

THE BEST OF SCHOLARS AND SCHOLARSHIP IN THE HUMANITIES

7



Martin Jay

**AT THE CROSSROADS OF
PHILOSOPHY, POLITICS, AND CULTURE**

Essays for a Troubled Time

ibidem

Martin Jay

**At the Crossroads of Philosophy, Politics, and
Culture**

Essays for a Troubled Time

The Best of Scholars and Scholarship in the Humanities

Edited by:

Elliot Y. Neaman, Matthew Feldman, and Karim Mamdani

- | | | | |
|---|--|----|---|
| 1 | Elliot Neaman
<i>Selected Writings</i>
A Journey in Intellectual
History (1988–2025)
With a foreword by Martin
Woessner | 6 | Roy Starrs
<i>Understanding Modern
Japan</i>
Through Its Literature |
| 2 | Matthew Feldman
<i>Subjects and Occasions</i>
Articles, Comment Pieces,
and Reviews on the Far
Right and Other Matters,
Vol. 1
Edited by Karim Mamdani | 7 | Martin Jay
<i>At the Crossroads of Phi-
losophy, Politics, and Cul-
ture</i>
Essays for a Troubled Time |
| 3 | Matthew Feldman
<i>Subjects and Occasions</i>
Articles, Comment Pieces,
and Reviews on the Far
Right and Other Matters,
Vol. 2
Edited by Kate Yanduganova
With an afterword by Steven
Matthews | 8 | Paul Hoyningen-Huene
<i>Selected Writings, Vol. I</i>
Papers on Kuhn and Feyer-
abend, 1989–2025 |
| 4 | Dan Stone
<i>Thinking Europe's Cata-
strophe</i>
Essays on Fascism and the
Holocaust, Vol. 1 | 9 | Zachary Shore
<i>Judgment Calls</i>
Finding the Way to Wise De-
cisions |
| 5 | Dan Stone
<i>Thinking Europe's Cata-
strophe</i>
Essays on Fascism and the
Holocaust, Vol. 2 | 10 | Peter Nicholls
<i>Modernist Figures, Vol. 1</i>
New Poetries |
| | | 11 | Peter Nicholls
<i>Modernist Figures, Vol. 2</i>
Ezra Pound and After |
| | | 12 | Jeffrey Herf
<i>Perspectives on Reaction-
ary Modernism</i>
Nazi Germany and Beyond |

Martin Jay

**AT THE CROSSROADS OF PHI-
LOSOPHY, POLITICS,
AND CULTURE**

Essays for a Troubled Time

ibidem
Verlag

Bibliografische Information der Deutschen Nationalbibliothek

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

Bibliographic information published by the Deutsche Nationalbibliothek

The Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available on the Internet at <http://dnb.d-nb.de>.

Cover picture: ID 124319872 © Teerawat Winyarat | Dreamstime.com

ISSN (print): 3054-0488

ISSN (digital): 3054-0496

ISBN (Print): 978-3-8382-2130-4

ISBN (E-Book [PDF]): 978-3-8382-8130-8

© *ibidem*-Verlag, Hannover • Stuttgart 2026

Leuschnerstraße 40
30457 Hannover
Germany / Deutschland
info@ibidem.eu

Alle Rechte vorbehalten

Das Werk einschließlich aller seiner Teile ist urheberrechtlich geschützt. Jede Verwertung außerhalb der engen Grenzen des Urheberrechtsgesetzes ist ohne Zustimmung des Verlages unzulässig und strafbar. Dies gilt insbesondere für Vervielfältigungen, Übersetzungen, Mikroverfilmungen und elektronische Speicherformen sowie die Einspeicherung und Verarbeitung in elektronischen Systemen.

All rights reserved. No part of this publication may be reproduced, stored in or introduced into a retrieval system, or transmitted, in any form, or by any means (electronic, mechanical, photocopying, recording or otherwise) without the prior written permission of the publisher. Any person who commits any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

Printed in the EU

In Memory of Jürgen Habermas (1929–2026)

Table of Contents

Acknowledgments9

Introduction..... 13

Section One: Marxist Legacies

Chapter One: From Alienation to a Nation of Aliens.....33

Chapter Two: Liquidity Crisis: Zygmunt Bauman and
the Incredible Lightness of Modernity43

Chapter Three: Habermas and Dialectics: The Issue of
Real Abstractions.....61

Section Two: Abiding Questions

Chapter Four: We, the People and Us, the Population:
The 3/5th Compromise and the 2020 Census95

Chapter Five: On the Spectrum: Conspiracy Theories
and Explanation in the Human Sciences..... 107

Chapter Six: The Truth about Lying in Politics 121

Chapter Seven: Can History Absolve? Can History
Judge?..... 133

Section Three: American Moments

Chapter Eight: Bill Barr and the “Unitary Executive
Theory” 167

Chapter Nine: Afropessimism and the Figural Negro:
Ruminations on *American Fiction* 187

Chapter Ten: The Aesthetic Alibi and the Protection of Black Art.....	201
--	-----

Chapter Eleven: Building New Rafts: Trump’s Inheritance of the Legacy of the Left.....	221
---	-----

Section Four: Once More, With Feeling

Chapter Twelve: The Vicissitudes of Empathy: Reflections on the Israel-Palestine Conflict.....	253
---	-----

Chapter Thirteen: Anti-Empathy and the Mirage of a Secular Bi-National State Solution: A Response to Nitzan Lebovic and Zahi Zalloua	285
--	-----

Index	309
-------------	-----

Acknowledgments

For reasons spelled out in my Introduction, let me begin with the sociologist Kurt Wollf (1912-2003) and philosopher Alan Montefiore (1926-2024), whose gentle encouragement fifty years ago planted the seeds that germinated in this collection. The rich soil in which many of them came to fruition was provided by Robert Boyers, who invited me into the pages of his remarkable “little magazine” *Salmagundi* more than four decades ago to write a semi-annual column on whatever came to mind. Five of the essays in this collection began in its pages, and I cannot express enough appreciation for the on-going opportunity to opine on issues beyond my areas of putative expertise. Two others also appeared in comparable locations outside the traditional sphere of professional refereed journals: *Aeon*, the exclusively online journal where the invitation came from Sally Davies to write about alienation, and *Electra*, the sumptuously illustrated Portuguese/English language magazine where a comparable invitation was extended by Marta Rema to contribute to an issue on lying. My thanks for their reaching out.

I have not, however, entirely forsaken professional refereed journals intended for academic audiences, and so was grateful when Roy Boyne asked me to contribute to a *Theory, Culture and Society* forum on the distinguished Polish/British sociologist Zygmunt Bauman. And several years later, following lectures I gave in Mexico City at the Universidad Autónoma Metropolitana and Universidad Nacional Autónoma de México, graciously hosted by María Pía Lara and Judit Bokser, *History and Theory* published the resulting essay on the judgment of history. I am happy to thank Ethan Kleinberg, once an outstanding undergrad in my classes and now the editor of the journal, and Matthew Specter, on its

editorial board and friendly denizen of Berkeley, for facilitating its appearance. Another invitation to acknowledge with gratitude came from Justin Burke, who was organizing a collection of essays on Habermas and dialectics that is scheduled to be published by Routledge.

The penultimate essay in this collection was self-generated, but then seen into print by another former student, A. Dirk Moses, who edits the *Journal of Genocide Studies*. Deeply involved, as he is, in the heated international discussion of the Israeli-Palestinian conflict, he was able to alert me to a wealth of relevant literature, which helped me hone my argument. Published very promptly in the journal's online forum on Gaza, the essay elicited two quick critiques by Nitzan Lebovic and Zahi Zalloua, which allowed me to hone it further in the essay that closes this collection. I very much appreciate their taking my foray into their territory seriously enough to engage with it so vigorously.

My thanks also go out to another former doctoral student who has become a friend and valued interlocutor, Elliot Neaman. After he informed me about the series at Ibidem Press he had just helped launch, which was going to include a selection of his own scattered writings, I realized that I also had a gaggle that might cohere into a book or perhaps two. *At the Crossroads* would not exist without his initial encouragement and continued involvement in its development. I am also grateful for the help offered by Christoph Ohlwärther of *ibidem* Press, as well as the indexing of Elizabeth Bartmess.

Along the way, the essays collected here benefited enormously from conversations with, readings by, and the abiding comradeship of many other people. Even with my failing memory and the risk that some will be inadvertently excluded, I must thank the following friends for inspiring, improving and enduring my holding forth on the disparate topics treated in this collection: Peter Beilharz, Seyla Benhabib,

the late David Biale, Judith Butler, Paul Breines, John Efron, Paula Fass, Peter Gordon, Carla Hesse, David Hollinger, Axel Honneth, Anton Kaes, Robert Hullot-Kentor, Robert Kaufman, Ethan Katz, Thomas Laqueur, Waldo Martin, the late Moishe Postone, Jonathan Sheehan, and Joel Whitebook.

I met Jürgen Habermas in 1969 and we remained in fruitful contact until his death earlier this year. I learned an enormous amount from his voluminous work, which served as a lodestar and inspiration for much of my own. In dedicating this book to his memory, I hope to honor his matchless record of intellectual rigor and public involvement. There is no one in our troubled times who better exemplified the value of crossing philosophy, political engagement, and cultural criticism.

And finally, I have been supported in ways too countless to list by my family: Shana, Rebecca and Grayson, Beth, Frankie and Sammy, Ryeland and Sidney. As always, my greatest debt goes to my wife and muse Catherine Gallagher, who for more than half a century (gulp!) has been an indefatigable interlocutor, a diligent reader of first drafts, a deflater of pretensions, an inspiration to think harder, in short, an ideal partner in work and in life.

Introduction

I am by training, let me confess at the outset, an intellectual historian, not a philosopher, political theorist or cultural critic. One of the effects of that formation is a well-deserved humility in the company of the often-formidable figures whose ideas and lives we attempt to present, explicate and contextualize. Although there is inevitably some identification with or perhaps antipathy towards the subjects whose stories we narrate and intellectual contributions we reconstruct, we rarely argue with them from the point of view of a superior alternative. That is, intellectual historians are traditionally reticent in assuming the role of a critic who treats their subjects as foils for their own opinions, even if it may be impossible to avoid implicitly judging from a later vantage point in the unfolding of history. When we focus on the reception of ideas or the reputation of a thinker over time, we realize that our intervention will itself be surpassed or at least deflatingly contextualized by future commentators.

At times, however, that reticence can seem like an abdication of responsibility for expressing any opinions of our own. Striving to write with scholarly dispassion and bracketing the inevitable investments we bring with us, we end up occupying an impossible view from nowhere. And sometimes we are called out on it. I vividly recall two conversations I had after the publication of my first book on the Frankfurt School, *The Dialectical Imagination*, in the mid-1970's with two senior scholars who challenged me in this way. Both the sociologist Kurt Wolff at Brandeis and the philosopher Alan Montefiore at Oxford, while praising the book as an exercise in intellectual history, then asked, "yes, yes, but what do you yourself think?"

Now, to be honest, it would have been foolhardy in the extreme to try to answer that question in the face of the Frankfurt School's extraordinary range of interests. In my twenties, I was in no position to judge Horkheimer's reading of Western philosophy, Adorno's takes on music and literature, Lowenthal's ideology critique of high literature and popular culture, Neumann's grasp of political theory and analysis of Nazism, Marcuse's understanding of Hegel and Freud, Fromm's revisions of psychoanalysis, Wittfogel's analyses of China, let alone Benjamin's unique response to virtually any of the range of subjects he treated. Even half a century later, I'm still not up to the task, despite the abundant critical literature now existing on which I might draw for inspiration.

Still, the temptation to enter the fray, or more correctly, a modest selection of different frays, is hard to resist, especially when you become identified with the figures whose history you have tried to write. That is, an expectation begins to grow that that you will be applying their ideas, judging their efficacy, putting them in conversation with other thinkers, and speaking as an advocate rather than just a dispassionate observer. Insofar as I morphed from an historian of Critical Theory into a Critical Theorist in my own right, at least in the eyes of some readers, it was hard to avoid that temptation. A similar trajectory turned me from an historian of attitudes towards visuality into someone assumed to have something cogent to say about visual culture itself.

I am, of course, not the only European intellectual historian of my generation who expanded his or her remit to include philosophical musing, political commentary or cultural criticism. Names like Joan Wallach Scott, Dominick LaCapra, Mark Poster, Richard Wolin, Paul Robinson, Paul Breines, Russell Jacoby and Tony Judt come to mind. All at one time or another in one arena or another played the role of public intellectual, opining on more than their credentialed

scholarly specialty. In my own case, however, the temptation to do so was amplified by an unusual opportunity offered by Robert Boyers, the editor of *Salmagundi*, the lively, interdisciplinary “small magazine” that has just enjoyed its sixtieth anniversary under his editorship. I had contributed several essays to the magazine in the mid-1970’s, but something new was made possible a decade later when he asked me, along with Christopher Lasch, Roger Shattuck and Stanisław Barańczak, to contribute biannual columns to the journal on whatever issues struck our fancy. Borrowing a concept from Benjamin and Adorno, I called mine “force fields,” a title then also used for a collection of my essays that appeared a few years later.¹ It was intended to signal the (hopefully) productive tension that appears when different approaches or fields are brought into dynamic contact, when interdisciplinarity results in something more than a harmonious integration of perspectives. The metaphor of “crossroads” adopted for the title of this collection says something similar: rather than intellectual history as a dispassionate clearing house for disparate ideas above the fray, it implies knocking some of those ideas together, applying them to current issues, and seeing what insights might result.

I have never sought, to be sure, the role of pundit, using my column to opine immediately on the ephemeral issues of the day. Instead, because “Force Fields,” appeared in every other issue of a quarterly, it provided the luxury of a longer view, permitting me to treat its subject matter in greater depth than the column form normally allows. The intellectual historian in me also insisted on the inclusion of footnotes

1 Martin Jay, *Force Fields: Between Intellectual History and Cultural Critique* (New York and London, Routledge, 1993). The first column, which dealt with the scandal of Paul de Man’s wartime antisemitic journalism, appeared as “The Descent of De Man,” *Salmagundi*, 78-79 (*Spring-Summer*, 1988).

where necessary to acknowledge my debts, alert readers to sources they might want to follow, and occasionally expand on a point made in passing in the main text. At times I would begin with a personal anecdote and then swerve to a larger argument that it raised. As a result, a more colloquial and informal voice often replaced that of the self-effacing, omniscient narrator assumed by the typical academic. The result was therefore additionally at the crossroads of different rhetorical styles, one for a specialized scholarly audience, the other more accessible for general readers. Significantly, five of the pieces in the collection before you began as *Salmagundi* contributions, while the others benefit from the lessons I learned in writing them.

The initial cluster of essays are, broadly speaking, reflections on the legacy of Marxism, whose “Western” variation has occupied me throughout my career. The first, “From Alienation to a Nation of Aliens,” was generated by an invitation extended in 2017 by Sally Davies, the editor of the provocative online journal *Aeon*, to ruminate on the current fortunes of the concept of “alienation.”² Widely employed as both a precise philosophical term and a more general cultural and psychological affliction, it had enjoyed a special privilege among 20th-century Marxist theoreticians who wanted to posit a “critical” alternative to the dominant scientific understanding of “dialectical materialism.”³ The essay attempts to explain the precipitous decline of the term’s popularity since its heyday in the 1960’s and 1970’s, and not only among Marxist theoreticians. Long-standing assumptions

2 It originally appeared as “A History of Alienation,” *Aeon*, March 14, 2018: <https://aeon.co/essays/in-the-1950s-everybody-cool-was-a-little-alienated-what-changed>

3 See for example, Alvin W. Gouldner, *The Two Marxisms: Contradictions and Anomalies in the Development of Theory* (Boston: Seabury, 1980).

about the advantages of organic wholeness—or in more theoretical terms, normative totalization⁴—over estrangement and fragmentation were challenged by a variety of critics. Some were inspired by the linguistic turn in philosophy, others by defenders of social differentiation, cultural difference and psychological self-contestation. Unexpectedly, fear of alienation morphed into a fear, often now experienced on the populist right, of the alien who disrupts the putative unity of a homogenous national community.

The second chapter, “Liquidity Crisis: Zygmunt Bauman and the Incredible Lightness of Modernity,” was written for a special issue of *Theory, Culture and Society* dedicated to the eminent Polish/British sociologist on the occasion of his 85th birthday.⁵ An ardent Communist during and immediately after the Second World War, Bauman grew disillusioned with Marxism and left Poland in 1968 when many Jewish intellectuals were forced to flee the country. After a brief and unsuccessful sojourn in Israel, he accepted a position in the Sociology Department at the University of Leeds, where he blossomed into one of the leading voices in British social science. While never turning into an explicit anti-Marxist—Gramsci remained an abiding influence in much of his work—Bauman drew increasingly on the legacy of Georg Simmel and the insights of French post-structuralism to become a leading critic of modernity, even coming to explain the Holocaust as one of its unintended outcomes. He warned against the

4 In *Marxism and Totality: The Adventures of a Concept from Lukács to Habermas* (Berkeley, U. of California Press, 1984), I analyze Western Marxist notions of totality, including a normative one understood as an integrated, harmonious, classless community.

5 *Theory, Culture and Society* 27, (2010), <https://philpapers.org/archive/h.pl?pub=2525>. For Bauman's response, see Simon Dawes, “The Role of the Intellectual in Liquid Modernity: An Interview with Zygmunt Bauman,” *Theory, Culture and Society*, 28 (2011).

“gardening impulse” in the Enlightenment for fostering later attempts to eliminate human “weeds.”⁶

After he briefly flirted with the rhetoric of postmodernism, however, Bauman’s understanding of modernity evolved, and in his later works he came to see it not so much as a project to control and master the world as an open-ended process of institutional and personal destabilization, or in the metaphor he favored, cultural and social “liquification.” Reflecting that loss of Marxist humanist faith in an unalienated state of organic wholeness discussed in the previous chapter, Bauman valorized the unmoored, perpetually diasporic condition he had himself experienced as a displaced, “Mercurian” Jew—the adjective introduced by my Berkeley colleague Yuri Slezkine to signify the opposite of the rootedness he called “Apollonian”—as the condition for all denizens of the modern world. We are all now outsiders and strangers with no easy path home.

The third chapter in this initial cluster of essays, “Habermas and Dialectics: The Issue of Real Abstractions,” approaches the erosion of the traditional Marxist goal of normative totalization from a different perspective. A more sustained theoretical exercise than its two predecessors, it was generated by an invitation to contribute to a volume of essays on Habermas’s debts to dialectical thinking by Justin Burke.⁷ As in the case of Bauman, Habermas resisted the Marxist humanist goal of an integrated concrete totality in

6 Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca: Cornell U. Press, 2000). For an earlier reflection on his argument, see Martin Jay, “No State of Grace: Violence in the Garden,” in *Refractions of Violence* (New York, Routledge, 2003).

7 Justin Burke, *Studies in Habermasian Dialectics* (London: Routledge, forthcoming).

which alienation, in particular that of labor, was fully overcome.⁸ But unlike his Polish counterpart, he never identified modernity with liquification or was attracted to the post-structuralist celebration of difference and otherness. Instead, and this is the point of the essay, he valorized the modern differentiations of value spheres and institutions. Marxists, drawing on a dialectical notion of concreteness, might condemn them as homogenizing social abstractions, or more precisely, what Alfred Sohn-Rethel, whom the essay positions as Habermas's antagonist, would have called nefarious "real abstractions" to distinguish them from mere conceptual ones.

Recalling Hegel's insistence on the *Aufhebung*—negation, preservation and transcendence—of contradictions, including that between abstract and concrete, allows us, however, to see Habermas as ultimately more dialectical than Sohn-Rethel, who opposed them as binary opposites and seems to have yearned for a world entirely beyond abstractions, "real" or otherwise. As in the previous two chapters, the essay implies that the maximalist aspirations of Marx's legacy—in particular, the ending of alienation and estrangement and the overcoming of the contradiction between abstraction and concreteness—have become implausible in a world where the moderate goals of "democratic socialism" are perhaps the best we can hope to attain.

The second section of essays turns to perennial issues in political theory and practice: the meaning of "the people"

8 There are, as far as I have been able to discover, few sustained comparisons of Bauman and Habermas, and they rarely commented on each other's work. Bauman did not share Habermas's belief in the potential of communicative rationality and Habermas never embraced the role of perpetual stranger or outsider. Both, however, were winners of the city of Frankfurt's Adorno Prize—Habermas in 1980 and Bauman in 1998—which suggests it might be worth putting their work in serious conversation.

in a democracy, the suspicion that power is wielded by secret conspiracies rather than reflecting accountable popular decisions, and the anxiety over the ubiquity of political mendacity. Chapter Four, “We, the People and Us, the Population: The 3/5th Compromise and the 2020 Census,” began as a *Salmagundi* column inspired by the first Trump administration’s attempts to bypass traditional counting practices in the national census to eliminate non-citizens (those “illegal aliens” outside an exclusive definition of the “the nation”).⁹ It explores the implications of “the population” of a polity never being identical with its “people,” whether the latter is defined ethno-nationally or as a body of citizens. Reflecting on the ironies of the infamous “3/5 clause” in the American Constitution, which compelled slave states to under-count their non-citizen human chattel in the apportion of their congressional seats and electoral college votes, it concludes that the non-congruence between population and people can be manipulated for both regressive and progressive purposes. Now, however, as the second Trump presidency seeks with increasing ruthlessness to cleanse “the people” of all foreign impurities and create a nation without aliens, their incongruence is growing with unfortunate consequences for all concerned.

Chapter Five, “On the Spectrum: Conspiracy Theories and Explanation in the Social Sciences,” also began as a *Salmagundi* column and treats an issue that has only gained in importance since its publication.¹⁰ Against the straightforward denunciation of conspiracy theories as psychologically

9 *Salmagundi*, 210-211 (Spring-Summer, 2021). For a further reflection on the parallel distinction in the body politic between the body as a vital *Leib* and a mortal *Körper*, see Martin Jay, “‘Leib, Körper and the Body Politic,’ in *Immanent Critiques: The Frankfurt School under Pressure* (London: Verso, 2024).

10 *Salmagundi*, 206-207 (Spring-Summer, 2020).

irrational and politically dangerous, it explores their continuities with both conventional historical narratives that favor agency over structural explanation and epistemologies that acknowledge the inevitable role of projection even in valid cognition. It also recognizes their debt to the “hermeneutics of suspicion” that is a fundamental tool of the humanities and the interpretative social sciences. It concludes that rather than binary opposites, conspiracy theories and valid explanations are on a spectrum, and, to mix metaphors, they become poisonous when their dosage exceeds what will produce justifiable skepticism about official stories and conventional wisdom.

The next chapter in this cluster, “The Truth about Lying in Politics,” responded to an invitation by the Portuguese journal *Electra*, which brings out its lavishly illustrated issues simultaneously in English, to contribute to a forum it was preparing on lying.¹¹ It gave me the opportunity to reflect a decade or so later on some of the conclusions I had reached in *The Virtues of Mendacity* in 2010.¹² In the interim, of course, the United States had elected not once, but twice, the most brazen liar in its history, whose indifference to truth-telling was matched only by his glee at calling all his critics purveyors of “fake news.”

As a result, it might be thought that I would modify my claim that lying and politics were, at least to some degree, inevitable bedfellows, and come down hard on the side of unvarnished truth-telling and full transparency. But I remain stubbornly unrepentant in arguing that some degree of mendacity functions in a non-pathological manner even in a healthy democracy. As in the previous essay, I invoke the metaphor of a “pharmakon”—both a medicinal remedy and a

11 *Electra*, 25 (2024).

12 Martin Jay, *The Virtues of Mendacity: On Lying in Politics* (Charlottesville, The U. of Virginia Press, 2010).

potential poison, depending on the dosage—to distinguish between all the petty lies, half-truths, biased narratives, and interpretative spin that characterizes “normal” politics and the “big lie” that turns the world upside down by unscrupulous game-changing politicians like Hitler and Trump.

The final essay in this section, “Can History Absolve? Can History Judge?,” was generated by an invitation in 2024 to speak to audiences in Mexico City by two old friends, the political theorists María Pía Lara and Judit Bokser Liwerant, and then published in *History and Theory*.¹³ Here the target is the political usage of posterity as a substitute for God in rendering a “last judgment” as either vindication for using morally dubious means in the present or consolation for injustices that have no immediate redress. It looks carefully at the idea of “history,” whether as “success” after the passage of time or as a consensus of future historians, and argues that neither can serve as a moral justification for actions in the present. It also questions the assumption that divine judgment, based on the ability to weigh individual cases without formal criteria, can be duplicated by humans who subsume cases under rules or argue analogically. Instead, it concludes that the only meaningful way “history” might judge is measuring the hopes and dreams of historical actors against their realization on the part of later generations, including our own.

The focus of the following section, “American Moments,” shifts to more specific issues in contemporary politics at home. The ninth chapter, “Bill Barr and the ‘Unitary Executive Theory,’” was prepared for a *Salmagundi* symposium on the controversial Attorney General at the end of Trump’s first term. Now that we are in the middle of the second, all the

13 *History and Theory*, 64, 3 (2025).

ominous trends towards the centralization and augmentation of presidential power apparent when the essay was composed have only accelerated. The Supreme Court seems inclined to grant the President, whose immunity from prosecution for misdeeds in office it bestowed in an earlier session, extended powers over hitherto independent agencies. Although the tocsin has now been loudly sounded by liberal critics of Trump's blatant authoritarian power grab,¹⁴ the contrarian position advanced in the essay—that at times, a strong executive can and should override unaccountable “independent” agencies for progressive reasons—is rarely acknowledged. Even if the clear danger now is the accretion of power in the hands of an authoritarian populist, there are counterexamples in the past that might prove—if we survive the present moment—instructive in the future.

Chapter Nine, “Afropessimism and the Figural Negro: Ruminations on *American Fiction*,” was a “Force Fields” column in 2024.¹⁵ It ruminates on Cord Jefferson's brilliant film adaptation of Percival Everett's novel, *Erasure*, using its central dilemmas to explore questions of racial authenticity, aesthetic integrity, and Afropessimism in American culture. Revisiting in the register of the aesthetic the epistemological and normative issues explored in my early collection *Genesis and Validity*,¹⁶ it tackles one of the most perplexing issues in contemporary American culture and politics: the interaction of particular identities with universal values. Reflecting admiringly on the dialectical subtleties of both the movie and

14 See, for example, Simon Lazarus, “The Right-Wing Justices Know Their Favorite Legal Theory is Bunk,” *The New Republic*, January 2, 2026: <https://www.yahoo.com/news/articles/wing-justices-know-favorite-legal-110000507.html>

15 *Salmagundi*, 224 (2024–2025).

16 Martin Jay, *Genesis and Validity: The Theory and Practice of Intellectual History* (Philadelphia: The U. of Pennsylvania Press, 2021).

the novel, the essay expresses hope for the potential overcoming of the simplistic binary opposition that pits one against the other.

The following chapter, “The Aesthetic Alibi and the Protection of Black Art,” takes a circuitous route to examine the uneasy relationship between the specificity of the Black experience in America and the porous shield provided by artistic license for its transgressive expressions. It draws on my 1992 essay on the “aesthetic alibi,” a term coined to describe the special dispensation granted to offensive speech within an artistic frame, a dispensation that at times has been extended to exculpate the problematic behavior of artists themselves.¹⁷ The new essay was triggered by the 2022 “Art on Trial: Protect Black Art” campaign, which decried the disproportionate use of Black artists’ rap lyrics as evidence of criminal intent. Their defenders insisted on the distinction between words uttered in an artistic performance and their counterparts in the world outside. Although in many cases protection for offensive speech and behavior bestowed by “the aesthetic alibi” can be challenged, their campaign shows that at certain times and in certain contexts its invocation can be justified. Acknowledging its unequal application along racial lines, which continues to disadvantage Black artists, should be a warning against an absolute condemnation in all circumstances.

Chapter Eleven, “Building New Rafts: Trump’s Inheritance of the Legacy of the Left,” also began as a column for *Salmagundi* for an issue whose alarmist title “Is This the End?” was a response to the outcome of the 2024 presidential election.¹⁸ Nothing that has happened since suggests the

17 Originally a *Salmagundi* column, the essay was republished in Martin Jay, *Cultural Semantics: Keywords of Our Time* (Amherst, Mass: U. of Massachusetts Press, 1998).

18 *Salmagundi*, 226-227 (2025).

alarm was unwarranted, but the essay sought to complicate the Manichean image of Trump's victory by recalling the ways in which he had refunctioned many of the positions once espoused by the Left. There are several ways to assess this uncomfortable fact: those leftist positions were tainted from the beginning; Trump had betrayed the good intentions behind them, while weaponizing them for his own ends; Trump should be grudgingly admired for inadvertently realizing certain leftist goals; and the assumption that "Left" and "Right" signify enduring and coherent assemblages of distinct positions was misguided. Although cases can be made for all these alternatives, the essay puts its weight behind the last and warns that the familiar clusters of positions that have long distinguished opposite poles of a political spectrum are coming undone. As the destructive force of Trump's second term of office only intensifies, it is becoming harder to predict what new ones will emerge from the wreckage.

And speaking of wreckage, the final two essays are devoted to the horrific Israeli-Gaza conflict, which has agonized many around the world unable to look away from the suffering on both sides. The section in which they are included is titled "once more, with feeling" to highlight the emotional motivation for my writing the essays, as well as their case for the revival of an endangered emotion if ever a resolution to the endless conflict in the Middle East is to be achieved. There are many reasons why I have even less legitimacy to opine on this conflict than the other issues I address in this collection. I have, after all, no professional competence as a student of its history or immediate personal stake in its outcome. But as an assimilated Jew living comfortably in the diaspora I am surely not alone in experiencing a mixture of powerful feelings—latent anxiety about the historical vulnerability of Jews and the return of antisemitism, anger and

shame at Israel's brutal actions against Palestinians, ambivalence about the legitimacy of an ethnonationalist state, disappointment at the self-destructive actions of the Palestinian leadership, guilt at the American complicity in abetting atrocities that sober observers increasingly damn as genocidal—which make silence not an option.

To help me sleep at night, I drafted “The Vicissitudes of Empathy: Reflections on the Israel-Palestine Conflict” and sent it off to several friends whose opinions on the issues I valued. One was A. Dirk Moses, who did his dissertation at Berkeley with me and has since become a major voice in the international discussion of the conflict. He immediately solicited it for the *Journal of Genocide Research*, which he edits, and alerted me to dozens of sources I had not yet seen.¹⁹ Having been hammered in the past by right-wing Zionists for an earlier piece I had written on the links between Israeli provocations and the rise of antisemitism,²⁰ I expected a comparable reaction this time around. The *Journal of Genocide Research*, it turns out, does not attract many pro-Israeli readers, so although the essay soon earned over 3,500 reads online, the only responses came from the other side of the divide. Two essays, by the anti-Zionist Israeli-born historian Nitzan Lebovic and the Palestinian philosopher Zahi Zalloua—both of whom teach in the United States—were skeptical that greater empathy for the suffering of others might be helpful in finding a solution.

19 *Journal of Genocide Research*, January 30, 2025: <https://doi.org/10.1080/14623528.2025.2458400>

20 Martin Jay, “Ariel Sharon and the Rise of the New Anti-Semitism,” *Salmagundi*, nos. 137-138 (Winter-Spring, 2003). It earned me a place in the list of self-hating Jewish defamers of Israel in Edward Alexander and Paul Bogdanor, eds., *The Jewish Divide over Israel: Accusers and Defenders* (London: Routledge, 2017).

They were, to be sure, not the first critics of empathy as a “liberal Zionist canard,”²¹ but in the interim, they had acquired odd bedfellows who were busy denouncing it for their own reasons: right-wing culture warriors in America. I ended my response to their critiques, in fact, by citing Elon Musk’s widely reported dismissal of empathy as a stain on Western civilization. As it turns out, even more extensive attacks came from a chorus of Christian nationalists, who were dismayed by compassion for beleaguered minorities or desperate asylum seekers. JD Vance interpreted the Catholic doctrine of “ordo amoris” as loving only those close to oneself, while the head of the Southern Baptist Theological Seminary, Albert Mohler, called empathy “an artificial virtue” that is “used politically in ways that are destructive and manipulative.”²² MAGA apologists Allie Beth Stuckey denigrated “toxic empathy” and Joe Rigney damned it as an outright “sin.”²³

Although there was a vigorous response to this distortion of Christianity as anti-empathetic—in one of his last efforts, Pope Francis himself denounced Vance’s understanding of Catholic doctrine—it is unsettling to see how right-

21 See, for example, Yoav Litvin, “On Empathy and Other Liberal Zionist Canards,” *Aljazeera*, February 2, 2019: <https://www.aljazeera.com/opinions/2019/2/2/on-empathy-and-other-liberal-zionist-canards> Only two years earlier, the same author, an Israeli psychologist living in America, had himself argued: “To heal, we as Israelis must abandon exclusivism and choose the evolutionary path of empathy and altruism.” “True Independence on Nakba Day: Accountability and Healing as an Israeli aggressor,” *Mondoweiss*, May 3, 2017: <https://mondoweiss.net/2017/05/independence-accountability-aggressor/>

22 See Isaac Chotiner, “How Donald Trump is Teaching Christians to Abandon Empathy,” *The New Yorker*, April 1, 2025: https://www.newyorker.com/news/q-and-a/how-donald-trump-is-teaching-christians-to-abandon-empathy-albert-mohler#intcid=_the-new-yorker-article-bottom-recirc_45067058-ce1f-4fdd-9e39-5a659733cbd2_roberta-similarity1

23 Allie Beth Stuckey, *Toxic Empathy: How Progressives Exploit Christian Compassion* (New York: Sentinel, 2024); Joe Rigney, *The Sin of Empathy: Compassion and its Counterfeits* (Moscow, Id., Canon Press, 2025)

wing ideologues and pro-Palestinian leftists can find common ground in scorning the value of this emotion. Once again, clusters of seemingly coherent political positions have loosened, and inchoate new ones are in the process of forming. Once again, liberal ideals are ridiculed from the extremes, whose adherents pride themselves on militant allegiance to causes that brook no compromise with their opponents.

Although the call for mutual empathy surely has to consider differential relations of power, it is hard to imagine moving beyond the stalemate without some emotional openness to the traumatic kernel on both sides of the dispute.²⁴ And, as I argue especially in the case of the intransigent Hamas leadership, it must also be extended to the Palestinian civilians victimized by foolhardy tactics that bring down the full weight of Israeli vengeance on innocents with no choice in their cruel destiny. My greatest disappointment in the replies to my original essay was, in fact, their unwillingness to face the grim truth about Hamas's callousness towards the very people they pretend to be defending.

If there is a final function of the crossroads metaphor introduced to characterize the intersections of intellectual history and political or cultural commentary, the neutrality of academic prose and colloquial rhetoric, and theoretical distancing and the events of the day, it is to suggest that cool analysis can be fruitfully informed by emotional commitment. We know, of course, all the ways that this combination can go awry, and advocacy scholarship often seems oxymoronic (or just plain moronic), but there are moments where it

24 For a thoughtful reflection on this issue, see Dan Zafrir, "The Imbalance of Empathy in the Israeli-Palestinian Conflict: Reflections from the (Simulated) Negotiating Table," *ICSR*, 2017: <https://icsr.info/wp-content/uploads/2017/07/The-Imbalance-of-Empathy-in-the-Israeli%E2%80%9393Palestinian-Conflict-Reflections-from-the-Simulated-Negotiating-Table.pdf>

becomes entirely appropriate. The troubled times we are living through are not conducive to standing on a safe shore and watching the storm destroy ships from afar. We are, alas, all together in the roiling water and swimming for our lives.

Section One:

Marxist Legacies

