

8 Reproduction of Life

Luc Boltanski

The wide array of theoretical and substantive questions that are currently being discussed in connection to Luc Boltanski's work speaks for itself about its growing status in current sociology and social theory. We seem to have crossed, or at the very least about to cross, that always ambiguous threshold that marks a writer's status as a 'contemporary classic'.¹ As we have done in previous chapters, here I offer an assessment of neither Boltanski's whole body of work nor his overall theoretical perspective. I am interested instead in the particular contributions that his sociology makes to our threefold quest: first, the relationships between sociological and philosophical knowledge-claims; second, the conceptualisation of the normative in society; and third, the notions of the human and humanity that are effectively at work, indeed underpin, his sociology. In so doing, I shall be drawing from a variety of written sources but will pay special attention to his work on reproduction and abortion.

I

The normative complexities of debates on abortion make it a particularly salient subject through which to explore, for instance, the interconnections between 'lay' and 'expert' grounds for justification and critique that are central to Boltanski's sociological approach. Questions to do with abortion, and the argument applies also to euthanasia, also illustrate particularly vividly the substantive purchase of the definition of the normative that I defend in this book; namely, ideas of value that *ultimately* refer back to such questions as 'what is a human being' or what makes human life human.² Boltanski is right when he argues that understanding abortion

¹ For a general overview, including several interviews and materials previously unavailable in English, see Susen and Turner (2015). See also the special issue of *Thesis Eleven* on Boltanski that was edited by Craig Browne and came out in October 2014.

² See, towards the end of Chapter 3, Parsons's comment that abortion makes it clear the importance of distinguishing between an organism and a person. Indeed, Parsons explicitly connects abortion to questions of 'brain death'.

does not consist in trying to answer the question *when does a human life actually start*, because this gives the wrong impression that science can answer these kinds of issues unequivocally, while in fact they remain fundamentally open as philosophical questions. At stake here is *not* something that can be settled empirically but a whole set of complicated issues that require a wider approach: what is, and how do we acknowledge socially, a life that is indeed human. This is a challenging question for the social sciences because our disciplines have a major deficit when approaching these kinds of philosophical concerns: ‘the social sciences have failed ... to pay sufficient attention to the *creation* of human beings’ (2013: 24, my italics).

From a social scientific standpoint, a major feature of abortion is the fact that it is a universal practice that can be found across history and cultures. At the same time, the legalisation of abortion in most Western countries, plus our contemporary ability to technologically manipulate embryos and foetuses as a type of ‘being’ that is *simultaneously* treated as human and non-human, creates a whole new array of normative difficulties. One major part of the problem lies in how abortion and engendering techniques are similar in design but lead to opposite results with regard to the foetus; indeed, they are underpinned by the same ontological predicament that the foetus *is* an object of legitimate instrumental manipulation. These remain open as *normative* dilemmas because the fast-growing range of medical procedures that have become available for the manipulation of foetuses actually increases the difficulties in adjudicating on the key question of their human status. As technological advancements enhance the possibilities of both engendering *and* abortion, the strictly human status of these beings cannot be unproblematically ascertained; differently put, they have become the latest expression of key challenges posed by the historicisation of humanity’s defining anthropological features.

The contemporary predicament stands between the Scylla of constructivism – a pure notion of the *creation* of human beings continues to remain troublesome – and the Charybdis of essentialism – human beings’ *constitutive* properties should be subject to *no* instrumental manipulation whatsoever. While they point in opposite directions with regard to the continuation of a life that may eventually be deemed human, abortion and engendering techniques are equally hard-pressed to suspend the human status of the foetus they are about to manipulate: ‘we have to deal with a humanity that is no longer self-evident, that is no longer simply given; nevertheless, we have not brought ourselves to think that humanity can be deliberately and methodically fabricated’ (2013: 248).³ Boltanski

³ Both the French and English editions of Boltanski’s book bear as subtitle ‘A sociology of engendering and abortion’ and although this dual focus is to some extent reflected in the

approaches the study of abortion by making apparent the duality that is constitutive of the human predicament: humans live through ineluctable tensions between the organic and the cultural, the biological and the social, the individual and the collective, the general and the singular. Below I will explore in some detail the different levels in which this duality of the human condition finds expression within Boltanski's work on abortion – the ontological status of the foetus, the epistemological construction of abortion and the tension between normative and descriptive claims – but before I do this I should briefly like to situate these reflections within his wider sociological outlook.

Indeed, twice in *The Foetal Condition* Boltanski makes the point that the theoretical results of this investigation, which was first published in 2004, challenge the 'principle of common humanity' that he had previously elaborated in the early 1990s (2013: 56–7, 234–7). In this previous work *On Justification*, Boltanski and Laurent Thévenot took up explicitly questions of justice and normative justifications as central for the sociology study of modern societies.⁴ On the one hand, they built their argument on the conventionally sociological idea of the differentiation of modern societies in various, semi-autonomous, functional spheres that have their own logic. But while sociological approaches have tended to emphasise the strictly functional dynamics of differentiation, Boltanski and Thévenot make their case on normative grounds: there is an internal differentiation of various *spheres of justice* and these spheres are themselves connected to key anthropological competences that make human beings *capable of justification*.⁵ It is on the basis of a *sociological* account of the centrality of justice in the functional organisation of modern societies that a *philosophical* argument on the salience of a principle of common humanity becomes apparent. Justice as a social institution mirrors justification as a human capability as they are equally dependent on a universalistic principle of humanity: on the one hand, institutions are in principle open to everyone but in practice they create hierarchies that allow for the uneven distribution of resources inside them; on the other hand, all individual human beings are equally endowed with the competences to appeal to general principles but in practice they are unequally positioned to make effective use of these competences.

book's main arguments, both theoretically and empirically it centres more on abortion. Engendering techniques play instead the counterfactual role of helping bring out the normative consequences of various lines of argument.

⁴ See Peter Wagner (1999) for a general assessment of this book's main arguments and its critical reception.

⁵ In addition to Parsons and Luhmann in the functionalist tradition, Weber's value spheres and Bourdieu's fields also define differentiation in functional fashion. In political philosophy, Michael Walzer's (1984) *Spheres of Justice* offers a convergent argument where differentiation is seen in normative terms.

On Justification is in fact built around a combination of descriptive and normative arguments; sociological observation and philosophical reflection are equally present and in permanent interaction. The very need to articulate a universalistic principle of humanity comes out of an engagement with the key predicament of the Western tradition of political philosophy: 'human beings are sharply distinguished from other entities and are brought together among themselves, furthermore, by their fundamental equality' (Boltanski and Thévenot 2006: 13). The sociological argument depends, therefore, on the *anthropological* capacities that make this idea of common humanity operative for the purposes of the constitution of a social order. A 'political metaphysics' then ensues that ought to be able to articulate more fully a 'higher common principle', which in turn depends on the 'imperative to justify that underlies the possibility of coordinating human behaviour' (Boltanski and Thévenot 2006: 37). Far from being mere idealistic talk, this imperative to justify becomes a fundamental aspect of how social actors construe stable social arrangements whose very legitimacy depends on the normative grounds on which social institutions are construed and publicly justified. Rather than an insurmountable contradiction between lay morality, on the one hand, and the technical arguments of sociology or moral philosophy, on the other, Boltanski and Thévenot contend that the solutions they have found in the ways in which people *actually* try to reach agreement 'on the practical level' are indeed in correspondence with 'the abstract models' that philosophers have been envisaging over centuries (2006: 65). Far from being built on opposite or conflicting epistemic grounds, sociologists are here subject to ontological requirements that mirror those of social actors themselves: whether and how they articulate a 'higher common principle' that may serve as justification for what people do in society.⁶

For our purposes, the justification of the universality of this principle of humanity is twofold. There is, first, the requirement of transcending one's

⁶ We have also discussed the relationships between lay and experts' knowledge-claims in Chapter 5. In his highly critical review of *On Justification*, Axel Honneth (2010) questions all these decisions: the selection of moral philosophical texts is untenable as it misses alternative philosophical traditions (such as republicanism), the equalisation of lay and expert justification is inadequate because it makes strong normative assessments effectively impossible, and the alleged centrality of normative justifications underestimates the resilience and externality of power relations. To Honneth, this leads to two fundamental difficulties in Boltanski and Thévenot's project: there is first the epistemological flaw of idealism as the social is conceived as *only* made out of normative considerations that are *always* at hand for actors to use; second, there is the normative flaw that, as they blur any epistemic separation between description and normativity, immanent critique (as the key task for critical theory) becomes impossible. The relationships between critical theory and Boltanski's pragmatic sociology of critique have attracted much attention, see Basaure (2011), Browne (2014a, 2014b) Celikates (2006) and Diken (2015).

own interests because justifications imply that we *are* able to adopt a more general standpoint which, if not fully impartial, is at least able to include a wide range of social positions. Thus, in a formulation that resonates with the cosmopolitan language of the Enlightenment, and indeed with some of the arguments we discussed in Chapter 2 on Arendt, Boltanski and Thévenot (2006: 39) claim that ‘if one takes to heart the “general interests of humanity,” worries about them, speaks in their name, one is transforming a private desire associated with an embodied attachment (to a member of one’s family) into a disembodied generic relation that can no longer be the object of individual bodily satisfaction’. The human ability to think beyond one’s needs, desires or interests implies the possibility of self-transcendence that, however imperfect, is built into our conceptions of impartiality and justice. Second, a universalistic principle of humanity cannot work if flat and undifferentiated; it requires that ‘personal particularities’ are indeed ‘preserved’ (Boltanski and Thévenot 2006: 75). In modern societies, people do have different interests, needs, abilities and concerns and it is because they do that we need to learn to live with others. We then become able to overcome contextual constraints at particular junctures and assess various situations from different standpoints.

While their emphasis is more on the normative underpinnings than on the functional performance of social institutions, *On Justification* accepts that social orders are organised around different values that will in due course inevitably enter into conflict. Against Weber’s metaphor of warring gods that are only content with absolute submission to their own particular value sphere, this model of justice is explicitly geared towards the avoidance of normative breakdown; the authors are ultimately interested in ‘an account of humanity that is confronted with unequal worths and that manages nonetheless to avoid civil war’ (Boltanski and Thévenot 2006: 76). In their case, the core argument lies in the identification of what exactly we mean by justice in each of their six modern polities or worlds: the ‘inspired polity’ that centres on grace and creative transcendence, the ‘domestic polity’ that focuses on authority and communal bonds, the ‘polity of fame’ that highlights various forms of social recognition, the ‘civic polity’ that deals with the collective organisation interests, ‘the market polity’ that trades on competition and the satisfaction of needs, and finally the ‘industrial polity’ that organises production and professional life (2012: 285–6).⁷

A key argument in *On Justification* is, therefore, that at the same time as the unequal distribution of worth across society is common occurrence in modernity – it is part and parcel of the functional requirements of modern

⁷ See also Boltanski and Thévenot (1999) where these ‘polities’ or orders of ‘worth’ are referred to as ‘worlds’ and the various components of each is slightly different.

society – the universalistic underpinning of a principle of humanity requires that no one is completely left out at least of some area of worth. While there are bound to be clashes and conflicts between these different polities, and all sorts of constraints will make a difference to our ability to access and enjoy their rewards, universal accessibility and avoidance of total exclusion remain a major normative principle.⁸ Ideas of common dignity, common good, and justice as equality offer a threshold below which no human being can or ought to fall within any domain of worth. Over time, modern societies have developed institutions and regulations that try to prevent that certain particular individuals or groups fall completely outside a certain area of worth: the politics of inclusion of civil rights movements, for instance, as those which pushed for the end of slavery and the widening of the franchise. But Boltanski and Thévenot also contend that in modern societies worth is primarily attributed to domains rather than to individuals: modern societies develop mechanisms, procedures and institutions that seek to safeguard the integrity of one arena if and when it is being threatened by others: the autonomy and worth of education and the arts suffer as they are encroached by politics or the economy.

Abortion is in that sense unique because it challenges the notion that an inviolable threshold underpins all areas of worth, and Boltanski explicitly expands on this point at the very end of *The Foetal Condition*. There, he argues that his earlier elaboration of the principle of humanity did not account fully for the tension between the need to rank ‘human beings in situations where they interact as function of their respective worths’ and the opposite need ‘of respecting their fundamental equality by virtue of their participation in a common humanity’ (2013: 249). It is however this very tension that now needs unpacking. A better understanding of the actual operation of the principle of humanity still needs to be able to account for the fact that, with abortion, results cannot be undone. What makes abortion such a key case is the fact that it targets ‘applicants for entrance into humanity’ and is therefore ‘irreversible’ (Boltanski 2013: 236). Abortion challenges a traditional understanding of the universalistic principle of humanity because that very humanity is an *explicit* object of contestation.⁹ But before we can fully appreciate what is at stake here, and

⁸ This possibility of full inclusion is also central to Parsons and Luhmann’s ‘standard’ arguments on functional differentiation (Stichweh 2008). See also, in Chapter 3, Parsons’s argument on the evolutionary importance of cultural universalism.

⁹ To be sure, in such extreme situations as those of inmates of concentration camps we speak of a complete denegation of human dignity – and the case can also be made for extreme cases of destitution whereby people’s right to make these claims remain formally open but the substantive exercise of such rights is impossible in practice. As he recounts his experience as a camp inmate, Emmanuel Levinas (1990b: 151–3) makes the point that

indeed how we should finally assess Boltanski's position on abortion, we still need to take a detour through his ideas of society and sociological knowledge. This is how he defines the social in this context:

[a] being is social ... or is part of society when the *human members* of a collective ... or at least some of them, deem that the relationship maintained with that being concerns and engages *the collective as a whole* ... I shall call a being a social being *only* when these associative claims are activated, that is, when the relation the beings maintain with others is apt to cause a *problem for the persons* that are in the relationship with them. (Boltanski 2013: 151, my italics)

There are several aspects of this definition that are worth paying attention to. Society is here seen as relational: it involves active participation, requires that beings invoke the totality of collective life and also that the relationships thus construed cause a problem for at least *some* people. Society is not defined as fundamentally normative, but references to the collective as a whole, participation and problems do speak to the normative side of social life. Boltanski refers positively to Bruno Latour's work in this context and, with Latour, he understands that the idea of society must include relations to beings other than humans. Material objects – not least among them the physical presence of the human body – are surely central to our views of what society is. Sociality depends on the materiality of objects because, as we will see below, human justice centres on a principle of equivalence that requires the transitivity of objects. But very much against Latour's proposition on the need to abolish or at least soften the distinction between humans and non-humans, Boltanski not only separates the two; he actually reinforces their dissociation at a deeper level. Methodologically, this difference is important because it is only the *experience* of human beings that gives credence to society; normatively, it matters because our main object of concern lies in the consequences of social life for human beings themselves. Crucially for his work on abortion, it is the *indeterminacy* of the human status of the foetus that allows for its treatment as an 'actant'. But this again goes against Latour's ontological insight, because for Boltanski the key to our conceptualisation of foetuses is that it *lacks* of agency (2013: 126–7, 151).¹⁰ Indeed, already

this sense of human dignity can be simultaneously denied by other human beings while afforded, paradoxically, by animals who reminded inmates that they still are human beings: Bobby the dog became, for Levinas, 'the last Kantian in Nazi Germany'. See the fascinating discussion of this insight in Calarco (2008: 55–77). See also Clark (2007), Finkelkraut (2001: 3–4), Haraway (2008: 22–4).

¹⁰ It is a generic of sense agency that moderate posthumanists seek to widen in order to move beyond an anthropocentric view of humanity (Connolly 2011: 35). See Guggenheim and Potthast (2012) for further discussion of the relationships between Latour and Boltanski's approaches.

a decade earlier Boltanski (2012: 14) had similarly argued that an idea of society included not only those ‘incorporated bodies known as persons . . . but also *the conventions that define the humanity of persons and qualify their value*’ (my italics). In other definitions, however, the emphasis was on the ways in which the humanity of human beings defined their position in terms of different valuations. That these are referred to as conventions is just what we would expect from a sociologist – normative ideas change and are indeed a social construct. But because they touch on the humanity of human beings, the way these normative ideas change, the permissions they grant and above all the limits they set, are of key importance in that they define what is deemed fair or acceptable in society. The bodily constitution of human beings is indeed subject to much social and historical change and variation, but it also has limits, and the social experiences we are confronted with can only be construed in so many ways: experiences of physical abuse and psychological degradation can be variously construed, but they can hardly be turned into positive events in their own right. Values are relative and socially construed but their consequences are not necessarily so; the status of what is a human being may change and be deemed relative and problematic and yet the implications of these changes can become dramatic and have consequences that are indeed irreversible.

Boltanski argues that one of our key anthropological capacities is our ability to ponder over equivalences and assess equality or comparability between things. It is on the grounds of this anthropological skill that ‘justice is ensured in a political order when the distribution of what has value among persons is carried out according to a principle of equality’ (2012: 14).¹¹ The actualisation of these principles is of course highly diverse and can become a source of individual or even collective anxiety: justice and injustice are key to most of what humans do in society. It is on the grounds of claims to justice and against injustice that we become able to make explicit the *principles* ‘of what constitutes the value of things and people’ (2012: 26). Justice is then understood both as a property of social relations and as a human intuition; it refers to the relations between persons and things. Far from being a purely ideal notion that works in the abstract, Boltanski contends the importance of justice has precisely to do with its relevance for construing equivalences between objects in society.

The sociological centrality of justice is also warranted on the grounds that most of our social life takes place within a variety of social

¹¹ Injustice is conversely defined as ‘a division of material or immaterial goods that does not respect the legitimate order of worth among persons’ (2012: 14). See Chapter 4, on Hans Jonas, for a principle of justice that is construed not on the grounds of equality (in his case, reciprocity) but of *unequal* responsibility.

institutions, all of which are ultimately dependent for their functioning on some conception of equality. While the successful *functional* outputs of modern institutions have to do with their material performance, their *normative* orientation has to do with the consequences of these actions and objects in the lives of human beings. The main thrust of *On Justification* is, correctly in my view, that the modernity of modern societies centres on the increasing salience of several institutions that are constituted around this principle of dual functional (material) and normative (ideal) operation (Chernilo 2014). Justice as equality operates in differentiated fashion because different functional and normative performances are expected from different fields, because people's 'worth' in one field does not automatically translate into others and, last but not least, because this internal differentiation widens the perspectives that then allow for our various attempts at impartiality. On all grounds, I should like to contend, justice is ultimately underpinned by the universality of a principle of common humanity.

There are additional historical reasons that explain the centrality of justice for the sociologist. To Boltanski, the nascent sociological imagination of the second half of the nineteenth century had two primary objects of concern: religion and poverty. The importance of the former explains sociology's interest in the problem of illusions, beliefs and truths, while the salience of the latter accounts for its observations about inequality, class and power. Sociology has then faced from the start the ultimately unsolvable problem of trying to account empirically for situations that are based on contradictions: conceptions of right and wrong that follow from mistaken beliefs; material distributions that create injustice rather than fairness. Confronted with these challenges from its inception, Boltanski argues that sociology has advanced two equally unsatisfactory answers. One first option has been to appeal to some transcendental principle that is able to rationally explain the irrational. In this case, history, progress, providence all betray sociology's commitment to immanence by falling back to principles that lie not only outside society but ultimately cannot be comprehended sociologically. The second alternative has been for sociology to abandon its own interest in critique, in which case it not only condemns itself to practical irrelevance but also accepts that the world is in fact *beyond* rational comprehension and incapable of improvement. By taking either option, sociology has only been able to reveal the inequalities it observes without however 'clarifying the position of justice on the basis of which they can be defined as such' (2012: 26). The unsuccessful resolution of this challenge has been for sociology to endow social actors 'with means of calculation of which they themselves are unaware' – that is, with a set of anthropological qualities that only

work because they operate behind people's backs (2012: 83). Contemporary sociology not only works with an exaggerated heuristics of evil and suspicion but also fails to notice the extent to which lay accounts are already experienced and described in the language of the social sciences. Boltanski's critique of the mainstream sociological imagination is that the constructionist predicament that attributes social causes to *all* phenomena results ultimately in two equally flawed propositions: either everything is related to everything else *or* everything can be reduced to the same social causes (2012: 280, n. 36). In a way that echoes the criticism I raised in the Introduction against a certain reductionism that has become the trademark of contemporary sociology, Boltanski assesses thus the work of his former teacher Pierre Bourdieu:

one can interpret the behaviour of anyone at all, when one has understood that these behaviours are always oriented towards the search for satisfaction of personal interests, the most widespread being the interest in gaining power ("here is everything about power") and, consequently, that relations among persons can always be reduced to "power relations" between those who have power and those who do not. This universal key makes it possible not only to deprecate all claims made by others that they are acting for the common good by revealing the underlying interests, but also, in extreme cases, to claim for oneself, in the name of realism, the right to perform actions that abandon the aim of justice in favour of the quest for power. (Boltanski 2012: 24–5)¹²

If seen as socially construed and subject to the strategic logic of power relations, normative considerations remain epiphenomenal at best. And at worst they obtain from more or less conscious attempt to improve one's own bargaining position; they are thus conceived as instrumental rather than normative claims. To move beyond this self-imposed normative restriction within sociology results in the need to reconsider two of its crucial arguments. First, there are pre-social aspects in the actors' capacities for judgement, critique and justice and these are to be treated as relatively independent vis-à-vis social factors and influences – these are precisely the kind of anthropological features that we have been looking at throughout this book. Second, social life does not centre on claims to justice but, to the extent that claims to justice are bound to emerge in all structural settings, they are to be treated as independent vis-à-vis actors' interests and strategic positions. Taken together, these propositions make it necessary that we reject the idea that domination and power, strategic self-presentation and instrumental rationality define *both* our anthropological capacities *and* the key elements of social life itself: without a notion

¹² For a systematic comparison between Boltanski and Bourdieu's approaches, see Susen (2015).

that there are autonomous anthropological properties, we will not succeed in conceptualising the normative in society.

The argument that now emerges is that the social sciences do in fact operate with an implicit 'metaphysical capacity' that is universally available to *all* human beings (2012: 43); there is a general competence that makes possible for humans to understand the connections they enter into as *a social bond*. This also allows humans to connect what happens to them in their relations to other human beings and objects in the world: humans are able to make reference 'to something other than persons, something that transcends persons' (2012: 44). To the same extent that we make connections between objects, persons and situations in the world, we are then also able to transcend our physical engagement with the world in order to pass judgement on whether these situations are fair or not. The fact that this property cannot be exercised outside society does not fundamentally alter the fact that its ultimate constitution is just not itself social: '[i]t is precisely the imputation of an unknowable power, a power never exhausted by the acts that reveal it, that qualifies the person as a person' (2012: 65). Sociology cannot fulfil its descriptive tasks without the philosophical analytical tools that will then help it unpack the properties humans have 'as persons, prior to any qualification' (2012: 57).

This ability to transcend one's own position as a singular person, and to make claims to justice that are based on a general principle of equivalence, are a key anthropological contribution to social life that the social sciences will be able to fully understand *only* to the extent that they allow in philosophical arguments. In Chapter 2 we saw that the human ability for self-transcendence lies at the centre of Hannah Arendt's contribution to this same problem, and Boltanski's sociological insight matters here because he is not only prepared to accept, but openly advocates for, what he refers to as 'metaphysical arguments'. Sociological and philosophical knowledge-claims are not to be conflated; indeed, from a strictly sociological perspective these questions of principle may never be regarded as of fundamental importance. Yet they *are* required:

[w]e do not regard this underlying metaphysics as a failing in the social sciences. It is precisely by having recourse to conceptualizations that can be viewed as metaphysical that the social sciences recognize the role played by the human capacity to conclude justifiable agreements in the construction of society. (2012: 44)

Society's very sociality is constituted through pre- and non-social forms, and in order to account for the social we need to give room to these metaphysical capacities that, in so far as they are not social, may be best captured philosophically.

Boltanski's sociological work also pays attention to those aspects of human existence that are *not* exclusively social. To be sure, questions of

justice have indeed grown increasingly central to modern society, but not all domains of social life are ruled or organised by principles of justice; this is what makes his work on reproduction and abortion, but also his writing on love, of particular interest. We have seen that Boltanski's definition of the social requires that persons and objects interact and that this is what warrants the centrality of justice in his argument: 'the person–thing relation undoubtedly constitutes a central node in the ordinary metaphysics of members of our society' (2012: 69). But there are also two alternative regimes of human relations whose operations differ from those of regimes of justice: there are regimes of violence, whereby people are not treated as persons but only as objects, and there are also regimes of love or agape, where the social world is populated only by persons and without any reference at all to objects.¹³

Boltanski's work on *agape* – an idea of love for another human being that is fully devoid of instrumental gain, moral justification and even satisfaction of emotional needs – focuses on those aspects of social life that are not based on the principle of the equivalence of objects that is central to ideas of justice. A sociology of agape does not take the equivalence of justice as its fundamental observation but rather concentrates on gratuitous devotion and selflessness (2012: 146–8). Theological in origin, ideas of *justice as equivalence* and *love as gratuitousness* are now extensively applied in social life: justice is interested in the general to the same extent that agape is in the particular, and agape *transcends* justice because neither discursive articulation nor impartiality is ultimately adequate to grasp our experiences of it (2012: 111). Agape is explicitly defined as 'not an interactionist model' and as such it remains untouched by the fundamental principle that 'persons incorporate anticipation of the responses of others into their own behaviour' (2012: 149). The metaphysical understanding of our anthropological capacities is also central to agape: there is, Boltanski contends, an 'intuitive understanding of agape that I believe *all of us share*' (2012: 101, my italics). We may construe the structural transformations that mark the rise of modernity as a transition from the predominance of agape as an interpersonal bond to the predominance of justice as a social relation. But this does not mean, of course, that there was no justice in

¹³ Violence, says Boltanski, 'ignores persons, and, as many have observed, by concentrating on things it opens up the possibility of treating human beings as things' (2012: 72). For its part, '[a]gape exempts itself from equivalence – that is, from the existence of a stabilized relation between things and persons – in order to endow itself with persons considered as such' (2012: 75). Even if violence has not in itself been a major theme for sociological research, arguably one of sociology's most basic observations – say, in Weber's discussion of legitimacy – is the fact that naked force alone provides no stability to social orders. What is discussed here as 'agape' has also been rendered in English as 'affective regimes' (Boltanski and Thévenot 1999: 362).

premodern times or that there is no agape in modern institutions; it is their prevalence that is different in different historical constellations. In turn, we may reframe the critique of proceduralism that has accompanied throughout as another way of saying that not all forms of social relations are to be *reduced* to a formula of justice as equivalence: unequal treatment *may* also be morally acceptable and even desirable.¹⁴

We can summarise three main results from our discussion so far. First, the inclusion of agape is challenging for contemporary sociology because of its insight that not all actions in society are social in the sense of having an ulterior motive that is to be translated into power, influence or material gain. We have repeatedly maintained that there is something deeply flawed in the sociological reductionism that claims to be able to anticipate all motives with reference to the actors' social background (class, gender, ethnicity, etc.). This critique we may call that of the imperialism of reciprocity.¹⁵ Second, there is also the argument that an adequate definition of society does not comprise only social elements. The materiality of objects and the humanity of persons are irreducible to one another, and indeed to society itself, but they are fundamental to the regimes that are organised under the formula 'justice as equality'. Justice is the most fundamental principle for the functioning of modern societies, both in its performative and normative registers, but does not exhaust social life. Third, there is finally the metaphysical reference to our general anthropological capacities. They are referred to as *metaphysical* because their status challenges sociological conventions about social construction, on the one hand, and the subordination ideal factors (i.e. normative ideas) to material ones (strategy, domination, etc.), on the other. The *existence* of these capacities is thought to be previous and independent vis-à-vis society (persons exist as persons, agape and justice are universal intuitions) and their study lies at the level of presuppositions and normative implications rather than being subject to the empirical/theoretical rules of scientific discourse.

II

If we now go back to his study on abortion and reproduction, we have mentioned that Boltanski himself suggests that this work poses

¹⁴ To that extent, these claims are compatible with Hans Jonas's argument that responsibility as a human phenomenon does not depend on the justifications given about it in society but is founded in our 'natural' or 'anthropological' capabilities. See Chapter 4.

¹⁵ I will not be pursuing this here, but agape is challenging also at a methodological level because it can only be experienced in the first-person perspective of the actor. The required sociological move to the *external* perspective of the observer, which implies reflexive critical distance and discursive tools, marks precisely a move out of agape and towards a fully social domain where justice *must* prevail (2012: 150–5).

challenges to the universality of the principle of common humanity that was key to *On Justification*. The core issue he raises in this regard is referred to as the ‘ontological manipulation of the foetus’: because it is potentially subject to abortion but also to techniques of artificial insemination, the foetus can be defined in theory, but also treated in practice, in openly contradictory ways (2013: 103). Before the twentieth century, abortion belonged to a relatively rare set of practices that had been universally practised, often tolerated, but in all cases they remained hidden from the public eye. Even as it is now decriminalised in most Western countries, its explicit normative justification remains problematic because its construction *as a right*, as something we can unproblematically treat as a value, remains highly controversial. More often than not, abortion is seen as a form of lesser evil rather than as a good in itself (2013: 236–7). As he makes this argument, Boltanski contends that this is not to do with his own moral position on abortion but with the fact that women themselves experience it as a tragic event (2013: 59). Because it touches on the definition of what is a human being, and the agents who have the power to make decisions over the humanity of human beings, abortion is a prime example of the difficulties modern societies face in culturally dealing with normative contradictions that are not *only* about social and cultural practices (2012: 155).¹⁶

The book on abortion is organised around the distinction between ‘flesh’ and ‘speech’; that is, the fact that organic (flesh) and social (speech) factors need both to be included into our understandings of the human. For the status of human to be granted on a particular being, that which has been ‘engendered through flesh’ needs also ‘*confirm[ation]* through speech’: the constitutive duality of human nature is explicitly taken up (2013: 45). The physical entity that becomes implanted inside a women’s body is demarcated from the one that, through speech, may or may not be brought onto existence as a full member of the sociocultural world. It is only when both planes are being reconciled that a *human* life proper can be said to have started: the humanity of human beings is marked neither at the moment of conception nor is it associated with any particular stage of organic development. It is rather defined through a highly variable moment in which consecration through flesh *and* speech

¹⁶ To that extent, I disagree with Bridget Fowler’s (2015: 75) interpretation that ‘in contrast with the stance opposing abortion practices *on moral grounds*, he [Boltanski] makes a powerful case for the moral nature of abortion itself’. On the contrary, I think that Boltanski remains consciously vague with regard to whether his position is for or against abortion. But given that his argument is eventually that abortion is to be accepted and made legal but cannot be positively promoted, I would argue that his normative position cannot be depicted as pro-abortion (even if, openly, he is not against it either). See also the last section of this chapter.

coalesce. An 'authentic foetus' is then referred to, and indeed treated, as a 'real' human being whereas, conversely, this status is systematically negated for a 'tumoral foetus', which is conceived as a passive, inert being. Ultimate acceptance in society is what marks the difference between authentic and tumoral foetuses, and as soon as this takes place a clear border between the two must be erected: it lies upon states to 'inscribe them in legal or quasi-legal categories so as to solidify them and make the lines difficult to cross' (2013: 130). The sociocultural dimension of our humanity is granted to beings as they become part of a world that is symbolically prearranged for them. Their singularity as unique human beings takes place through this process of sociocultural confirmation (2013: 47–9).

Both tumoral and authentic foetuses are located inside a woman's body and while the ultimate *social* confirmation of the humanity of a being belongs to some kind of supra-individual agent, women do retain ultimate power over the organic continuity of the foetus. The gender dimension of political power is thus brought into the open: while traditionally men have had control over political society, only women have retained control over life itself (2013: 53). Because the creation of human beings requires that both forms of confirmation come together, abortion can be seen as the ultimate countercultural form of feminine power:

While engendering through flesh manifests the concretization of a woman's power in the first place ... confirmation through speech is embedded in a relation of authority. It cannot be otherwise, given the role that this confirmation plays in the establishment of human difference, whose structure is itself the institutional order ... It follows that no human being can possess in and of herself the authority necessary to create a new human being and deposit it in the world. This authority is received from another, who must be credited if the recipient is to act. (2013: 63)

If in the past the act of public confirmation 'through speech' took as reference point a divine connection, the clan or even the state, in contemporary society this is the role of the 'parental project', which refers to the anticipated normative framework within which the future existence of this human-to-be can be securely placed. In modern societies, parental projects are of course highly varied and do not respond only to traditional ideas of the nuclear family. But parental projects remain *normative* in the sense that they are ultimately concerned with whether the new being is to be offered conditions that can lead to developing a fulfilling human life. The asymmetry in the situation of women is again apparent, however, because while the decision to complete a pregnancy is construed as a parental project, the decision to abort lies ultimately on the woman herself.

At the same time that a process of ontological manipulation of the foetus makes this separation between authentic and tumoral foetus possible, further questions are constantly raised by the emergence of a third type of foetus, the 'techno foetus', that is a direct result of modern insemination techniques. While 'successful' insemination turns techno foetuses into authentic ones, failures are common occurrence in insemination procedures. Boltanski then argues that differences in treatment between tumoral and techno foetuses are difficult to explain normatively; the central dilemma being the different ways in which both types of beings belong in their natural and social environments. The state – that is, the laws and institutions that regulate abortion *and* insemination – registers in a very different way the treatment of those beings whose human status remains in limbo. The techno-foetus resides in the highly complex institutional environment that is provided by state institutions, but decisions on abortion remain necessarily private in a way that the disposal of *failed* techno foetuses is not. In the latter case, the claim to legitimate management and disposal belongs to the collective authority of state and it is because no 'singular person' may or may not confirm it within a parental project that the techno foetus takes 'on a *higher level of generality*, and make[s] it the focus of debates concerning not cases associated with particular situations but rather the question of "the human" in the broadest sense of the term, the question of the origins, contours and future of "humanity"' (2013: 143).

Technology bears particularly intensely on our definitions of the human because of its intricate connections to our anthropological capacities; organic life and social institutions create a space within which the most general questions about the status of our shared humanity can be raised and attract wider public interest – this is, as we have indicated repeatedly, a major feature of debates on (post)humanism. Technological questions about available treatments and normative questions about the status of the foetus come together, Boltanski argues, as medical practitioners have to decide whether, under particular circumstances, the woman or the foetus is the patient to whom they have a fiduciary responsibility (2013: 139). The threshold of time elapsed for abortion to be considered legal seems to reflect, among other issues, the uneasiness about how to justify the difference in treatment between an abortable foetus and a premature infant (2013: 137). In turn, this is compatible with the proviso that allows medical practitioners to withdraw from the practice of abortion. If justified by the state, abortion is legal and ought to be carried out safely under medical supervision; yet no individual can be forced to practise it. Because they problematise our human status, technological interventions have implications on how we understand subjective individual rights as well as the 'holistic . . . *rights of the human species*' (2013: 143–4).

One of Boltanski's most original arguments lies arguably in how he traces back these normative and ontological questions to epistemological debates within the social sciences. He looks at the trajectory of these debates vis-à-vis social struggles over abortion by assessing the chain of arguments through which we have reached the current situation.

1. Starting in the mid-nineteenth century, a first *essentialist* conceptualisation of abortion expressed the conviction that, as soon as a being is implanted inside a woman's body, we are *always already* in the presence of a human being. The very possibility of socially construing this being *as a foetus*, and therefore of raising the question of its human status, was not available yet. Mostly religious in inspiration and based on an unquestioned connection between humanness and a divine creator, the properties of this new being were treated as transcendental and timeless (2013: 67–73).
2. The first wave of decriminalisation of abortion in the West, which started in the early 1970s, was able to gain traction because of the *deconstruction* of this essentialist view of human life: the creation of a new embryonic being that was not necessarily, automatically or immediately, seen as the emergence of a human being. By making visible the historicity of what had been treated as essentially timeless and the contingency of what had been regarded as necessary, deconstruction carries a particular ability for 'disqualifying the conventions that are still in force' (2013: 190). This is reinforced by the growing visibility of new social actors (i.e. the women's movement) for whom the old status quo was no longer legitimate. The key feature that makes deconstructionism such a powerful tool for critique lies precisely in the way in which it captures tendencies towards social change that are already under way.
3. The exercise in disassembling that is core to deconstructionism can only be sustained over time, however, if it abandons its purely critical mode; proponents of the new order must now embrace some form of *social constructionism*. Critique remains successful and may continue to evolve only to the extent that it is also able to explain what exactly are the mechanisms and resources through which new social phenomena – in our case, engendering *and* abortion – are now to be treated as social facts; that is, how they have become ingrained in the social fabric through legislations, institutions and social policies. In Durkheimian fashion, Boltanski contends that engendering and abortion are indeed social facts to the extent that they reflect collective morality (inter alia, the growing equality of women in society that is reflected in the separation between sexuality and procreation). They are to be explained by other social facts (the pill allows for much greater control over engendering, and abortion was to be administered under state

regulation) and they can be studied more objectively than ever before (for instance, as demographical trends that correlate women's education and number of children). There is now a whole array of technological equipments that make 'life in the womb' *visible* for the first time in human history. It is only in the last third of the twentieth century, and thanks to technological improvements, that the foetus has become a major ontological innovation: humans have created a type of being whose main feature lies in its contested status as a human being (2013: 103).

4. But the limitations of social constructionism become themselves apparent soon enough, and a new form of *realism* becomes necessary on three grounds. A first and somewhat paradoxical challenge faced by social constructionism is that it tends to rely on the rather naive acceptance of the truth-value of scientific facts: the authority of science becomes the incontestable source from which previous forms of patriarchal, religious or even political authority are to be continuously challenged. Yet the problem remains that the natural sciences themselves work on the assumption that our beliefs in *current* evidence must themselves remain provisional and open to contestation (2013: 188). Second, as mentioned, legalisation on abortion has in fact taken the form of 'decriminalisation': to the extent that it is practised within the law, abortion is no longer an offence. But the question of whether it can be justified with reference to positive normative claims remains contentious and requires of a more realist position: whether and under which circumstances can abortion be seen as a value. Third, realism is needed because the ontological being whose existence is at stake *does* bear some resemblance to human life. It is becoming increasingly hard to claim that a foetus is only a socially constructed being: abortion cannot be trivialised in this way.

It is this duality of human nature that explains these tensions and transitions: essentialism \Rightarrow deconstructionism \Rightarrow social constructionism \Rightarrow realism in terms of the cognitive treatment of abortion. But it is my contention also that Boltanski's inability to make a positive case for it – for instance, his lack of treatment of the role of reproductive rights in the positive legitimisation of abortion – is sustained on an implicit primacy of the *organic continuity* between the foetus and the human over and against the *sociocultural discontinuity* between the two. Boltanski the sociologist seeks to unpack the intractability of these dilemmas as they are predicated on the ontological duality of human nature: social and cultural plasticity, on the one hand, and organic continuity and limitations, on the other. And yet *citoyen* Boltanski does not warrant equal weight to both and sides, albeit implicitly, with a notion on the ultimate primacy of the organic continuity of life.

III

The final argument that I would like to make in this chapter has precisely to do with the relevance of critique as a social institution and the strict demarcation between description and normativity in sociology (2011). Boltanski argues that sociology ought to take seriously people's views about their own lifeworlds and that the differentiation between description and normativity is an essential but complicated task (2013: 234). He again resorts to the Durkheimian theme that his goal as empirical sociologist is to develop a sociology of moral facts rather than a moralising approach to sociology. This insight may be described as positivist in the same, soft, sense that Durkheim meant it; namely, a philosophical stance on the *possibility and importance* of successfully separating facts and norms, on the one hand, and the relative weight of empirical evidence, on the other. But as we look deeper into Boltanski's work, the actual justification of this argument is problematic – it is as if Boltanski offers only a half-hearted commitment to it and that he himself has become aware that it cannot be fully accomplished. Thus, for instance, he opens his book on abortion with the general statement that, *because* this is a new field of study for sociology, his work shall remain neutral vis-à-vis a normative view of it (2013: 2) – indeed, this is a proviso that he had also made before in relation to the development of a sociology of 'disputes' (2012: 4). This can be interpreted as if to suggest that a strict separation between the two registers is only justified *provisionally*, as if a lift of this *temporary* restriction on normative assessments is to be decided in relation to the advancements in sociological research: if cognitive maturity, empirical exhaustiveness and conceptual sophistication are to be regarded as the main criteria for scientific development, then the argument is that we need to wait until we have learned enough about the social facts we are interested in before we are allowed to venture into normative disquisitions. Two options may be said to follow here: either the 'Comtean' proposition that true sociological knowledge will eventually become sophisticated enough so as to *bridge* the gap between description and normativity, or else the 'Weberian' path that personal commitments are indeed allowed but must remain separate from our actual scientific practice. Boltanski compares several times his own position as a sociologist to that of a judge who must remain impartial as she listens to everyone and ponders not only what the evidence may tell her about a particular case but also about the meta-rules of whether some forms of evidence are more reliable than others – or indeed whether they are reliable at all (2012: 30, 47). Interestingly, however, Boltanski says nothing about what is surely the judge's most critical role: at the end of the trial, the judge commits to a certain version of events and reaches

a reasoned conclusion that *will* take sides and apportion blame or responsibility. The whole point of a judge's impartiality *during* a trial is to allow the time and reflection so that she can reach a normative stance at the end of it.¹⁷

In terms of his own position within contemporary sociology, we know that at least part of Boltanski's reservations against connecting too closely description and normativity are based on the shortcomings of the mainstream 'critical' sociology that is inspired by Pierre Bourdieu. We have seen that his criticism of Bourdieu was twofold: first, that the anthropological competences that make normative critique possible *for the social scientist* are however regarded as unaccountable for *actors themselves*. Second, that in Bourdieu the motifs for normative critique are not at all normative: they are strategic and depend on the chances of success in the advancement of particular courses of action within a field of struggle, rather than being based on the grounds for critique and justification. While I agree with Boltanski's critique, it remains unclear to me why he refuses to make a more definitive move that rejects *equally* the radical separation of description of normativity *and* its conflation. Differently put, Boltanski is right in taking people's grounds for critique seriously, but then he shies away from the most significant consequence that follows: *human beings' descriptions contain various forms of normative assessments* and, conversely, *most of our normative assessments are in turn construed around empirical descriptions*. If Boltanski aims to *retain* the ultimate equivalence between lay and expert claims in so far as they provide grounds for critique, then we should focus on how the two tend to become connected, *more or less carefully in different instances*, rather than sticking to a somewhat dogmatic argument for their separation. Adequate sociological work requires that we pay special attention to the *interplay* between descriptive and normative propositions and this is in fact what makes so interesting the study of moral controversies to which Boltanski pays attention: *describing* the social world requires that we grasp fully *what is normatively at stake*. The goal is to be able to account for the *autonomy of the normative in social life*: the normative is not the centre of social life, but nor can it be reduced to power relations, material interests, performativity or identity politics (see Introduction).

Through the explicit articulation of the principle of common humanity – both in terms of its anthropological abilities and its social

¹⁷ This, unless Boltanski's interpretation of the role of the judge follows an unreconstructed version of legal positivism: the judge's personal stance does not matter at all because everything is to remain subordinated to legal procedures and a strict separation between legality and morality. See Dworkin's (2008) *Justice in Robes* for a different account of juridical impartiality. See also Habermas (2003b: 264) on the limitations of a judge model of justice in modern societies.

actualisation – Boltanski has already made a major contribution to philosophical sociology as I am trying to delineate it in this book – even if he appears reluctant to acknowledge its implications in full. There are in fact several instances where Boltanski not only acknowledges that conventional understandings of the normative are insufficient but also criticises sociologists' unwillingness to move beyond formulaic conventions:

the very fact of giving full scope to the normative dimension of human behaviours or, on the contrary, the fact of claiming to absorb this dimension in arrangements of a different type, is what constitutes the chief dividing line among the various tendencies of the social sciences. (2013: 235)

Indeed, Boltanski's own sociological practices show a complicated and not fully reflexive relationship between description and normative.

The following statement, for instance, can hardly be construed as neutral in the sense that, in his book on abortion, his position leans towards its normative rejection: abortion is 'both necessary to conceptualize human difference and also, through the *arbitrary* violence that it exercises, *unjustifiable*' (2013: 6, my italics). As he expands on this point later on in the book, the argument is elaborated on as follows:

the fact that abortion was an act of *violence committed* on a being that had some relation to 'humanness', however difficult it might be to qualify, *could not be completely set aside* with a sweep of the hand, even if countered by the violence – patently obvious in this case – done to women when abortion was practised under clandestine conditions. (2013: 166, my italics)

These are instances where Boltanski makes apparent his own struggles in bringing together his scientific commitment to neutrality and his personal uneasiness with the practice of abortion: does this wholly contaminate the results of his work? Not necessarily, but it does make difficult reading in relation to the opening statements about the neutrality and a sociology of moral facts rather than a moralising view of sociology. Boltanski argues that an adequate conception of the human is both social and organic at the same time, but his normative hesitations on abortion ultimately depend on his resort to a mild form of ethical naturalism: abortion is to be accepted but cannot be justified because the claim that foetus and human being share an *organic* continuity is more fundamental than the differences in the sociocultural space they occupy. It is only on this ground that a tension can be construed as to whether, for medical practitioners, the patient is the woman or the foetus. Because it presupposes the at least *partial* humanity of the foetus, an imputation of fiduciary responsibility from medical practitioners towards the foetus is built into his sociological description of abortion. In fact, the book on

abortion shows with particular lucidity the *methodological* dimension of my idea of philosophical sociology: our normative choices in society are fundamentally informed by (pre)conceptions of the human, and the more we take questions about the human status of the foetus into consideration, the harder it remains for sociology to uphold only to its scientific dimension. Because at stake is the possibility of *social manipulation* of a being whose very human status is the object of controversy, this challenge cannot be resolved in cognitive terms alone: it requires threading also, and very carefully, in normative terms.

The criticism against too strict a separation between description and normativity can also be construed differently. If the reflexive capabilities of lay actors and social scientists are only to be distinguished as a matter of degree, we then ought to accept that we all get our orientations in the social world in the midst of a highly complex composite of descriptive puzzles and normative challenges. We may remain unable to make *definitive* normative arguments – accepting the legitimacy of a practice still does not amount to being able to justify it as a value – but then capturing this normative complexity is itself central to understanding how people's lives are actually experienced in their own lifeworlds. It is not so much whether we can or are able to clearly distinguish between the two but that, in the most important moments of our lives, this is not what we want to do nor, indeed, what we should do; too neat a separation between them becomes *neither feasible nor desirable*. Differently put: if justifications are central to what lay actors do in their own lifeworld and sociology has no epistemic privilege – why should sociologists not be putting normative arguments forward? Once again, the pervasiveness of normativity in society mirrors its pervasiveness in our own conceptual and descriptive propositions in the social sciences.

To an extent, Boltanski's (2013: 58, 194) own recourse to a phenomenology of moral categories here is exemplary (though far from unproblematic): he treats people's experiences seriously and reconstructs them first in their own terms and only then in a language that allows for greater theoretical articulation. But then he stops precisely at the point of having to do what actors do in their own lifeworlds: people do not stand back and refrain from normative assessments but rather thread, more or less successfully, more or less skilfully, over the complexities that connect both stances. This is again where our professional expertise in reflexivity does not grant any form of epistemological privilege but may become particularly useful. A sociologist's training may help her clarify the presuppositions and implications of competing approaches, how the tensions between individual and social goods are articulated and, crucially for my argument in this book, the implicit conceptions of the human being

from which different arguments draw support. The kind of sociological descriptions that we are after are meant to be able to grasp those issues that people experience as sensitive, emotional and ultimately difficult to resolve in their very complexity: we need to develop a clearer sense of what *normative descriptions* may actually look like (see Chapter 2). What Boltanski's study on abortion makes particularly apparent is that we respond to issues related to our shared humanity in its dual organic and ideational side: from intimate to state-sanctioned violence, from religious beliefs to the organic continuities between different forms of beings, they ultimately make visible the tensional relationship between our anthropological constitution and the social and historical forces within which they find instantiation.