

Paper Proposal/Abstract

Penumbras of Publicity: A Distinction Between Liberalism and Neoliberalism

This paper works from and explores Philip Mirowski's complaint that David Harvey's *A Brief History of Neoliberalism* does not sufficiently distinguish classical liberalism and neoliberalism. I argue that all liberalisms prior to neoliberalization—before the implementation of a variety of post-Fordist policies including privatization and exchange-centered organizational reforms—were illuminated by a penumbra of publicity. These emanations of publicity in liberal theory and practice are sometimes parasitical upon the commons in the republican tradition; or publicity may be central to the theory as it is, for example, in John Stuart Mill's presentation of the freedom of thought and discussion. But even the post-war libertarianism of Friedman and Hayek maintained the assumption of a limited state and hence distinctive role for acting in concert outside of economic rationality. The eclipse of the common in neoliberalism first happens in political economic practice, as Harvey teaches us. But will the global failure of neoliberalization reinstate publicity in theory and practice? Not as it was before.

The essay investigates the waning of political publicity in liberal theory and democratic practice. Consider John Rawls's monumental reduction of the social theories of welfare liberalism to a matter of moral choice. Have other democratic perspectives focused on the moral rather than the collective also eclipsed the public realm? Is there a slippage between the individualism of the economic and of the moral?

The paper investigates two specific cases, which I identify as examples of neoliberalization in domestic United States politics: victim-impact testimony's effect on sentencing in criminal cases and attacks on the continued viability of the tenure system for university academics. I argue that in both cases we see an erasure of the commons, and that these erasures are illiberal.

Victim-impact testimony is presented at sentencing in criminal trials in order to soften the cold proceduralism of criminal law. The family of a murder victim is given an opportunity to express their loss to the convicted, and the testimony can affect sentencing. The practice is not on its face economic, but it is to the extent that it erodes the distinction between civil and criminal law. It is as if the death were a simply civil case of negligence. Rather than calculating an income stream that is deprived the family, grief is displayed as utiles of condemnation that then cue the police powers of the state. Will economic collapse undo these rationales and this erasure of the commons?

A national newspaper, *The New York Times*, recently published an opinion piece arguing that the tenure system, which secures life-long employment for university professors, should be abolished because it is a vestige of the Fordist system of accumulation. One might expect that a left response would be to maintain the system, but some activists have argued that tenure should be abolished so that all university instructors can realize their shared interests through coalitions between full-time researchers and part-time teaching staff. This ignores the fact that the institution of tenure opens up a realm of publicity between administrators and faculty.