, let alone appreciating a normative progress in justice.¹⁸ All in all, a look at literature can prove beneficial for justice theory's task of ensuring that as many people as possible keep pace with the normative transitions recurrently initiated by a frontier society because it has more powerful means to win the hearts of people, means that justice as historic experimentalism hijacks for its purposes.

But literature permeates the justice theory I suggest on yet another, deeper level. Its influence is not limited to being invoked in normative inquiries. Literature also proves valuable for enriching the conceptual means with which these inquiries are undertaken. Not despite but because of its focus on normative inquiries, justice as historic experimentalism amounts to more than merely conducting inquiries. It also needs to deal in the abstract – meaning without a specific inquiry in mind – with how normative inquiries are to be conducted. This is necessary because there are conceptual means, such as typologies, categories, distinctions that are of enduring value for quite a number of concrete inquiries. In light of the performance of these means in concrete inquiries my justice theory has to extend, to adapt, and sometimes also to drop these conceptual means. In doing so a justice theory for a frontier society can get valuable input from literature (just like from other discourses and disciplines) because in literary texts, too, concepts are crafted, elaborated, and criticized. Thereby, literature's core contribution to my justice theory lies in dealing with concepts that concern the individual and her feelings. Accordingly, in an essay on the philosophical relevance of the work of Roth I try to distill from his works a preliminary typology of general impediments that can hinder individuals from getting recon-

¹⁸ Richard Rorty did not tire of making explicit the special potential of novels when it comes to the endeavor I call reconciliation with new societal conditions (see for example *Contingency* 80).

ciled to society in the first place, and that thus always need to be taken into account in the last component of my justice theory ("Sanity").

By opening the door that leads from literature to justice theory as widely as I do, I hope to contribute to a major increase of the goods that flow between philosophy and literature. Such exchange is, I think, not optional but crucial for a justice theory that wants to be of relevance to society's effort to improve life in a world as demanding as the frontier society of the twenty-first century. Whether this will also prove fecund for literature I have no way of saying, but it should be emphasized that my efforts in philosophy do not challenge literature in any way – literature is fine for the purposes of justice theory just the way it is. But my efforts do challenge the assumption that philosophy will forever be forced to deliver nothing but footnotes to Plato.

References

- Assmann, Aleida. *Erinnerungsräume: Formen und Wandlungen des kulturellen Gedächtnisses*. Munich: C. H. Beck, 1999.
- Dewey, John. 1939-1941: *Essays, Reviews, and Miscellany*. Vol. 14 of *The Later Works, 1925-1953*. Ed. Jo Ann Boydston. Carbondale: Southern Illinois University Press, 2008.
- Festl, Michael G. *Gerechtigkeit als historischer Experimentalismus: Gerechtigkeitstheorie nach der pragmatistischen Wende der Erkenntnistheorie*. Konstanz: Konstanz University Press, 2015.
- . “From the Depths of Despair to Castles in the Air: Critique in a Pragmatist Theory of Justice.” *Studia philosophica* 74 (2015): forthcoming.
- . “Four Pathologies and a State of Sanity.” Unpublished manuscript.
- Fluck, Winfried. “The Concept of Recognition and American Cultural Studies.” *American Studies Today: New Research Agendas*. Eds. Winfried Fluck, Erik Redling, Sabine Sielke, and Hubert Zapf. Heidelberg: Winter, 2014. 167-207.
- Hampe, Michael. *Die Lehren der Philosophie: Eine Kritik*. Frankfurt am Main: Suhrkamp, 2014.
- Hobbes, Thomas. *Leviathan*. Ed. Richard Tuck. Cambridge: Cambridge University Press, 2003.
- Honneth, Axel. *The I in We: Studies in the Theory of Recognition*. Cambridge: Polity, 2012.
- . *Freedom's Right: The Social Foundations of Democratic Life*. Cambridge: Polity, 2014.
- James, William. *The Will to Believe and Other Essays in Popular Philosophy*. New York: Longmans Green, 1899.
- Locke, John. *Two Treatises of Government*. Ed. Peter Laslett. Cambridge: Cambridge University Press, 2003.
- Nussbaum, Martha C. *Upheavals of Thought: The Intelligence of Emotions*. Cambridge: Cambridge University Press, 2001.
- Plato. *The Republic*. Ed. G. R. F. Ferrari. Cambridge: Cambridge University Press, 2003.
- Rawls, John. *A Theory of Justice*. Cambridge: Harvard University Press, 1999.
- Rorty, Richard. *Contingency, Irony, and Solidarity*. Cambridge: Cambridge University Press, 1989.
- . *Objectivity, Relativism, and Truth: Philosophical Papers Volume 1*. Cambridge: Cambridge University Press, 1991.

- Roth, Philip. *The American Trilogy 1997-2000: American Pastoral, I Married a Communist, The Human Stain*. New York: The Library of America, 2011.
- Sen, Amartya. "Gender and Cooperative Conflicts." *Persistent Inequalities: Women and World Development*. Ed. Irene Tinker. Oxford: Oxford University Press, 1990. 123-49.
- . *The Idea of Justice*. London: Allen Lane, 2009.
- Steinle, Friedrich. *Explorative Experimente: Ampère, Faraday und die Ursprünge der Elektrodynamik*. Stuttgart: Franz Steiner, 2005.
- Turner, Frank Miller. *Between Science and Religion: The Reaction to Scientific Naturalism in Late Victorian England*. New Haven: Yale University Press, 1974.
- Turner, Frederick Jackson. "The Significance of the Frontier in American History." *The Frontier in American History*. Ed. Frederick Jackson Turner. New York: Henry Holt, 1920. 1-38.