

# Rethinking Vulnerability and Exclusion

Blanca Rodríguez Lopez  
Nuria Sánchez Madrid • Adriana Zaharijević  
Editors

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Blanca Rodríguez Lopez  
Faculty of Philosophy – Department of  
Philosophy and Society  
Complutense University of Madrid  
Madrid, Spain

Nuria Sánchez Madrid  
Faculty of Philosophy – Department of  
Philosophy and Society  
Complutense University of Madrid  
Madrid, Spain

Adriana Zaharijević  
Institute for Philosophy and Social Theory  
University of Belgrade  
Belgrade, Serbia

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# Foreword: Inclusion/Exclusion—On the Conditions of Common or Critical Engagement

My task here is to attempt to explain the title of this paper, ‘Inclusion/Exclusion’, and the concepts that appear in the subtitle, ‘On the Conditions of Common or Critical Engagement’. It seems to me that, in one way or another, it is possible to understand two of these registers (‘inclusion’ and ‘exclusion’), but the trouble lies in the third, the one in between, the one connecting these two, marked by ‘/’ (slash, as the Americans say, stroke, as they say in Britain). It is within this register, to be found at the very point between ‘inclusion’ and ‘exclusion,’ a space brimming with hesitation and reflection (as well as force and violence), that far from simple decisions are made. Before a foreigner or immigrant becomes part of the space designated as ‘inclusion’ or ‘exclusion,’ he or she is for us a ‘/’.

What then is this ‘/’? In English (and not only English) this sign hides a ferocious strike and violent separation and interruption. At the same time, it announces a choice between ‘inclusion’ and ‘exclusion’; but then, paradoxically, it stands more as conjunction than disjunction. The ‘/’ sign does not represent a brief pause, nor does it imply an urgency to hasten the choice of either ‘inclusion’ or ‘exclusion’. On the contrary, it would appear that ‘inclusion’ and ‘exclusion’, thanks precisely to the register covered by the sign ‘/’, are mutually interwoven, interchangeable, or interpermeable one into the other, and are extraordinarily difficult to separate, however deftly or dexterously handled. It is necessary for this

reason—I would like to insist on this—to construct a right to non-separation of the ‘inclusion’ from the ‘exclusion’ or, better, a right to the ‘/’. What we are actually talking about here is time; i.e. a period in which we can carefully and meticulously craft decisions that will neither be exclusive nor exclude, even when, paradoxically, they temporarily (and always temporarily!) suspend inclusion or the participation of all in particular institution (a family, corporation, city, state, etc.).

Before I attempt to consider ‘inclusion’ and ‘exclusion’ more closely, as two operations that always complete one another without being complementary, here are a few preliminary and regulative principles that issue from the space in which these two registers differ, and are separated by a ‘/’ (slash):

- ‘Inclusion’ (integration) and ‘exclusion’, as well as the ‘/’ space appear wherever there is a project or possibility for the constitution (a closing: *claudere* = to close; *excludere* = not to allow in or admit, to expel) of some fictitious entity such as the family, group, corporation, movement, city, state, Europe, or world state. It is a question of the future, of constructing and projecting actions to be conducted in the near future.<sup>1</sup> A project of closure implies an opening of borders (and vice versa), and this entity that possesses limits could be called the institution, as opposed to ‘status’, which is an imprecise designation, or ‘contract’, which a priori excludes a third party. The institution assumes the arrival and presence of those who are not here now, unlike a group, which in one way or another always resists the arrival of new members, but also the potential free departure of those already present, that is, temporary interruptions of movement and border crossing (the border being the limit of the institution).<sup>2</sup>

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<sup>1</sup>In ‘Progetto’ (published in *Laboratorio Politico*, No. 2, March–April 1981, 81–119), Massimo Cacciari goes back and forth between ‘force’ and ‘violence’ in describing the main characteristics of a project. ‘*Violenza suona nel progetto*’ (101). It is an act of overshooting and expanding to beyond the surface or edge (*proictus*), which then always implies exclusion, abolishment, banishment, expulsion (*proicto*).

<sup>2</sup>Two examples: The true impetus for Michael Dummett’s book *On Immigration and Refugees* (2011) was the encyclical *Pacem in Terris* by Pope John XXIII: ‘(...) when there are just reasons in favour of it ... must be permitted to emigrate to other countries and take up residence there. The fact that he is a citizen of a particular state does not debar him from membership of the human

- As regards the condition for the ‘common engagement’ of the subtitle of this paper (von Jhering used a potentially analogous term in 1886, *die aktive Solidarobligation*), such an engagement should be beyond the ‘inclusion/exclusion’ principle, and will be fulfilled if and only if an ideal institution opens its doors to all without exception, and if one acts in a way that anyone would act and in the way that everyone should act. If the rules of inclusion or exclusion are entirely transparent and achievable for anyone, regardless of any temporary prohibitions, it is possible to speak of fulfilling the principle of universality. Engagements—whether to another person (e.g. to be married), with a political party, in a football supporters group, a movement, in the preservation of one’s culture by closing borders, in the activity in war—are not examples of common and critical engagement because they a priori exclude others and exclude the possibility of all being included. ‘Critique’ (or, for Amartya Sen, ‘critical reasoning’) consists of engaged acts when it obligates to urgent action not only the members of a group, but all future, inactive members/parts of the human community (‘global commitment’ for Judith Butler).
- Only those whose action or whose engagement actively excludes all or other groups should be marginalized,<sup>3</sup> temporarily although not for-

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family, or from citizenship of that universal society, the common, worldwide fellowship of men.’ The famous observation of Hugh of Saint Victor from Book 3 of *Didascalicon* is even more interesting: ‘The man who finds his homeland sweet is still a tender beginner; he to whom every soil is as his native one is already strong; but he is perfect to whom the entire world is as a foreign land (*perfectus vero, cui mundus totus exsilium est*). The tender soul has fixed his love on one spot in the world; the strong man has extended his love to all places; the perfect man has extinguished his (*ille mundo amorem fixit, iste sparsit, hic exstinxit*)’ (H. Saint Victor, *The Didascalicon*, New York, Columbia University Press, 1961, p. 101).

<sup>3</sup>To ‘marginalize’ means to ‘place’ in the margin or background, in a certain way to reject or remove (‘injustices’ provoke an ‘urgent need for their removal’, A. Sen), but not put out (*exclure*). The problem is of course with the word ‘place’, i.e. in the characteristics and execution of such an operation. This temporary ‘not taking into consideration’ is well formulated by La Rochefoucauld in his *Maximes*: ‘*Action de tenir quelqu’un à l’ écart, de le repousser*’ [The action of keeping someone at a distance, of pushing them away]. In ‘In Praise of Exclusion’, Suzanne Dovi speaks of a certain ‘ethics of marginalization’: ‘However, in order to improve the representation of historically disadvantaged groups, democratic theorists need to consider when it is justifiable, desirable, and even morally necessary to limit, or even deny, access and influence to overrepresented, privileged groups’ (Dovi 2009: 1172). Dovi calls this standard ‘the oppression principle’ (1174): ‘Democracies ought to marginalize those who oppress and those who benefit from oppression’ (1181).

mally or ‘categorically’, nor eliminated or disqualified.<sup>4</sup> The temporary suspension of certain groups or minorities still does not mean exclusion, but certainly reveals the limits of democracy and the imprecision of position, according to which the problem of exclusion can be solved simply by inclusion (Iris Marion Young).

Let us look now at the problem of our asymmetrical distinction ‘inclusion/exclusion’<sup>5</sup> and why it is insufficient to bind ‘exclusion’ exclusively with injustice, and ‘inclusion’ with basic democratic protocol. It is not only a matter of ‘exclusion’ ‘also [being] vital for directly promoting other democratic objectives, e.g. autonomy or equality’ (Dovi), just like ‘inclusion’; there is also the difficulty of various integrative strategies for advancing institutions, making them moral as well as efficient.

Towards the end of a letter to the Marquis d’Argence de Dirac, on 2 December, 1761, Voltaire sends his fond wishes. Here they are:

*Je vous souhaite, dans votre retraite, des journées remplies, des amis qui pensent, l'exclusion des sots et une bonne santé.*

Not a trace of affection or moralizing. On the one hand, we have ‘thoughtful friends’, who obviously have the capacity for reflection; on the other, there are clods to be excluded, probably because they think poorly and err in judgment or, paradoxically, because they ‘exclude poorly’. Voltaire then leads us to the first and most fundamental problem when it comes to ‘exclusion’, which also refers to epistemology and the *cogito*. Although there are several sets of topics and problems which are easy to classify and connect with our perhaps somewhat rough distinction of ‘inclusion/exclusion’ (each with certain political consequences and none which is simple or resolvable),<sup>6</sup> the first difficulty that we

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<sup>4</sup> ‘Categorical exclusion’ is Cathy Cohen’s term from 1997. The violation of certain groups, even if it is ‘Alternative für Deutschland’ (AFD) and its current presence in the Bundestag, is certainly an anti-democratic act.

<sup>5</sup> Niklas Luhmann, e.g., claimed that exclusion rather than inclusion is the rule, and, moreover, that inclusions differ from one another. Cf. Braeckman (2006: 65–88).

<sup>6</sup> Informally, when speaking of ‘exclusion’, we think of gender (the exclusion of women from political life), but also of migrants and immigrants, then of the poor who live on the outskirts, in the suburbs and ghettos, followed by various sets of odd or asocial persons (invalids, the autistic, the

encounter with ‘exclusion’ concerns is that of epistemological or cognitive abilities and activities.

The ability to reason always assumes a deft manipulation of the various techniques and protocols of exclusion. One who is capable of concentrating, of directing his attention unwaveringly, excludes something or perhaps everything else. One capable of counting makes good use of the method of exclusion in situations where, e.g., all variables are systematically excluded. One capable of thinking, whom Voltaire a priori classifies as a friend, probably makes very good use of the three basic laws of thought, one of which is the ‘*principe du tiers exclu*’ (*principium tertii exclusi* or *tertium non datur*, that there is no third possibility or middle term; in English, this is the ‘law of excluded middle’),<sup>7</sup> the other two being the law of identity and the law of contradiction.

If we put aside all the other operations and social acts or acts of the community<sup>8</sup> that in one way or another imply exclusion (when we choose, we exclude; when we vote, we exclude; when we decide, we exclude; in competitions, we exclude, or else there is mutual exclusion, etc.), the competence of those who think (Voltaire would call them friends) continuously excludes those who think or act problematically—in a word, the incompetent. The English word ‘competence’ is perhaps instructive here; as a legal term it refers to the domain of power, a synonym for jurisdiction, as well as more colloquially to someone’s ability to perform a task, intellectual or otherwise. Only the competent ought to be given competence; the incompetent must be excluded from competence. It seems to me that it would not be overly intelligent to think that Voltaire had the idea that dimwits exclude themselves (by their very nature, they would in effect be unable to ‘exclude’ properly). If ‘exclusion’ involves acts by which one excludes, and further, the subject(s) and subject(s)-object(s) of exclusion, as well as an entity that remains after the exclusion

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disabled, etc.). The great theorist of democracy, Robert Dahl writes: ‘The demos must include all adult members of the association except transients and persons proved to be mentally defective’ (Dahl 1989: 129).

<sup>7</sup>Every judgment is either true or false; something is either A or not A. There can be no third. Cf. Kolmogorov (1925).

<sup>8</sup>It was likely Edmund Husserl in 1921 who first used this phrase ‘*Soziale Akte*’ and ‘*Gemeinschaftsakte*’. Husserl (1973: 165, 192).



takes place, and finally the space in which the excluded are found after the exclusion—then those who think and who also spread well-being and kindness (because they are friends) will have a lot of work indeed. If we systematically exclude dullards from our lives, as Voltaire would have us do (and in the contemporary world this would mean unfollowing them on Facebook and Twitter), it would be uncertain indeed whether we would really have peace as individuals (Voltaire is writing to one who is retiring from public life) or succeed in abolishing a group of entirely vague and dysfunctional negative social acts or asocial acts, with the aim of advancing the institution or the community.

When it comes to the histories of institutions and common engagement, Voltaire's advice and counsel, which have lost none of their currency or appeal, have nevertheless implied only two options: (1) those excluded or that which is excluded ought to be eliminated or grouped (pseudo-institutionalized) on the periphery or margins of an entity, or transferred to some new, isolated and secured zones; and (2), the more sophisticated option is the attempt to mitigate the damage by introducing or adding new actors ('inclusion' or regrouping), such as new friends who lessen the influence of the idiots. The problem with such idiots, however, is that they are always widely and evenly distributed (never grouped), and that they are always recognizable (cunning or intelligence can be hidden or tempered; stupidity less so).

The third option concerns the right to something in between, the right to the 'I'; i.e. the right to the third (as well as the right of the third),<sup>9</sup> and this right to the third option excludes a priori the coercion of an urgent choice between 'inclusion' and 'exclusion'. That is to say, common or critical engagement, on which I insist, assumes broad action which is in part necessarily epistemological, and does not only include (or bind or involve) Voltaire's '*amis qui pensent*', but also includes those others, whose acts, it seems to me, we still understand insufficiently and rarely take into consideration (provisionally, I will here call them 'negative social acts') and which are diverse and probably necessary for the constitution of the

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<sup>9</sup> Aristotle invented but also called into question the '*principe du tiers exclu*' when distinguishing between judgments about the future that can be neither true nor false, just as Voltaire's wishes for the Marquis d'Argence de Dirac cannot exclude some third possibility.

group.<sup>10</sup> A group pushing a car that has broken down is not endangered and destabilized unless one of them is a disabled person who cannot participate in this action in the same way.<sup>11</sup> How can we classify all these acts which are not complementary and in harmony with the acts of the majority? How do those who Husserl rather vaguely called ‘abnormal’ (*der Anormalen*)<sup>12</sup> constitute the world and its institutions. How do they (the ones opposite from ‘my normal We’ [*meines normalen Wir*])<sup>13</sup> participate (*der Beteiligung*) in these acts—answering this is a task that still lies before us.

Belgrade, Serbia

Petar Bojanić

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<sup>10</sup>Nussbaum (2009) insists exclusively that the ‘law ought to show respect for them as full equals’. ‘Law must provide’, ‘law must go further’—these are the phrases she uses; certainly insufficient, but the basic condition of any future engagement of all.

<sup>11</sup>Cf. Tuomela (1991: 272 and 1995: 138); B. Schmid (2009: 47).

<sup>12</sup>Husserl provides a very broad designation for those who do not belong to the world of the normal (*der Welt der Normalen*). As early as 1931, he wonders about the problem of the participation of the abnormal in the constitution of the world. This includes foreigners, animals, children, the ‘twisted’ (*die Verrückten*), the ill (*die Kranken*), but also thieves, cheats, the ‘pseudo-honest’ (*die Scheinehrlichen*), ‘pseudo-citizens’ (*die Scheinbürger*), etc. Husserl (1973: 133, 146).

<sup>13</sup>Husserl (1973: 141).

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