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## 5 Being Concerned

### For a Political Rehabilitation of an Unwelcome Affect

*Emmanuel Alloa and Florian Grosser*

#### 1. Being Concerned: An Unwelcome Affect

The question of the role and significance of affects in politics is as old as political thought itself. If the rules of societal coexistence are at stake and decisions that directly impact the conditions of individual existence need to be made, it is hardly surprising that heated discussions break out and that passion comes into play. Yet, there is a broad consensus that, generally, affects must be kept at bay if decisions are to be sustainable and in the service of the common good. Where affective concernedness, where dismay or anguish, is turned into a political currency and where democracy comes down to a matter of stronger nerves, doubts crop up regarding whether democracy can keep its inherent promises. Based on appeals, to gut feelings or agitation alone, policy-making and governance – let alone good governance – become unachievable. Whoever acts in the heat of affects is under suspicion of being guided by resentment and of losing all grip on reality. Against the background of the experience of totalitarianism in the twentieth century, this consensus has increasingly solidified. Consequently, politics is to be transformed from an arena of unleashed emotions to a forum of sober negotiations, in which rational arguments supersede affective outbursts.

Over the past years, the situation has shifted slightly. The topic of affects is again on the agenda of political theory. This renewed interest has to do with specific phenomena in contemporary politics. The resurgence of ideological fanaticism around the globe, anti-immigration movements, the *Brexit* referendum in the United Kingdom, or the last presidential election in the United States have forced adherents of "constitutional patriotism" and representatives of normative "ideal theory" to confront anew the question of the relation between the political and the emotional. In light of such phenomena, debates in both political science and political philosophy show an increased interest in the role of "political emotions." In the context of these debates, the discipline of so-called *affect studies* has firmly established itself. It is particularly in view of circumstances that have been described as "post-political" that

the renewed interest in the study of affects seems to remedy the prevalent broad skepticism toward and disenchantment with the political system and its leading representatives. Under the heading of the *thymotic*, some theorists celebrate the role that rage and outrage play in democracy and even go so far as to defend the concept of populism in spite of its negative connotations.<sup>1</sup> However, within this contested theoretical and political field of discussion, one concept is missing, which this chapter aims to reappraise: the notion of *concernedness* or *being concerned*. By this notion, we refer to the fact that subjects are not only sources of volitions (interests) and bearers of rights (competences) but, first and foremost, sites or targets of affections: They are concerned *by* something long before they are concerned *with*, concerned *for*, or concerned *about* something, i.e., long before they articulate demands, issues, or claims. In critical dialogue with current debates about social ontology, the priority we give to a state of concernedness in this sense (or to being as being concerned) aims at uncovering a dimension in the structure of intersubjective experience that is often overlooked.

Before spelling this out in the second part of the chapter, however, we must investigate a number of important caveats related to the idea of considering political agency from the vantage point of “being concerned.” As a matter of fact, the concept of concernedness is used very rarely by thinkers today. One might conjecture that the term is tied to a situation characterized by lack of movement and agency, as it were. It is therefore seen as incompatible with notions of a disputatious and “battlesome” democracy. In addition, concernedness is associated with a state of being emotionally seized, a reaction induced by sensationalist media coverage. As reports of catastrophes become more frequent, a mediated public is forced into a reverent, deep concern. Political involvement, understood as active participation, is thus replaced by emotional involvement and by expressions of compassion that ultimately remain inactive. What Hannah Arendt refers to as a “politics of pity”<sup>2</sup> is superseded by new, tendentially depoliticized forms of delegated suffering. The suffering of others, of strangers, impacts us emotionally, inspires concern, but it ends there. With the sociologist Luc Boltanski, one could even speak of a peculiar detached form of emotion, of concernedness at a distance. On the level of emotion, media consumers only allow themselves to be affected by suffering that occurs far away (cf. Boltanski 1999); their compassion is limited to forms of life that do not touch their own existences. In addition, one could also speak about telematic voyeurism, as outlined by Susan Sontag, not to mention “poverty porn,” as the latest manifestation of a form of journalism and art devoted to concerned dismay (cf. Sontag 2003; Emcke 2013).

If, as some assume, an “affective turn” has indeed taken place, it differs significantly from the emphasis on outrage in the context of the 1968 counter-cultural revolts, which are widely viewed as anticipated

and informed by Theodor Adorno’s considerations on *Betroffenheit*, typically translated into English as “concern.” While Adorno elaborates a morality of concern as a radical alternative to the Kantian ethics of duty – a morality according to which respect and solidarity are no longer based on rational insights but (cf. Adorno 1973, 361–408) on the recognition of the fact that bodies can be violated and tortured – its critics describe it as expressive of a hyperbolic negativism. In his *Critique of Cynical Reason*, Peter Sloterdijk denounces what he sees as the masochistic tendencies of the Frankfurt School that he holds unable to conceive affects independent of an “a priori of pain.” The English counterpart of *Betroffenheit* – “concernedness” and “concern” respectively – is similarly ambivalent. For instance, the contemporary Tea Party movement in America has described itself in terms of a “Coalition of the Concerned.” According to this self-description, it challenges the established party system – and, with it, underlying notions of political legitimacy – by enabling citizens to take their political fate into their own hands. Similar self-designations can be found in the context of vigilante groups along the American-Mexican border or of Christian conservative groups in New Zealand and elsewhere that, triggered by feelings of worry and a sense of threat, advocate for a restrictive legislation with regard to abortion or same-sex marriage.

A preliminary conclusion: Especially when deployed as a driving force for political action, concern/concernedness has a poor reputation. Applied in the manner mentioned earlier, it presents itself as inextricably tied to personal or group-specific sensitivities, moods, and interests and, thus, as an unsuitable starting point for broader, more inclusive forms of collective agency. Largely detached from tangible threat and objective suffering, such “felt” coalitions and communities of the concerned are often characterized by what Rahel Jaeggi refers to as “blockages of experience,” accompanied by resentful, aggressive attitudes of walling-off (cf. Jaeggi 2015). This brief sketch shall suffice to indicate why the concept is under intense scrutiny.

If affects have carefully been rehabilitated in recent political and politico-theoretical debates, this certainly does not apply to all affects comprehensively (nor to all rehabilitated affects to the same degree). By all accounts, concernedness has not been included among the affects deemed relevant to democratic politics. Diametrically opposed to the marginalization of *affective* concernedness, the *juridical* understanding of concernedness – i.e., the notion of certain rights being granted or refused to those who are affected by decisions – is seen as central to such a politics. Paradoxically, the latter form of concernedness is even invoked in order to limit potential political demands that appeal to the former. To prevent democracies from being turned into systems of escalating indignation, the principle of democratic control is cited. What concerns everyone must be approved and assented by everyone. Insofar

as conceptions of constitutional democracy refer back to a juridical concept of concernedness, one variety of concernedness has for its purpose the taming of another variety.

The subsequent considerations aim at examining the semantic field of “concernedness” as to its political contents and implications. This field unfolds between an understanding of the concept in terms of affect (i.e., concernedness as an “interior” emotion) and an understanding of the concept in terms of affectivity or affectedness (i.e., concernedness as an “exterior” experience). It is with an eye to democratic legitimacy as well as – and this is the main focus of our considerations – democratic community that we seek to determine both the limits and the capacities that the concept of concernedness brings with it. In a first step, we critically trace politico-theoretical approaches that primarily grasp concernedness juridically and that reject it as a democratic principle either on the basis of normative arguments or with reference to a lack of practicability (section 2). Drawing on the phenomenological tradition, we subsequently examine approaches that, by contrast, develop understandings of concernedness as affective when assessing its significance in the context of processes of subject constitution (e.g., in the work of Emmanuel Levinas) and of community constitution (e.g., in the writings of Bernhard Waldenfels and Roberto Esposito), respectively (section 3). In a third step, we discuss the role of concernedness in relation to predominant conceptions of political community (section 4), which, as we show, essentially depend on the notions of shared interest (i.e., contract-based), shared identity (i.e., value-based), or shared exigency and need (i.e., emergency-based). It is against these prevalent conceptions that, in a final step, we outline an alternative understanding that makes it possible to rethink concerned communality in terms of responsiveness (section 5): In light of selected examples (e.g., recent protest movements), it is our task to specify criteria which can help to identify the kind of responsive communities that emerge from shared concernedness.

## 2. Concernedness and the Foundation of Democratic Constitutionality

In contrast to affect-guided forms of politics, the constitutional state, guided by the rule of law, is seen as the central institution that secures access to and the free exercise of rights. A constitutional regime is considered democratic if its legitimacy is based on popular consent, i.e., if the people is understood as the sovereign source of state authority. However, this view itself is in need of justification. Its justification generally has the following form: Those who are affected by government decisions should (directly or indirectly) participate in the process of democratic decision-making. Insofar as sovereign authority is founded on popular self-determination, the principle of concernedness is recursive. Those who are

concerned by decisions are to participate in the decisions that concern them and by which they express and exercise their self-determination. If democracy essentially consists in collective self-determination, the term does not designate a certain form of government but, rather, a property that different regimes and decision-making processes have in common. A valid claim to co-determination results from concernedness. The condition that one will be subject to the decisions once they are made leads to the right to participate in the preceding negotiations. Accordingly, all negotiation processes could be deemed democratic that grant the right to participate to people whose interests are concerned in a fundamental way. It is for this reason that concernedness thus understood is considered a central normative principle of modern liberal democracy.

In fact, one can argue that the principle of concernedness is as old as European legal thinking. Medieval legal systems know the formula *quod omnibus tangit, a omnibus tractari et approbari debet*, “what touches all must be treated and approved by all” (cf. Post 1964). It can be traced back to a similar formulation in Roman law where it is primarily applied to private law.<sup>3</sup> As a valid criterion for political legitimacy, it comes into force in the context of modern constitutionality. While thinkers such as Hobbes, Locke, or Rousseau primarily understand concernedness as a *virtual* or *hypothetical* principle – i.e., along the lines of the consideration “if they acted in accordance with their self-interest, those concerned would have approved and assented” – it becomes *real* the moment concrete procedures of supervision and mechanisms of participation are at stake. The principle also plays a significant role in utilitarianism where it is thematized in the active notion of “concern” as well as in the more passive notion of “concernedness.” According to utilitarian thought, the quality of a form of government is measured by the amount of good it produces (i.e., by how much it increases happiness/pleasure and decreases suffering/pain) and that it provides for those who, living under this regime, are concerned. However, Jeremy Bentham already acknowledged how difficult it is to determine the exact radius of a regime’s impact and, thus, the exact scope of those concerned; it is only possible to make estimates by taking into considerations “those whose interests *seem* most immediately to be affected.” (Bentham 2000, 32; emphasis by the authors) John Stuart Mill, in turn, saw a political system that gives priority to those who are concerned as advantageous for two reasons: It reduces the dangers of paternalism and exclusion and enables more qualified decisions since “in the absence of its natural defenders, the interest of the excluded is always in danger of being overlooked: and, when looked at, is seen with very different eyes from those of the persons whom it directly concerns” (Mill 1975, 167).

“Concernedness” – as well as the related notions of “interest” and “affectedness” – thus count among the foundational concepts of democratic constitutionality. To give but one prominent example, this finds

expression in Jürgen Habermas's definition of the democratic "discourse principle," which he defines as follows: "Just those norms are valid to which all possibly affected persons could agree as participants in rational discourses" (Habermas 1996, 107).<sup>4</sup> It is here – i.e., with respect to the problem of the "circle of a polity's groundless discursive self-constitution" (Habermas 2001, 774) – that questions arise anew about how precisely concernedness is to be grasped and about whom specifically is included among the "concerned." Among other things, the underdetermined character of the concept leads to difficulties in the context of the law. Although certain legal discourses repeatedly refer to the concept of concernedness,<sup>5</sup> the seemingly unproblematic derivation of justified claims to participation from concernedness in democratic theory turns out to be untenable from a juridical vantage point. For when the right to participate is claimed by invoking the category of concernedness, this is not based on general principles of sovereignty but on special interests of those who are (or who present themselves as) concerned. In Germany for instance, the Constitutional Court issued several judgments in which concernedness was rejected as a legal foundation for decision-making power. It was argued that, otherwise, the central democratic notion of civil equality could be undermined.<sup>6</sup>

The concept of concernedness has received renewed attention in debates on post-national political order. For instance, David Held holds that, corresponding to shifts in geopolitical power relations, a shift in the "nature of constituency" becomes increasingly apparent. This shift, he argues, leads to a reevaluation of "domains and groups significantly affected" (Held 1995). The talk is of new, post-national, sectorial *demos* or "post-Westphalian" public spheres. In a much-discussed contribution to these debates, Arash Abizadeh suggests that issues of migration and border politics in particular should not be negotiated and decided by sovereign decision-makers of so-called receiving states alone. He argues that those who are primarily concerned by border politics and policies – and this means migrants themselves – can justifiably claim certain participation rights too (Abizadeh 2008). What comes into the critical focus of such analyses that spell out concernedness either in terms of *subjection* or in terms of *affectedness* is the central position occupied by "the citizen" and "the people" in modern political thought and, in particular, in social contract theory. Under contemporary conditions of large-scale migratory movements, these authors argue, the legitimacy of democratic systems can no longer be determined sufficiently on the basis of the constellation of citizen-people-state alone. Against the privileging of the contingent category "citizen," which in its current form perpetuates global inequalities in today's world, they propose to open and expand democratic political subjectivity and agency by including the "subjected" or "affected." For theorists who argue for the "all-subjected principle," "the people," understood in a genuinely democratic sense, does not only include those

who, typically qua birth, have citizen status. Instead it is composed of all those who find themselves within the reach and influence of a state's authority, no matter if they are citizens or not. Whether and to what degree a political system can be seen as democratically legitimized consequently does not depend on its treatment and consideration of its own citizens alone. It depends on its relation to all those who are subjected to its authority as it manifests itself in coercive measures and coercive threats.

The attempt to reconceive the *demos* as "in principle unbounded" and to develop new, justified claims as to (partial) political participation is taken a step further by proponents of the "all-affected principle." Theorists like Carol Gould, Iris Young, David Held, and Nancy Fraser<sup>7</sup> aim at detaching democracy even more from the traditionally central notions of the state and of the citizens' self-determination exercised within its borders. According to their approaches, participation rights can be claimed by all those who are affected by the decisions of (state, intra-state, or supra-state) political institutions. Thus, genuinely democratic forms of organization can no longer be derived from relations of membership but must be determined in accordance with the concrete shape and constitution of power relations. With respect to the democratic "people," this leads to a moving image, according to which *demos* keep (re-)constituting themselves on the scale of the local, the national, or the global in correlation to the decisions and measures by which they are affected.

Theorists who support the "all-subjected principle" can draw on a variety of similar approaches in the history of political thought – ranging from classical positions in social contract theory to Hannah Arendt's reevaluation of "residents" or "habitants" as a more inclusive alternative and corrective to the category of the "citizen" (cf. Arendt 2017) – that seek to derive rights of protection and rights to participation from the individuals' being subject to state authority. In addition, they can invoke the history of political struggles, in which substantial democratic gains have been made with implicit or explicit reference to the principle of concernedness. The revolt of the American colonies against the British occupying power or the assertive realization of universal and, in particular, women's suffrage are but two cases in point.

Yet, there are strong arguments to the effect that linking democracy to the principle of concernedness is neither workable nor desirable. Even though it is acknowledged that this principle can have diagnostic, critical value (cf. Näsström 2011), the objection is raised that its usage as a positive, constitutive principle of legitimacy opens Pandora's box (for an early critical discussion cf. Dahl 1970): Although a referendum on Scottish independence would not only concern or affect the population of Scotland but would have considerable consequences for the population of the entire United Kingdom, a referendum is only held in Scotland. And although it would primarily concern or affect the inhabitants of

developing countries, if Switzerland cut its developmental aid programs, it would be difficult to cogently reason that developing countries get to decide upon the Swiss budget for such programs. In other words, the argument of concernedness or affectedness in itself cannot be a sufficient criterion for making valid claims as to codetermination and participation or even to holding decision-makers accountable. It is argued that applying concernedness without any further criteria allows for one conclusion only. This is based on the notion that in one way or another everyone is concerned or affected by everything (the so-called butterfly effect). Political processes would thus become ultimately impossible as a result of the vast, unsurveyable number of competing and conflicting claims. It is thus suggested that the minimum requirement for making sense of and working with the concept of concernedness would be its differentiation as to *kinds* and *degrees* of being concerned (e.g., based on the question whether vital needs, legal and political rights, or opportunities for consumption and lifestyles are at stake).<sup>8</sup> In addition to objections to the notorious indeterminacy (or fundamental indeterminability) of the *demos*, it is further criticized that the application of the concept would ultimately lead to undemocratic shifts of power in favor of those who get to decide what exactly constitutes a case of relevant concernedness.

However, all these more or less critical approaches to concernedness strike us as problematic and, in the last analysis, misleading because they frame the debate in exclusively juridical terms and thus reduce concernedness to a matter of attributing rights to (or withholding rights from) individuals. If, from the outset, concernedness, mediated by claims to participation, is used in order to legitimize democratic constitutionality or the lawfulness of democratic decision-making procedures, it is always already seen from a juridical point of view. While concernedness still implies considerable affective moments in Bentham's or Mill's utilitarian theorizing, this is no longer the case in theories of sovereignty. Since it cannot be determined normatively in a sufficient manner, it is no longer considered a valid criterion for claims regarding the right to participate. More importantly, and this is at the center of the following considerations, concernedness ultimately challenges and goes against the principle of state, popular, and individual sovereignty.

As the discussions show, popular sovereignty cannot be derived from concernedness cogently. Sovereignty is a matter of justification, not of impact. If, for instance, Arturo Toscanini should decide to retire from his position as chief conductor of the New York Philharmonic Orchestra, the members of the orchestra would be seriously concerned or affected by his decision. And yet, they would not have any right to (co-)determine whether Toscanini retires or not – here, the decision is entirely up to the sovereign individual.<sup>9</sup>

If concernedness fails as a reliable criterion for identifying claims to participate in decision-making processes, the question remains as to

what other concepts might be worth considering. At first sight, all those who are *members* of a specific political order or a distinctly organized political entity could reasonably voice such a claim. However, in modern constitutional regimes, this does not apply unrestrictedly. For example, the realm of fundamental rights, which states institutions are required to protect and preserve, is excluded. Thereby, constitutional jurisdiction is seen as a bulwark against a “politics of affect,” always prone to eruption (e.g., when citizens demand the reintroduction of capital punishment in reaction to the day's events). In such cases, citizens are no longer considered competent. Instead, sovereign decision-making power rests with non-participatory institutions such as courts of law, expert commissions, or parliamentary committees. The principle of participation is thus unequivocally limited: *Not everyone* is supposed to comment and express herself – and *not on all matters*.

In this way, concernedness is superseded by (limited, exclusive) competence, which decides who gets to make specific decisions. This creates a paradoxical situation. While concernedness was first dismissed as a valid criterion for participation since it violated the principle of equality, it now seems to lead to a different form of inegalitarian partiality since it empowers a select few to make decisions due to their presumed qualification and expertise. This objectivity of expertocratic judgment insinuates that recommendations are given and decisions are made by persons who, while responsible due to their qualified competence, are not concerned affectively.

What remains for concernedness is a realm that is considered, by and large, practically irrelevant. It is reduced to compassion at a distance while actual political responsibility, competence, and agency is situated elsewhere and delegated to experts; from the outset, both its site and scope are normalized. Whereas concernedness is, on the one hand, transformed into privileged competence, it is, on the other, reduced to impotent spectatorship. However, over the past years a variety of political developments and movements have occurred that challenge this polarization between the exclusive competence of qualified experts and the compliant indignation of emotionalized monads. It is against the background of normalized or merely symbolic concernedness that we now seek to examine to what extent the category of concernedness has the heuristic potential to grasp such phenomena. Drawing on the phenomenological concept of responsivity, we attempt to describe contemporaneous forms of community formation that are triggered by shared experiences of concernedness in terms of “responsive communities.”

### 3. (Co-)Affectedness: Forms of Shared Concernedness

Attempts to identify approaches within the phenomenological tradition that can explain collective meaning as well as community formation for

the most part have depended on the idea of applying Edmund Husserl's individual-subjective analyses to questions of inter-subjectivity. One highly differentiated field of research examines how far the intentional structure of consciousness can be transposed to groups so that one can speak of "collective intentionality."<sup>10</sup> However, we do not want to pursue this path here. Instead, we draw on another point of departure that plays an important role in the context of a different theoretical tradition, namely on Husserl's notion of "original impressions" (*Urimpressionen*), which are situated on a pre-predicative level. One of the earliest readers of Husserl in France, Emmanuel Levinas (who provided an early translation of the *Cartesian Meditations*), developed a groundbreaking reinterpretation in examining the *urimpressional* structure of consciousness that, albeit in mediated ways, proved to be relevant for social theory too. Where Husserl assumes that "original impressions" are the epitome of the immanence of consciousness (namely as far as they stand for the *auto*-affection of consciousness), Levinas recognizes signs of a constitutive *hetero*-affection that precede higher capacities of consciousness. (Levinas 1998) Accordingly, transcendence in the sense of an excess toward an outside does not only occur through intentional references, but already emerges on the level of the most basic affective structures. Such forms of affection that are not constituted consciously but set consciousness in motion exhibit an alteritarian structure. For Levinas, this means that at the core of identity we always already find traces of alterity, that the self always begins outside of itself. This alteritarian perspective opens up an alternative strand of thought within which thinkers like Merleau-Ponty and Sartre can be situated. The alteritarian structure of consciousness is extended to external experiences of all kinds, to experiences of otherness and, with that, to experiences of other subjects. As Sartre observes, "we encounter the Other; we do not constitute him" (Sartre 1978, 250). The Other, for Merleau-Ponty, enters one's field of perception laterally and affects one from there without ever becoming a *Gegen-stand* (literally, something that "stands against"), without ever being graspable as an object (Merleau-Ponty 1973, 86, note).

Yet, it is Levinas who develops the most radical critique of an egological foundation of consciousness as he uses the idea of a universal original affection (*Urhyllê*) in Husserl's late works to think of the moment of non-intentionality in terms of an onset, an incursion of an unassailable outside (Levinas 1986, 345–359). For him, this is a matter of being hit or struck that precedes every conscious realization and that cannot be transposed into such a realization. Qua affectedness by an overwhelming external, foreign form of address or demand, the receptive capacities of consciousness are always already exceeded, which is why affectedness can no longer be understood as receptivity. Instead, it is now described as a primordial passivity that is prior to the alternative of activity and passivity. Insofar as the address or demand of the Other, in crossing and

countering all intentionality, thwarts anticipation or "protention," it is unassailable in two respects. First, it is unassailable because the demand only finds expression in the response that is given to it, because in its logical (rather than chronological) precedence it has always already passed. Second, it is unassailable because one categorically cannot do complete justice to such a demand due to its excessive character. (Levinas 1981) There is a fundamental asymmetry between that which is demanded and that which is given in response. However, the fact that demands of this kind cannot be satisfied does not mean that it is possible to decline them. In his continuation of Levinasian thought, Bernhard Waldenfels has made clear wherein the inevitability of responding consists. Demands that occur in different forms – e.g., in the variations of an explicit address or a silent gaze – impact me independently of my volitions and undermine the opposition of "is" and "ought." Following Levinas, one is thus confronted with a fundamental "non-indifference" toward the Other. Although it is within our discretion *how* we respond, it is not up to us to decide *whether* and to what (or to whom) we respond. This is what Waldenfels refers to as a responsive double-bind. We cannot *not* respond, for even in looking away or in overhearing the uncomfortable address, demand or appeal is implicitly confirmed. In this sense, what is valid for the double negation in logic also applies to the structure of address by the Other. It is an expression of necessity; the address of the Other is characterized by its inescapability, its pervasive not ceasing or not going away (*ne-cessitudo*) (see Waldenfels 2002b; Waldenfels has elaborated on these notions in Waldenfels 2002a).

This brief sketch cannot do justice to the far-reaching implications of Levinas's theory of subjectivity. This, however, never was the aim in the specific context of our analysis of *political* concernedness, for which it is relevant to examine how certain forms of responding can be critically illuminated with the help of Levinas. If demands of others are rejected based on individuals or institutions declaring themselves to be "not responsible" or "not accountable," the leap across categorical boundaries becomes apparent. Claiming judicial "incompetence" and contending to be unconcerned by such demands may well be legitimate legally; yet, such claims enter too late if one seeks to retrace the logic of concernedness. If remaining deaf to the Other's demand only confirms that it has been heard, one must say that the unconcernedness displayed on the surface testifies to a more basic affective concernedness. For Levinas, the ethical demand is extensive as responsibility is not only "assumed" and "accepted" for those one is responsible for legally (as in the case of wards or guardians) but must be shouldered *for all* in the name of an unconditional hospitality. With Levinas, one can thus criticize the juridicization of the ethical in all cases, in which existing positive law is invoked in order to either deny responsibility or, conversely, in order to claim to be speaking for another person in the name of such law, thus patronizing her qua legal

representation. The picture drawn here is one of twofold arbitrariness. In suggesting that being concerned or not is entirely at the discretion of the individual person, it insinuates that the subject can freely decide *that* and *by what* (or *by whom*) it is concerned, *that* and *for what* (or *for whom*) it takes responsibility.

As has been pointed out by various commentators, Levinas's almost hyperbolic emphasis on alterity can present an obstacle when it comes to transposing his ethics to the field of social theory. This is largely due to his focus on the experience of (dual, "face-to-face") inter-subjectivity, which initially leaves aside the validity of social institutions and norms. Yet, a number of recent attempts at such a transposition indicate how moments of socialization can be conceived once the figure of the other Other, referred to by Levinas as "the third," is taken into consideration (Delhom 2000; Bedorf 2003; Vanni 2004; Zeilinger 2010). What is added to the twofold unassailability mentioned earlier is a third aspect. Not only is it impossible to adequately respond to the Other's demand – as only finite responses can be given to an infinite demand – but the manifold, often competing, demands that originate in a *plurality* of Others necessitate choices that inevitably neglect many such demands. Against the foil of these demands – most of which can never be satisfied, let alone satisfied sufficiently – decision must be taken, for which responsibility needs to be assumed in turn (Flatscher 2011).

Decisions of this kind, however, are rarely taken alone. They are instead already situated within the horizon of collective negotiation. In contrast to a legal tradition that sharply delimits and partitions responsibility, what is decisive in such attempts at justice is their (re-)connection to events that have provoked them and brought them about. This implies that collective decisions and resulting actions cannot only be located at the level of deliberative discourse and debate. Analysis thus has to begin at an earlier stage. For instance, it must be presumed that concernedness occurs under conditions of sociality; that affectedness is already to be understood as co-affectedness.

While Levinas couples affectedness with transcendence experienced by singular subjects and, thus, situates it in the horizon of the individual, there are troves in Martin Heidegger's writings that mark the experiential context of concernedness as one that is communally constituted. Although the pertinent remarks are scattered across his work and often have the character of mere allusions, Heidegger's renewed reflections on "being-with-others" – reflections that, starting in the mid-1930s, led to certain revisions of his earlier, politically eminently problematic approaches to community – indicate how affective concernedness can be understood as an original moment of community constitution. Even though affectedness, in the context of Heidegger's analyses of *Befindlichkeit* (translated into English as "situatedness," "where we're at-ness," "attunement," or, as recently suggested by Jan Slaby, "findingness") in *Being and Time*, is

explicitly determined as "more than a feeling" and, thus, unequivocally demarcated against psychological interpretations in terms of an individual subject's internal state, its transindividual aspects remain underdetermined.<sup>11</sup> However, this changes noticeably in Heidegger's later works such as, e.g., his interpretations of Hölderlin. There, "the political" – i.e., willful decision-making by individuals or collectives – is no longer presented as essential for the "founding and building of the *polis*" (Heidegger 2000, 112). It is instead related to the experience of "the excess of destiny and its dispensations," (ibid.) of "the shock of being struck," affected, or concerned,<sup>12</sup> which is now identified as enabling the formation of community. Preceding "the political," this experience of being concerned does not end at the limits of separate individual horizons but refers individuals to a shared horizon and to one another. The notion of a community out of concernedness also takes shape in Heidegger's considerations on the "thing" with its inherent "gathering" power. Again, the essential impulse for community formation is not conceived in terms of deliberation and decision, will and choice but in terms of the experience – in the sense of *Widerfahrnis* or *Zu-fall*, of an accident – of a prior being "be-thinged" or conditioned (*be-dingt*), of a pre-contractual being addressed, which can be taken up responsively (cf. Heidegger 2012). In his recent book, Bernhard Waldenfels has further elaborated this line of thought (cf. Waldenfels 2015, esp. 55–59 and 93–109). In critical discussions of Heidegger's concept of "being-with," he shows how affectedness or concernedness by shared experiences is constitutive of a communal "we" consisting of "co-patients." That is to say that others do not appear as fellow-subjects of collective decision-making at first but as those with whom one is (co-)exposed to and (co-)affected by the experience of a "bodily compassion." On the basis of this analysis, Waldenfels suggests that responsivity can no longer be described adequately on the level of individuality either. It now must be understood as always already shared with others. For this shared, common responsivity, he coins the term "co-respondence."

Roberto Esposito's reflections on community pick up crucial moments of these approaches – especially their emphasis on the impossibility of tracing the emergence of community back to acts that spring from subjective sovereignty and intentionality – and transpose them into an explicitly political register (cf. Esposito 2009). Two traits of the communal are at the center of Esposito's analyses, developed in critical examinations of the works of Hobbes, Rousseau, Kant, Heidegger, and Bataille. Rightly understood, *communitas* has no foundational starting ground to be defined in terms of "natural," organic or historical belonging, affiliation, and cohesion. Thus, it cannot be conceived as something that is one's "own," as a "property" or "possession." Neither can it refer to a destination or end point that safely orients its endeavors. By extension, melioristic ideas of achieving freedom and equality, fairness and justice through



discourse as well as nostalgic notions of loss and retrieval, alienation and re-appropriation, cannot endow community with secure substance and unity. Of unfounded, “abyssal” origin and constantly involved in movements of search and exploration, community proves to be a continuous “chain of alterations that cannot be fixed in a new identity” (ibid., 138). Contrary to predominant approaches in political theory, the *cum* or “with” is not characterized by plenitude but by a constitutive lack. On Esposito’s account, this “void” constitution of community is already reflected in the etymological origin of *communitas*: The word does not denote any kind of common ground (of historical descent or ethnic belonging) but a collective *munus* (i.e., a “task,” “duty,” or “office”). It is through the prefix *cum* that it designates a challenge that must be taken up, a service that must be rendered together with others. What in the original Latin finds expression in the word’s second component, *munus*, is the idea that community is to be understood as an obligation to be met, a commitment to be fulfilled, a task to be performed; it thus signifies a gift to be made without any prospect of compensation, a duty to give which concerns and “affects”<sup>13</sup> individuals immediately, i.e., without any prior possibility for reflection, decision, and choice. Accordingly, the individual does not enter the community but finds herself caught in the field of force of a common demand that refers her to others and that imposes an obligation on her. This forceful demand, which is not free of certain coercive, even violent traits, can only be limited and turned down by individuals through a procedure that, though most familiar in bacteriology, originates in the legal field: the procedure of “immunization” (cf. Esposito 2011). An individual can break free from this common obligation if she isolates herself in the literal sense of *im-munitas*, thus asserting her independence. Legally, immunity stands for a privilege since it describes the situation of an individual that is “exempt” from the laws (*privilegium* is composed of *lex*, “law” and *privus*, “separate”). According to Esposito, the logic of immunization has accompanied the history of political formations from the beginning. Today, it becomes manifest as a controversial issue at the center of debates on biopolitics (cf. Lorey 2011).

However, the very moment the burden of the task of giving is taken on, it renders exemption impossible and ties those who are thus “affected” together.<sup>14</sup> Seen from the vantage point of the (*cum*-)*munus*, community cannot rest on preexisting interests or values that are shared and that therefore warrant clearly defined collective identity. On Esposito’s account, it initially presents itself as a “coincidence,” as an accidental falling into one – or, following Heidegger, as a “falling” (*Verfallen*) experienced together with others – that connects strangers who, apart from this coincidence and the resulting obligation, have “no-thing-in-common” (Esposito 2009, 141). On the one hand, this implies that community necessarily lacks any substantive (political, ideological, historical,

cultural, ethnic, etc.) common ground. On the other, it means that it is exactly this deficit, this abyssal void, which, in the last analysis, is owed to mortality,<sup>15</sup> that gives rise to binding forces and that becomes constitutive for community, i.e., a kind of community that is continuously under way, searching, and in (re-)formation.

This approach does not only discard conceptions that try to establish and justify community based on notions of the natural and organic; it also rejects models that define political community in terms of a contract. In fact, the idea of the gift is diametrically opposed to the logic of exchange, to the political economy of incentives and advantages, which finds its paradigmatic expression in the *do, ut des* at the core of the Hobbesian contract. This leads representatives of social-contract thought to suspect that any such concernedness by an obligation or task must be tantamount to disenfranchisement and heteronomy. From their perspective, Esposito’s *communitas* can only be perceived as an involuntary, coercive form of association. Even though, in the context of Esposito’s framework, autonomy can neither be considered as a valid explanation for inter-subjective association nor invoked as a normative criterion for justified communality, there are two important indicators which suggest that such suspicion is exaggerated and, ultimately, unfounded. First, one finds references to a tradition of thought, decisively initiated by Kant and continued by, among others, Heidegger and Levinas, which seeks to adequately determine the relation between heteronomy (which unquestionably shapes *munus* and concernedness) and autonomy. In their reflections on “command,” “call,” and “appeal,” respectively, the former constitutes the “before” of the (ethical) subject that only makes possible its subjectivation. However, this unavailable, exterior, ineluctably alteritarian “before” does not constrain, let alone block, autonomy but rightly understood, forms the ground and frame of its possibility.<sup>16</sup> Second, Esposito’s interpretations of Heidegger on “caring-in-common” and of Bataille on “common works” indicate how moments of autonomy are relocated as to their temporal position rather than superseded altogether. While concernedness by obligation, duty, and task, initially constitutive of community, remains inaccessible to autonomous control and decision, it opens up a range of possibilities for free, creative play with respect to how communal coexistence is realized by “caring” and “working” together. Since Esposito only discusses such possibilities in passing, we will have to come back to the question of what exact forms of freedom, creativity, and responsibility are consistent with a conception of community out of concernedness.

Despite this preliminary incompleteness, the philosophical grounding sketched out with the help Levinas, Heidegger, Waldenfels, and Esposito allows us to critically examine existing understandings of community out of concernedness in order to then explore alternative conceptions.

#### 4. Communities of Concern: Three Models and Their Limitations

What is the role played by concernedness, in the twofold sense of affect and “earlier” affectedness suggested here, in the processes of community formation? One of the objections to a contractual understanding of how political communities are formed is the observation that individuals do not form collectivities and societies based solely on a rational analysis of the benefits of membership but often build communities in reaction to emergency situations. For instance, the 2001 attacks on the World Trade Center in New York or the 2015 attacks in Paris evidently led to the citizens of these countries growing closer together. These and similar observations suggest that the moral-political *agents* so central to liberal theorizing are moral-political *patients* in the first place.

If, in the following, the contours of *responsive communities out of concernedness* are to be elaborated in more detail, such a concept first needs to be distinguished from other concepts of community that could also be categorized under the heading of concernedness. As discussed earlier, concernedness does not only refer to an initial affective situation but to a plurality of contexts in which questions of legal responsibility or interest-dependent relevance can be at stake. With a view to current theoretical debates, three dominant models can be identified in which concernedness is invoked explicitly, although in differing ways: 1) the *interest-based* community out of concernedness, 2) the *identity-based* community out of concernedness, and 3) the *reactive* community out of concernedness.

1. The *interest-based community out of concernedness* largely coincides with liberal theories of society. According to their conceptions of society that emphasize voluntariness, those persons agree to associate whose interests are or could be concerned. Interest-based communities of this kind are goal-oriented and presuppose the person’s free decision to enter the social contract with other consenting individuals (and, as a result, to have her individual autonomy and rights limited by political authority). Another important aspect of this model underlines that the participants themselves get to determine the boundaries between that which does and that which does not affect them.
2. The *identity-based community out of concernedness* overlaps significantly with communitarian approaches. What is central to these approaches is the idea of tradition- or value-based belonging. Thus, community is understood as something that individuals do not actively shape themselves; they are, instead, born into, interwoven in, and shaped by such communities. As a consequence, strong bonds of shared, collective identity exist between its members. If individual members of such an “essential” community, such as one based on

shared values, are concerned, the entire community is, therefore, also immediately concerned.

3. Finally, *reactive communities out of concernedness* fall into one with emergency communities, i.e., communal formations that emerge under the impression of acute urgency and need for action. It is in the aftermath of catastrophes or in situations of extreme vulnerability that persons associate: solidarity being the order of the day. Both the bond and the scope of such communities are predetermined by the specific demands of problem solving; such communities are limited insofar as, as a rule, they are not sustainable and dissolve once the emergency is overcome.

As much as these models of community out of concernedness differ from each other, they also reveal significant flaws. The first, interest-based model of concernedness is confronted with the question of whether individuals can freely decide what concerns them and what doesn’t. Within the intricate network of human affairs, examined with great precision in Hannah Arendt’s *The Human Condition*, interests are hardly ever a matter of free accord and agreement. Overlooking the conditions of *interesse*, i.e., of plural in-betweenness as Arendt highlights in her analyses, (Arendt 1998, esp. Ch. V) this model reveals questionable individualistic, rationalistic, and voluntaristic biases. Drawing on both Arendt and Levinas, Judith Butler, in her recent work, pointedly shows the potential dangers that accompany this model. Her considerations on an “ethics of cohabitation” make clear that contract theories, in suggesting that one can “will” and “choose” with whom one coexists, are tied to an understanding of freedom that leaves open the possibility of eminently violent practices of exclusion. On Butler’s account, the idea that obligations only exist with regard to those with whom one has consciously entered contractual relations problematically marginalizes obligations with regard to those with whom one is always already situated in contexts of (more or less immediate) “cohabitation.” For her, this marginalization of “pre-contractual” coexistence that precedes all willing and choosing can even result in the assumption that, based on the notion of the contract, one is entitled to decide “which portion of humanity may live and which may die”<sup>17</sup> (Butler 2015, 111).

The second, identity-based model is ambiguous for other reasons. Where essence and value are invoked in order to define community, it is obvious that a substantial ground must be presupposed. Although sufficient evidence for its existence can never be provided, such communal ground – conjured up in founding myths and other genealogical grand-narratives as well as in corresponding canons of values allegedly shared by all members – remains unquestioned. This particular variation on community out of concernedness, developed and defended in the works of Michael Oakeshott, Charles Taylor, or Amitai Etzioni, seeks to

(over-)compensate for the communal lack characteristic of instrumental liberal theories by means of a socio-anthropological excess; it therefore runs the risk of cementing a (perceived) status quo at the expense of possible change. Due to its appeal to “values that members already possess,” (Etzioni 1991, 148) Etzioni’s otherwise interesting concept of “responsive community” is a case in point.

Of course, (liberal) interest-based and (communitarian) value-based conceptions of community, informed by specific understandings of concernedness, do not have to be mutually exclusive. That these approaches can intertwine and even stabilize one another becomes apparent in, e.g., contemporary debates on the ethics and politics of immigration. In their attempts to justify the “right to exclude” – i.e., the right of democratic communities to unilaterally decide all questions regarding the admission and integration of migrants – David Miller and Michael Walzer emphasize the significance of both self-determination and cultural particularity (cf. Miller 2016; Walzer 1983, 31–63). Whereas the sovereign decision concerning inclusion/exclusion is identified as the core of communal independence, cultural factors such as language, way of life, or institutional system, typically spelled out on the scale of the nation, are taken to guarantee communal cohesion. This combination of identity of interests, preferences, and objectives and identity of traditions, values, and also sensitivities – and this can even include “anxieties, resentments, and prejudices felt by native citizens toward many (though not all) immigrants,” (Miller 2016, 159) i.e., the undeniably unwelcome affects mentioned previously – leads to sharp lines of demarcation between inside and outside, own and foreign, belonging and not belonging to the political community. Within these boundaries, moral-political “special relations” and “special obligations” that bind “members” together in a privileged, exclusive manner are constituted on this basis.

In contrast to conceptions of community that insist on continuity and static conditions, reactive communities out of concernedness run into a different problem due to their (over-)emphasis on exceptionality. The uprisings, strikes, revolts, and insurgencies of all kinds, often presented as paradigms of political community by representatives of this strand of thought, are mostly short-lived. Once the emergency that has triggered community formation is resolved, the collective quickly disintegrates again. Something that has addressed and affected people has been reacted to in a primarily negative manner, i.e., with the sole aim of jointly overcoming that specific challenge or obstacle. Because the forces that brought people together in the first place are quickly exhausted, one can conclude that the cause that brought people together is to be found in the past, not in the future.

Beyond these interest-based, identity-based, and reactive models of community – models in which community is under-determined, over-determined, and determined in a merely negative fashion, respectively –

now want to suggest an alternative model that avoids their shortcomings. This fourth model, presented in the subsequent section, takes up the socio-phenomenological insights of the previous section, which it seeks to reconsider in terms of *responsive* communities. What is central to this attempt is to think through cases in which that which has affected or concerned communities does not cease to be significant but, instead, has the form of an ever-approaching horizon of communal possibilities.

With this in mind, we will first turn to a few concrete examples that, in our view, can illustrate the concept of responsive communities out of concernedness. Against this background, we will establish a number of criteria that are typical for such communities in the concluding section.

### 5. Concerned by That Which Is “To Come”: On Responsive Communities

The following phenomena all seem to qualify as varieties of communities out of concernedness: the masses gathering on Cairo’s Tahrir Square, the movement of the *Indignados* in Spain, the protesters in Istanbul’s Gezi Park, the *Occupy* movement in New York and elsewhere, and the *Umbrella* movement in Hong Kong. Besides such broadly perceived, media-effective initiatives, one must also mention lesser-known cases in which concernedness appears to have triggered inventive forms of concerted action. For instance, one might think of *Prendocasa*, an Italian initiative that, primarily aiming at access to housing, occupies empty houses and administrative buildings, monasteries, and historical buildings (including some twentieth-century palaces), the maintenance of which is no longer subsidized by the government. In this initiative, “strangers” – i.e., individuals who do not have any substantial positive traits as to their identity or legal status, their preferences or belief systems in common – get together and work together in self-organized ways. What gives rise to communality is their involvement in shared practices of “house taking.” To only take up the politico-legal dimension of their “strangeness” or “foreignness,” elements of the common and communal that emerge between Italian citizens and permanent-resident aliens, migrants with temporary residence permits, along with “clandestine” migrants, can neither be traced back to “given” commonalities nor to commonalities that are established discursively (e.g., by means of an “overlapping consensus”). Such elements are instead made possible by an experiential space, in which “strangers” contingently find themselves confronted by others and, together with these others, by a challenge that affects all of them. Communal bonds are therefore the result of a plural co-presence within one experiential or problem horizon that can be grasped in terms of precarity and that manifests itself concretely in a wide-spread lack of (political, social, economic, and cultural) possibilities for (self-)expression and participation. In the case of *Prendocasa*, the

process of community constitution thus takes the form of a response in light of the specific problem horizon of precarious housing conditions, which cuts across the previously mentioned and other lines of difference. Tying otherwise unconnected individuals together, the precise scope and shape of this community in formation is only defined in this response, i.e., in the common project of struggling for living space as it unfolds. Since *Prendocasa* essentially involves inventing and experimenting with new forms of coexistence and political agency, occupying and squatting are not reducible to a merely pragmatic interest in having vital necessities satisfied. Beyond shelter and other crucial infrastructural aspects, what is at stake are internal processes of self-organization and, externally, of negotiation with established politico-legal actors and institutions that ultimately aim at enabling those who are (co-)concerned to live what Butler refers to as “livable lives.”

A second example pertinent for our considerations is the *Plataforma de Afectados por la Hipoteca* (PAH), a Spanish initiative that was awarded the European Citizens’ Prize by the European Parliament in 2013. This “platform of those affected by mortgage” formed in the context of the Spanish housing bubble when 80 percent of the population, attracted by cheap mortgage, took out loans, most of which they have still been unable to repay. It is organized as an anti-hierarchical network of local platforms that support citizens threatened by evictions because of mortgage debt or cutoff from gas and electricity because of outstanding payments. The affected gather in working groups and assemblies where possibilities of self-organization and resistance are debated. Their focus is on symbolic expressions of solidarity (e.g., demonstrative occupations of vacant buildings) as well as concrete measures necessary to facilitating relocation and establishing a system of emergency accommodations. What distinguishes this form of responsive community out of concernedness from solely reactive communities is the generality of their demands, as they seek to shape the existing politico-social situation beyond specific defects. In its struggle against a mortgage system considered inhumane, the platform has had considerable success. In 2013, the European Court of Justice ruled that mortgage laws in Spain are contrary to European law. What is more, the PAH turned into an important forum for broader discussion regarding debt regimes in Southern Europe, from which further social movements have emerged. Both the creative-inventive character of its (re-)formation and the generality of its political demands indicate that it cannot be reduced to a reactive collective that merely engages in acts of problem-solving.

What links these examples is the fact that they question normalizations of the political domain and oppose classical forms of interest-driven politics (although it should be noted that intersections to the arena of organized party politics can and often do exist).<sup>18</sup> In addition, both cases are characterized by a specific geostrategic and power-theoretical

positionality. Not only are they situated in the periphery in relation to centers of decision-making; they are also situated at the margins of the political. With that, we have already pointed out some features typical of community (formation) out of concernedness. Despite certain similarities and intersections, communities of this kind can thus be told apart from the more traditional forms of political community discussed previously.

Five descriptive criteria can be identified that allow for a more precise definition of responsive communities out of concernedness:

1. *Co-exposure*: What makes a community of the concerned one of equals cannot be backed up with reference to belonging of whatever kind. It is due to the shared horizon of an affliction and vulnerability that the members of such a community experience themselves as equals. As bodily beings, subjects are exposed to other demands, challenges, and assaults. This ontological condition, however, is always already a *socio-ontological* condition since being exposed inevitably implies being co-exposed. The original exposedness of human life is not a private matter. Instead of founding inter-subjective connection and obligation through a social contract, what is at stake are ethical demands that precede all claims of validity that are made explicit. Binding forces of this kind are essentially owed to (ultimately corporeal) moments of proximity and co-presence between “strangers” who are situated within and affected by one initially shared horizon of experience. The existence of this bond manifests itself in the demand to find – or, rather, to invent – forms of non-violent, “livable,” and meaningful co-existence under conditions of ineluctable difference.
2. *Precarity*: In contrast to Etzioni’s conception of community, responsive communities in the sense specified here do not have to be “sustainable.” Instead, precarity is inherent to such communities due to their origins, even if they last for prolonged periods of time. Collective concernedness brings about a shared space of experience, which serves as a foil rather than a ground or basis. Thus, the provisional nature of responsive communities out of concernedness is not due to their (more often than not limited) duration but to the fact that they are not fully resilient since they do not provide a firm foundation upon which to build in a durable, reliable manner. In this regard, one could think of Arendt’s reflections on the “fragility” of political projects or of the political – understood by her in terms of plural, concerted “action and speech” – as such. As she frequently stresses, the danger of failing is inscribed in all political attempts to give shape to the “absolute chaos of differences.” Accordingly, all processes of “world-building,” – and this, for her, essentially implies “we-building” and “meaning-building” – take place under conditions of ineradicable uncertainty.<sup>19</sup>

3. *Creativity*: Concernedness does not exhaust itself in passive affect but opens up unexpected room for free play. Instead of resulting in either solidification or mechanic response, concernedness contains transformative moments. In common parlance, need is the mother of invention. With Waldenfels, it must be recognized that response, albeit inevitable, is not predetermined as to its concrete form. While a response *must* be given, it remains open as to *how* it is given. Herein lies the creativity of responding. In a more specifically political sense, this aspect can be grasped with the help of Arendt. The manifold, open-ended possibilities of “world-building” do not only encompass the new creation or disclosure, the re-appropriation and reconfiguration of public “things” and places (e.g., by means of artistic practices and works); (cf. Honig 2017) such possibilities can also be realized in practices that significantly (re-)build and transform political institutions. Sure enough, the underlying experimental agency is fundamentally different from all forms of sovereign agency that pursue “institution-building” in the name of pragmatic problem-solving or with the implementation of an agenda in mind, i.e., on the basis of minutely predefined intentions and interests and guided by detailed calculations as to means and ends.<sup>20</sup>
4. *Responsibility*: Responsive community of the kind discussed here can neither be understood as the sum of individuals that are concerned or that declare themselves to be concerned (“with” or “about” something), nor can their agency be grasped in terms of a mechanical response to affects they have suffered. In opposition to a merely reactive politics, which could rightly be described as a politics in the spirit of resentment that neglects and deliberately blocks experiences of (co-)concernedness, what is at stake is thinking about transformative possibilities that responsively turn experiences suffered into concrete options for actions, the unwilling into the willed, the involuntary into the chosen, and, thus, the reactive into the active or creative. An involuntary occurrence or event of responding can thus be turned into an act of conscious responsibility, which, independent of both reactive (or, respectively, reactionary) mechanisms for action and the illusion of self-authorized foundation of society *ex nihilo*, contributes to establishing tentative, temporary, and transitional contexts of successful coexistence. Even though the “site” of autonomy and intentionality shifts significantly, since they are no longer considered or posited as the origin of community, they are by no means superseded altogether.<sup>21</sup>
5. *Synergy*: If concernedness remains a suspicious, unwelcome category for describing the formation of political community and meaning, this is likely due to the fact that it still seems to be diffusely tied to the sphere of mere spectatorship. In this view, the *pathos* of emotion at best opens the up the field of so-called natural feelings like pity,

kindness, or mercy. As long as the “pathic” suffering is taken to be the negation of praxis, this view is unlikely to change. However, it is a decisive criterion for responsive communities out of concernedness that *sympathy*, much cited in classical social theories,<sup>22</sup> can always segue into in *synergy*, that co-suffering (*sym-pathos*) can be converted into co-acting (*syn-ergeia*). If the concept of community is even etymologically tied to the idea of a common task or duty, it must be made comprehensible why communities can be thought of on the basis of such a common work (*ergon*). What finds expression in this synergetic aspect of responsive community is the significance of what Arendt refers to in terms of “world-building,” i.e., of activities that create shared meaning or (*Mit-*)*Sinn*.

As an alternative configuration of collective (non-)identity, the responsive community out of concernedness sketched out here undermines sharp dichotomies of (sovereign) self-description and (hegemonic) description by others of active, intentional, and, thus, free in contrast to passive, unwilling, and, thus, unfree, community constitution, which essentially determine pertinent debates in political and social philosophy.<sup>23</sup> Among other things, our considerations seek to establish connections that allow for exchange between two debates largely conducted in isolation from one another, namely between socio-ontological discussions on processes of community formation, on the one hand, and on normative discussions on the legitimacy underpinnings of democratic systems, on the other. There can be no doubt that it remains to be examined separately to what degree responsive communities out of concernedness can meet the normative standards of singularity and plurality, of freedom and equality (or, more precisely, of “equality in difference”)<sup>24</sup> that are essential for democratic collectives. We hope that this sketch can provide points of departure for further critical investigations into community out of concernedness and give some clues as to why the concept of concernedness deserves to be taken out of the poison cabinet of the political-theoretical pharmacy.

## Notes

1. Despite considerable thematic, methodological, and ideological divergences, Peter Sloterdijk’s reflections on “rage,” Stéphane Hessel’s praise of “indignation,” and Chantal Mouffe’s recent plea for a “left-populism” converge in this respect.
2. For her critical discussion of pity as a political factor, see Arendt 1990, esp. chapter 2 ‘The Social Question.’
3. In the Codex Justinianus, the formulation reads *quod omnes similiter tangit, ab omnibus comprobetur* (cf. Cod. Just. V, 59, 5, 2).
4. In this context, it is made clear that there are people who, albeit “concerned,” right now do not participate in democratic discourse. As becomes apparent due to certain individuals who do not meet Habermas’s standards

- for rational discourse (e.g., minors or mentally disabled persons), this is not contingently but necessarily the case. However, even the complete inclusion of all concerned would run into a number of problems. This is critically pointed out in Luhmann 1996.
5. In a narrow sense, concernedness includes legal concernedness (*Rechtsbetroffenheit*), i.e., the question whether and to what extent legal violations have occurred. In a wider sense, however, it also includes political concernedness or concernedness by power (*Herrschaftsbetroffenheit*), i.e., the question to what extent citizens should participate in decision-making processes with regard to which they can claim that their "legitimate interest" is at stake.
  6. Cf. BVerfGE 93, 37, 69, the Federal Constitutional Court's ruling of May 1995 concerning political (co-)determination. Yet, contemporary political theorists like Benjamin Barber or Avner de-Shalit, in discussing the idea of the 'city-zen,' i.e., the (concerned) inhabitant of cities, argue in favor of qualified forms of linking such powers to concernedness.
  7. After originally arguing for the "all-affected principle," Fraser more recently has turned to an analysis of subjection, which, she holds, can be identified more clearly. Cf. Fraser 2008, esp. chapter 4 "Abnormal Justice."
  8. For an overview over the discussion on "kinds" and "degrees" of concernedness, cf. Caney 1991.
  9. Robert Nozick gives this example when criticizing the principle of affectedness, cf. Nozick 2013, 268–270.
  10. Drawing on, among other things, social theory, phenomenology, pragmatism, and analytic philosophy, contemporary debates on "collective intentionality" have been importantly shaped by authors such as Wilfrid Sellars, John Searle, Raimo Tuomela, and Hans Bernhard Schmid.
  11. Jan Slaby has convincingly rebutted such mentalistic readings of *Befindlichkeit*. Cf. Slaby 2017.
  12. The formulation "*Not der Betroffenenheit*" that Heidegger uses is more accurately translated as "affliction of affectedness" or "affliction of concernedness."
  13. The notion of being "affected" is introduced in opposition to being "exempt." It is not only directly related to the categorical difference between "communitas" and "immunitas," central to Esposito's own project, but also tied to the distinction between "public" and "private." Cf. Esposito 2009, 6.
  14. The German term "*Auf-gabe*" captures both moments that are crucial for Esposito's considerations because of its double-meaning of, on the one hand, a task or demand to be met and, on the other, a form of (self-)surrender that accompanies meeting this demand in the act of giving.
  15. The significance of death as that which refers individuals to one another and, thus, is at the (abyssal) ground of community is discussed by Esposito in dialogue with the work of Georges Bataille. Cf. Esposito 2009, 112–134.
  16. The implications of Kant's concept of the "command" and of Heidegger's concept of the "call" with respect to the constitution of subjects and communities are discussed in particular detail at the beginning of the fourth chapter of Esposito 2009.
  17. Butler's critical remarks on the contractual model of political community, referring back to Arendt's analysis of the Eichmann trial, point to its latent, uncanny compatibility with a "freedom to commit genocide."
  18. The transformation of the Spanish *Indignados* movement into a new political party, *Podemos*, is one case in point. Similarly, the phenomenon of so-called Sanctuary Cities in the US (and of Cities of Refuge in Europe) indicates such intersections. It currently attracts attention due to these cities' practical attempts at approaching migration politics in alternative ways. Although concernedness is primarily conceived in juridical terms, the sanctuary

approach shows that community under the signs of concernedness can be recognized by institutions that represent established state-centered politics. What takes precedence over questions of "legality" or "illegality" regarding the migrants' entry and residence is the fact of their lived presence and lived ties as (co-)habitants.

19. This is particularly obvious in Arendt's posthumously published *Was ist Politik?* (1950–1959) and her 1958 talk *Kultur und Politik*.
20. From the vantage point of Arendt and Waldenfels, it could be said that it is neither certain *whether* community out of concernedness will lead to political institutionalization at all nor *what exact form* it takes. Thus understood, political institutions do not constitute the starting point, but a "later" expression of concerned and responsive (re-)configurations of community. Responses to experiences of (co-)concernedness do not necessarily need to be given spontaneously and independent of all solidification as suggested by authors like, e.g., Giorgio Agamben who propagate the overcoming of "mere politics," and its institutionalized forms, by "the political" as a "destituent" power. Such responses can also become manifest in more conventional forms of political organization as they emerge in contact with traditional political actors within the framework of the state.
21. Taking up a formulation by Jan Slaby, one could describe (co-)concernedness as the "ground floor dimension of intentionality" Slaby 2017, 10.
22. Adam Smith's considerations on "fellow-feeling" or Jean-Jacques Rousseau's concept of "pity" might serve as two such classical examples.
23. Carolin Emcke cogently reconstructs such dominant approaches to community and points out their problematic essentializing tendencies. What is missing in her study, however, is the analysis of possibilities (such as the ones indicated here) of thinking about communality independent of the binary scheme of autonomy/heteronomy. Cf. Carolin Emcke 2018.
24. This is the central normative criterion invoked in Emcke's study on collective identities.

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