

The Dialectics of Guilt and Atonement: *Negative Dialectics* as a Theory of Justice

1. Introduction:

In his monumental *Main Currents of Marxism*, Leszek Kołakowski claimed Theodor Adorno's *Negative Dialectics* represents an "embodied antinomy: a philosophical work that sets out to prove...that the writing of philosophical works is impossible."¹ At the very least, *Negative Dialectics* is a work of philosophy that resists itself *as* a philosophy in both content and form. The paradoxical nature of this work poses challenges for contemporary scholarship. For example, *Negative Dialectics* appears as an elaboration of a new epistemology, yet, as Brian O'Connor notes, it is at the same time a "metacritique of epistemology" itself.² Additionally, many contemporary scholars such as Sina Kramer conceptualize *Negative Dialectics* as a work that provides us with a "critical theoretical method"³; however, Adorno himself stated in the recent English translation of *Ontology and Dialectics* that "negative dialectics is neither a strict method nor a supposed mirroring of reality."⁴ In a more biographical sense, Stefan Müller-Doohm writes that *Negative Dialectics* presents itself as an "authoritative statement" of Adorno's philosophy,⁵ while Peter Gordon notes that it is "misleading...to suggest that this single book could stand as the summation of Adorno's philosophical career", given his resistance to the notion that thinking could ever be unified or closed.⁶ These varying interpretations over what *Negative Dialectics* is supposed to be are neither right nor wrong necessarily, but indicative of the basic contradiction Adorno wished to communicate, namely that thinking should never insist upon reconciliation or consensus.

This paper proposes to think of *Negative Dialectics* as containing a theory of justice that is no less paradoxical. While scholars intuitively know that Adorno and the thinkers of the Frankfurt School had a strong commitment to social justice and the alleviation of suffering, the question of what constitutes a theory of justice, or an orientation towards justice on Adorno's terms, is still a matter of contestation. For example, Axel Honneth notes that *Negative Dialectics* in effect features a practice of restitutive justice,⁷ insofar as Adorno intends to *restore* the "non-identical" (*Nichtidentisch*) to objects that have suffered violence through "identity-thinking." O'Connor, on the other hand, sees Adorno's notion of justice in *Negative Dialectics* as a matter of "recognition", as Adorno wished to bring back into view the qualitative nature of objects that had been necessarily disavowed by Enlightenment thought.⁸

This paper will propose an additional conception of justice that is different from that of Honneth and O'Connor in part by situating *Negative Dialectics* as a response to the historically situated injustice wrought by the birth of the commodity. In the first section, this paper will claim that Adorno's theory of justice is best analyzed in relation to hegemonic conceptions of justice in the form of "bourgeois justice", which, as Horkheimer and Adorno claim in *Dialectic of Enlightenment*, take on a strictly formal, quantitative and fixed character. In the second section, this paper will propose that understanding justice as a theme in *Negative Dialectics* means re-emphasizing the often-neglected centrality of guilt in Adorno's corpus, which, as we shall see, is the affective engine motivates us to repair the damage done to the world through the violence of identity-thinking. For Adorno, guilt is not a matter of legalistic identification, but a bodily feeling that facilitates an unending ethic of reparation that emerges from an attentiveness

¹ Leszek Kołakowski, *Main Currents of Marxism* (New York: W.W. Norton and Company, 2005), p.1073

² Brian O'Connor, *Adorno's Negative Dialectic: Philosophy and the Possibility of Critical Rationality* (Cambridge: The MIT Press, 2004), p.1

³ Sina Kramer, *Excluded Within: The (Un)Intelligibility of Radical Political Actors*. (Oxford: Oxford University Press, 2017), p.125

⁴ Theodor Adorno, *Ontology and Dialectics: 1960-1961* (NY: Polity Press, 2019), p.242

⁵ Stefan Müller-Doohm, *Adorno: A Biography*. Translated by Rodney Livingstone. (Cambridge: Polity Press, 2005), p.327

⁶ Peter Gordon, *Adorno and Existence* (Cambridge: Harvard UP, 2016), p.122

⁷ Axel Honneth, "Performing Justice: Adorno's Introduction to *Negative Dialectics*". *Pathologies of Reason: On the Legacy of Critical Theory* (NY: Columbia UP, 2009), p.71-87, p.87

⁸ O'Connor, *Adorno's Negative Dialectic*, p.43

to suffering. These two pillars will give us a stable and more holistic foundation to pursue the major contention of this paper in the third section, which is that justice for Adorno is *more* than a matter of “restitution” or “recognition”, but also atoning for the guilt that we share in, deliberately or inadvertently, reproducing the logic and the conditions that made Auschwitz possible. This process also presents itself as a paradox, insofar as Adorno insists upon “doing justice” in the form of negative dialectical critique, but also resists the idea that justice could ever really be done or complete.

This is not simply a potential contribution in Adorno scholarship, but more broadly an innovation in several areas of contemporary political theoretical inquiry. Some recent scholarship, much of which has followed Arendt, has called into question the viability of suffering as a foundation for distinctly political action.⁹ Also following Arendt, there has been even more skepticism regarding guilt as an affect with any political worth.¹⁰ Adorno’s conception of guilt as the affective motivation for critique and therefore distinctly political action serves as an intervention into the debate regarding the politics of suffering and the politics of guilt more specifically, and demonstrates how guilt on Adorno’s terms has a distinctly political valence. Additionally, Adorno’s work in *Negative Dialectics* gives us a novel conception of justice as an ongoing *political ethic* of “doing justice to” objects in the world, rather than a legalistic, fixed judgment or matter of distribution or exchange.

2. Adorno and the Critique of “Bourgeois Justice”:

One speaks of the threat of a relapse into barbarism. But it is not a threat – Auschwitz was this relapse, and barbarism continues as long as the fundamental conditions that favored that relapse continue largely unchanged. That is the whole horror.

-Theodor Adorno, “Education After Auschwitz”¹¹

In the “Freedom” chapter of *Negative Dialectics*, Adorno remarked the following regarding the prosecution of “torturers of Auschwitz”:

If the men charged with torturing, along with their overseers and with the high and mighty protectors of the overseers, had been shot on the spot, this would have been more moral than putting a few on trial...Once a judicial machinery must be mobilized against them, with codes of procedure, black robes, and understanding defense lawyers, justice – incapable in any case of imposing sanctions that would fit the crimes – is falsified already, compromised by the same principle on which the killers were acting.¹²

Hyperbole notwithstanding, it may be difficult to discern what kind of critique Adorno is leveling here, and to whom. On its face, this is presumably a direct critique of the Auschwitz Trials of 1963 and its failure to secure any kind of restitutive justice given the magnitude of Nazi crimes. However, Adorno’s criticism, which is not necessarily

⁹ A recent intervention can be seen in Claudia Leeb, “Rebelling against suffering in capitalism” *Contemporary Political Theory* (2018) 17, 263–282. Countering claims by Arendt, Bonnie Honig and Wendy Brown, Leeb attempts to use Marx, Adorno and Deleuze to revive a politics of suffering as a means to resist contemporary injustices under capitalism.

¹⁰ The denigration of guilt, particularly the feeling of guilt for something we did not do directly, comes under fire in a number of Arendt’s works. See: Hannah Arendt, “Some Questions of Moral Philosophy”. *Responsibility and Judgment* (New York: Schocken Books. Print. 2003), p.57, p.107; Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Classics Edition, Penguin Books. 2006), p.251; Hannah Arendt, “Collective Responsibility”. *Responsibility and Judgment* (New York: Schocken Books. Print. 2003); Hannah Arendt, “Organized Guilt and Universal Responsibility”. *Essays in Understanding, 1930-1954: Formation, Exile, and Totalitarianism* (New York: Knopf Doubleday Publishing. Print. 2011), for example. For a recent critique of the political status of guilt, see: Antonio Vasquez-Arroyo, *Political Responsibility: Responding to Predicaments of Power* (New York: Columbia UP, 2016)

¹¹ Theodor Adorno, “Education After Auschwitz.” *Can One Live After Auschwitz? A Philosophical Reader*. Edited by Rolf Tiedemann. (Stanford: Stanford UP, 2003), p.19-33, p.19

¹² Theodor Adorno, *Negative Dialectics* (New York: Continuum International Publishing Group, 2007), p. 286-287

obvious here but becomes clearer upon examination of his broader philosophical corpus, moves beyond the familiar frame that the crimes of the Third Reich were so vast that they “explode the limits of law”, as Arendt had contended in the 1940s.¹³ Adorno treats this as obvious as he writes in an almost offhand way that the “judicial machinery” instituted was “incapable *in any case* of imposing sanctions that would fit the crimes”. The force of Adorno’s critique is rather found in the last clause, that the “machinery of justice” is “compromised” because it unwittingly reproduces the “same principles” that the Nazis had embodied themselves.

One is naturally prompted to ask whether Adorno is drawing some kind of moral or political equivalence between prosecutors of Nazi crimes and the Nazis themselves, which would naturally be senseless. We are also prompted to ask what Adorno would suggest we *actually do* with the “torturers of Auschwitz” if trials are clearly insufficient. On the whole, the answers and stakes of these questions are made much clearer only when examined within Adorno’s broader critique of the ideology of legalism, which is dismissively branded as “bourgeois justice” (*bürgerliche Gerechtigkeit*) in *Dialectic of Enlightenment*.¹⁴ Only from the vantage point of this critique of an insufficient practice of justice can we better elaborate upon how Adorno *actually* theorizes justice.

2.1 Commodity Exchange and “Bourgeois Justice”

As Antonio Vasquez-Arroyo writes, there has been a tendency in recent scholarship on Adorno to dispense with or downplay “his roots in the dialectical legacy of Hegelian Marxism”, in favor of conceptualizing an “ethical Adorno”, a proponent of “ethical modernism” rather than a critical theorist responsive to historico-political predicaments of power.¹⁵ Recovering the “Hegelian Marxist” Adorno is crucial if we wish to reconstruct and understand his critique of “bourgeois justice”, which is not a transhistorical problem but rather, he argues, a result of the sedimentation of a particular historical constellation that appears as natural.

Here, the birth of the commodity form is central as a historical marker for Adorno and he naturally takes Marx as his point of departure. As Marx recounted in “The Commodity” chapter of *Capital Volume I*, the commodity appears as “extremely obvious” or “trivial”, but in fact abounds in “metaphysical subtleties and theological niceties” that are indeed of great philosophical and social importance.¹⁶ If we could say that the commodity had a “secret” for Adorno, as it did for Marx, it was that exchangeability, the hallmark of the commodity form, became a governing principle for the whole of society, and unraveling its character would tell us something about how society functions. As Marx noted in *Capital*, a commodity must be granted a quantifiable identity in the form of exchange-value so that it may be “directly exchangeable with all other commodities.”¹⁷ However, what also takes place during this process of quantification is a kind of neglect, in which the “sensuous” characteristics of the commodity are disavowed in order to make way for a process of abstraction, whereby an arbitrary quantitative designation granted to the object takes priority over its qualitative aspects. In Marxian parlance, exchange-value comes to eclipse use-value, and relations between objects necessarily take on quantifiable character. In other words, for the purposes of exchange, objects are stamped with a detached identity that does not in any meaningful sense refer to the distinct particularity or the individuality of that which is being addressed. If it did, it could not be easily exchangeable.

¹³ Hannah Arendt and Karl Jaspers, *Hannah Arendt Karl Jaspers: Correspondence 1926-1969*. Edited by Lotte Kohler and Hans Saner. (San Diego: Harcourt Brace & Jovovich, 1993), p.54

¹⁴ Max Horkheimer and Theodor Adorno, *Dialectic of Enlightenment* (Stanford: Stanford UP, 2002), p.4

¹⁵ Adorno, *Negative Dialectics*

¹⁶ Antonio Vasquez-Arroyo, *Political Responsibility: Responding to Predicaments of Power* (New York: Columbia UP, 2016), p.181

¹⁷ Karl Marx, *Capital: A Critique of Political Economy Volume I* (London: Penguin Classics, 1990), p.163

¹⁷ Marx, *Capital Volume I*, p.159

For Adorno, the normative stakes of this process are exceedingly high. What Marx describes is not merely a meditation on “the mysteries of identity” specific to Marx’s age, or a sterile analysis of how political economy came to understand certain objects as “the same” or valuable within a particular social totality.¹⁸ Rather, through the birth of capitalist commodity exchange, Adorno sees the formation of a process of “systematic misrecognition”, in which objects, and indeed individuals, are not seen for the uniqueness or qualitative distinctiveness they embody, but rather come to take on a uniform, fixed and abstract identity that makes them manipulable, exchangeable, and alterable.¹⁹ If individuals are reduced to “economic functions” and eventually become nothing more than “agents or bearers of exchange value”, they have no inherent worth outside of the practice of exchange and become subject to extreme forms of dehumanization and domination.²⁰ However, for Adorno to claim that the “domination of mankind by the exchange-value” is indeed “universal”, the components of exchange, namely abstraction, a false sense of equality and homogenized “identity-thinking” would need to be reproduced in thought and through institutions.²¹

It is only upon this historico-political terrain that we can clarify the *content and force* of Adorno’s critique of “bourgeois justice”, which is not grappled with in a sustained and entirely analytical way, but can be pieced together in fragments of *Dialectic of Enlightenment*. By drawing off the basic themes of “abstraction, identity and reification”²² that are outlined in *Capital*, Horkheimer and Adorno claim that “bourgeois society is ruled by equivalence. It makes dissimilar things comparable by reducing them to abstract quantities.”²³ This tendency, however, is not merely apparent as a material phenomenon, but also reproduced in specifically Enlightenment thought, which, Horkheimer and Adorno further claim, has tended to assert that “anything which cannot be resolved into numbers, and ultimately into one, is illusion” and therefore worthless.²⁴ The significance of this is that in the same way that political economy cannot register as meaningful something that cannot be exchangeable, Enlightenment moral theory, which refers not only to the Benthamite utilitarian calculus but also the Kantian categorical imperative, cannot help but reproduce the same emphasis on quantification, uniformity, universality and homogenization. As such, Horkheimer and Adorno argue, it too must neglect or disavow the elements of human experience, such as certain kinds of suffering, which cannot fit into unified moral or scientific schema.

In essence, for Horkheimer and Adorno in modernity “the same equations govern justice and commodity exchange.”²⁵ And by claiming that “the blindfold over the eyes of Justitia means not only that justice brooks no interference but that it does not originate in freedom”, Horkheimer and Adorno are communicating that the same blindness to qualitative distinction that governs exchange is present in areas of political life in which justice and freedom are supposed to emerge.²⁶ Instead, the laws of society through which justice is to be calculated and administered are corollaries of the “laws of logic” that were constructed to build a “unified, scientific order” by Enlightenment rationalists in which all is calculable, manipulable and exchangeable across time and space.²⁷ This means the *injustice* of systematic misrecognition that is perpetuated through exchange is also perpetuated through the institutions that are supposedly intended to secure justice.

¹⁸ Fredric Jameson, *Late Marxism: Adorno, or, the Persistence of the Dialectic* (NY: Verso Books, 1990), p.23

¹⁹ J.M. Bernstein, *Adorno: Disenchantment and Ethics* (Cambridge: Cambridge UP, 2001), p.202

²⁰ Deborah Cook, *Adorno, Foucault, and the Critique of the West*. (New York: Verso Books, 2018), p.23

²¹ Adorno, *Negative Dialectics*, p.178

²² Susan Buck-Morss, *The Origins of Negative Dialectics: Theodor Adorno, Walter Benjamin and the Frankfurt Institute* (NY: The Free Press, 1979), p.98

²³ Horkheimer and Adorno, *Dialectic of Enlightenment*, p.4-5

²⁴ *Ibid.* p.4-5

²⁵ *Ibid.* p.4

²⁶ *Ibid.* p.12

²⁷ *Ibid.* p.63

At the same time, these reflections remain ambiguous and relatively scattered. This is one reason why commentators have oftentimes labeled *Dialectic of Enlightenment* as “a series of wild generalizations barely susceptible to empirical confirmation”²⁸ or “a series of hit-or-miss aphorisms rather than a sustained argument.”²⁹ What exactly are Horkheimer and Adorno referring to when they inveigh against “bourgeois justice?” In short, it appears that the ideology of legalism more broadly is their target. As Judith Shklar has noted, legalism as posited by neo-Kantians like Hans Kelsen has a tendency to crystallize into “refined and rigid systems of formal definitions” that isolate “law completely from the social context within which it exists”, instead asserting law as a detached and self-evident “science.”³⁰ Not only is the distinctly *political* character of law masked in legalistic thinking, but its inherent tendency towards formalism and uniformity means that legal systems have a tendency to posit “impersonal rules”³¹ as the standards through which “justice” is supposed to be adjudicated or administered, making justice itself merely a matter of rationalized rule-following rather than an ongoing practice of critical engagement.

Under legalism, or “bourgeois justice”, a fixed identity of the subject is presupposed, and indeed required if there is to be regularity, conformity and consistency in the application of legal principles. Adorno sees this practice at work in Kant, who intended to build a uniform and “properly juridical or legal subject” capable of autonomous self-legislation.³² In Kant, moral reasoning is meant to take on a “lawful” (*gesetzlich*) quality,³³ and obligation becomes not a matter of *feeling indebted* to another and feeling the need to engage in a practice of restitution, but rather a product of fulfilling a sterile and supposedly lawful “external demand”.³⁴ One need only refer to Kant’s consistent appeal to the necessary “purity and strictness” of universally valid moral laws, insulated from our subjective “wishes and inclinations”, to get a sense of how his ethics also contains a leveling quality.³⁵ All individuals are intended to conform their wills in accordance with an “objective law of reason” that asserts a universally binding command, which has the function of negating the possibility for conceptualizing moral difference.³⁶ This notion of obligation in Kant, which Adorno also conflates with a kind of “moral narcissism” because of its self-certainty,³⁷ surrenders the possibility of critical engagement with these fixed universal standards in favor of uniform and sterile obligation.

Slowly, it becomes clear that the character of bourgeois exchange that is recounted in Marx and the character of “bourgeois justice” that finds its fullest expression in legalism are similar insofar as they all posit abstract principles to make unlike things alike. The commodity is granted an abstract quantity and confronts the vicissitudes of the market as an exchangeable item, and the “identity of the legal subject” is meant to be equally abstract and uniform, which is necessary for it to fit within a totalizing legalistic framework that makes moral and political experience merely a matter of rule-following. The characteristics of both the legal subject and the commodity are manipulated and deliberately misrecognized in order to fit within a hegemonic schema, be it law or political economy. And for Adorno, as long as “jurisprudence” represents “the epitome of... a completely consistently structured, dogmatic theory”, falsely insisting upon itself

²⁸ Simon Jarvis, *Adorno: A Critical Introduction* (Cambridge: Polity Press, 1998), p.20. Cited in Martin Shuster, *Autonomy after Auschwitz: Adorno, German Idealism, and Modernity* (Chicago: University of Chicago Press, 2014), p.8

²⁹ Richard Rorty, “The Overphilosophication of Politics,” *Constellations* 7, no. 1 (2000): 128. Cited in Shuster, *Autonomy after Auschwitz: Adorno, German Idealism, and Modernity*, p.8

³⁰ Judith Shklar, *Legalism: Law, Morals, and Political Trials* (Cambridge: Harvard University Press, 1986), p.2

³¹ *Ibid.* p.35

³² Jameson, *Late Marxism*, p.19

³³ *Ibid.* p.19

³⁴ Shklar, *Legalism*, p.61

³⁵ Immanuel Kant, *Grounding for the Metaphysics of Morals*. Translated by James W. Ellington. Third Edition. (Indianapolis: Hackett Publishing Company, 1993) p.17

³⁶ *Ibid.* p.24

³⁷ See Judith Butler, *Giving Account of Oneself*. (New York: Fordham University Press, 2005), p.108

as a scientific closed system whereby all moral and political experience is associated with rule-following, it will yield to a tendency to repeat and reproduce judgment (and conditions of judgment) in a way that simply cannot account for the particularity and uniqueness of the situation and subjects involved.³⁸ Instead, objects in the world are ascribed a fixed, abstract identity (in the case of law this might be a fixed conception of ‘the citizen’), and given a determinate relationship with moral and legal principles. And this fact of determinateness means that “bourgeois justice” cannot take into account the very possibility of difference, particularity and deviation among the objects it has defined. This is how, in *History and Freedom*, Adorno can assert the seemingly paradoxical claim that “justice that amounts to a repetition of sameness” can only be “unmasked as injustice and perpetual inequality.”³⁹

2.2. *The Silences of the Law*

A resurgence in scholarship since the 1980s regarding Marxism’s relationship to law made little or no reference to any of Adorno’s reflections on “bourgeois justice.” Rather, at stake in many of these debates was the extent to which the rule of law functioned as a tool of legitimation for specific relations of class domination, and whether it belonged as a facet of the “base” or “superstructure” in the Marxian analytical frame.⁴⁰ The common refrain in Marxist scholarship has been to highlight the fact that bodies of law in capitalist society reinforce relations of injustice rather than alleviate it, and here Adorno would not necessarily disagree despite his unwillingness to speak in the language of class entirely.⁴¹ Yet, Adorno’s reflections do provide us with an insight that distinctly Anglo-American Marxist reflections on law do not. He is not merely attentive to the fact that law formally reinforces injustice in the form class domination, but also that it betrays a deep irrationality by only rendering a limited set of human experiences as socially legible or important.

Take for instance the following assertion in *Negative Dialectics*, which builds on the previous reflections taken from *Dialectic of Enlightenment*:

Law is the primal phenomenon of irrational rationality. In law the formal principle of equivalence becomes the norm; everyone is treated alike. An equality in which differences perish secretly serves to promote inequality; it becomes the myth that survives amidst an only seemingly demythologized mankind. For the sake of an unbroken systematic, the legal norms cut short what is not converted, every specific experience that has not been shaped in advance; and then they raise the instrumental rationality to the rank of a second reality sui generis. The total legal realm is one of definitions. Its systematic forbids the admission of anything that eludes their closed circle, of anything quod non est in actis. These bounds, ideological in themselves, turn into real violence as they are sanctioned by law as the socially controlling authority, in the administered world in particular. In the dictatorships they become direct violence; indirectly, violence has always lurked behind them.⁴²

In one sense Adorno is claiming that “legal norms” reinforce domination in the traditionally Marxian sense (though there is no mention of class), but more importantly Adorno is asserting that law and the legalistic thinking more broadly associated with the

³⁸ Theodor Adorno, *Philosophical Elements of a Theory of Society* (Cambridge: Polity Press, 2019), p.18

³⁹ Theodor Adorno, *History and Freedom: Lectures 1964/1965* (Cambridge: Polity Press, 2006), p.170

⁴⁰ These debates can be found in: Hugh Collins, *Marxism and Law* (Oxford: Oxford University Press, 1984) and Andrew Vincent, “Marx and Law” *Journal of Law and Society* Vol. 20, No. 4 (Winter, 1993), pp. 371-39

⁴¹ For an example of this argument, see Ellen Meiksins Wood, *Democracy Against Capitalism: Renewing Historical Materialism* (Cambridge: Cambridge University Press, 1995), p.27

⁴² Adorno, *Negative Dialectics*, p.309

Enlightenment *creates* the subjects to which law applies and expels any idea or experience that cannot be fit into a unitary moral or political theory in the first place. It therefore creates a mythic account of human affairs, and quite literally does violence (deliberately or non-deliberately) to objects *and* subjects by misrecognizing them as objects of inquiry that can fit within a formal, schematic frame and be ordered, manipulated and altered in a particular way.

This tendency towards thinking in terms of uniformity and therefore predictability and calculability inevitably disavows the elements of life that cannot be neatly categorized and ordered. But what are the kinds of experiences that exist within the silence of law and therefore cannot be rendered meaningful or intelligible? For Adorno, the raw affects associated with bodily experiences of injustice (suffering, pity, remorse, guilt etc.) have no currency within the machinery of “bourgeois justice”, and are deliberately neglected in order to make way for a more systematic, formalistic moral and legal theory.⁴³ It is not because of mere sentimentality that Adorno wishes to bring our attention to affects that he believes have been expunged from philosophical and political relevance. In fact these are the elements of experience that, as Honneth notes, allow us to “become attentive” to the “pathological character” of our “apparently familiar life-world.”⁴⁴ In other words, suffering or remorse, for example, help us *sense* injustice, and tip us off to the fact that the institutions and practices that purport to secure freedom, justice or equality do not actually do so. It brings our attention to an extreme insufficiency of justice as it is practiced.

Importantly, this is not meant to be an affirmation of remorse, nor is Horkheimer and Adorno’s subsequent discussion of the denigration of pity [*Mitleid*] in Kant meant to be an affirmation of thereof. As Gerhard Schweppenhäuser notes, “to set out an affirmative moral principle was exactly what Adorno did not want to do”,⁴⁵ rather, he “sought an element that would foster mimetic solidarity” through certain affects.⁴⁶ Remorse and pity for Adorno are therefore elements of human experience that help facilitate receptiveness to the world in a way that the abstract processes of Enlightenment systematization cannot. This is not a foundation for an ethics, but rather one means by which the body registers injustice in a way that propels us to resist, rather than reconcile ourselves to a particular state of affairs. These affects do this by granting us an attentiveness to suffering that endures long after the machinery of “bourgeois justice” is finished and declared that justice has been done. Guilt, as we will see, is a central affect that has been disavowed by legalism, and has been restricted as a mere formal definition rather than a sensory experience. And against theorists like Arendt who have suggested that “political action... should not be driven by self-regarding motives such as guilt”, Adorno will suggest that guilt is indeed *an indispensable* type of suffering for reclaiming anything like an ethic of political action.⁴⁷

2.3. *Justice After Auschwitz*

For Adorno, legalism is not only an ideology that produces and *reproduces* injustice, making it a completely ill-suited restitutorial corrective and response to something like the crimes of the Nazis. Quite radically, Adorno *also* claims “bourgeois justice” in the form of legalism indeed *mimics the character* of Nazi law. Or more

⁴³ Take for example Horkheimer and Adorno’s claim in *Dialectic of Enlightenment*: “To be free of the stab of conscience [Gewissensbissen] is as essential to formalistic reason as to be free of love or hate. Remorse [Reue] posits the past – which, contrary to popular ideology, has always meant nothing to the bourgeoisie – as something which exists; it is a relapse, to prevent which, for bourgeois praxis, would be remorse’s only justification.” p.75

⁴⁴ Axel Honneth, “The Possibility of a Disclosing Critique of Society: The *Dialectic of Enlightenment* in Light of Current Debates in Social Criticism”. *Disrespect: The Normative Foundations of Critical Theory* (Cambridge: Polity Press, 2007) p.49-62, p.59

⁴⁵ Gerhard Schweppenhäuser, “Adorno’s Negative Moral Philosophy” *The Cambridge Companion to Adorno*. Edited by Thomas Huhn (Cambridge: Cambridge UP, 2004), p.328-353, p.346

⁴⁶ *Ibid*, p.334

⁴⁷ Andrew Schaap. “Guilty Subjects and Political Responsibility: Arendt, Jaspers and the Resonance of the ‘German Question’ in Politics of Reconciliation.” *Political Studies*. 2001. Vol. 49, 749-766. p.758

accurately, Nazi law mimicked the character of legalism. As noted, legalism makes morality a matter of rule-following, and exhibits a tendency towards formalism and uniformity, thereby depriving itself of an attentiveness to differences and particularity among the objects that are supposed to fit within its schematic. Adorno registers this as a kind of systematic misrecognition *and* a process of dehumanization. Additionally, the formal sterility of this practice of rule-following denigrates those affects that serve as the engine for critique. In Adorno's eyes, Nazi law is a basic reproduction of this kind of thinking. In Hitler's own perverted legalism, fascist rule-following assumed the same status as an ethical imperative, and the tendency that existed in pre-fascist "bourgeois society" to produce a uniform subject to fit within a totalizing moral schema was present within *fascist* society, and indeed *post-fascist* society. The expulsion of difference in "bourgeois society" takes the form of neglect, disavowal or manipulation, while fascist regimes engage in violent repression or elimination. Nevertheless, for Adorno the transition from "bourgeois society" to fascist society is smoother than it might seem.

This view calls into question the prominent Arendtian view that locates Nazism's conditions of possibility within modern anti-Semitism and imperialism, but nevertheless insists that totalitarianism presented itself as a novel political form. In contrast, Adorno's work traces the basic continuity between "Enlightenment's" features and those of totalitarianism, the differences being, from his perspective, a matter of degree, whereas Arendt, at least in her earlier writings, emphasizes how the distinctiveness of totalitarianism "exploded" traditional legalistic categories instead of continuing them.⁴⁸ In short, as Bernstein writes of Adorno, "Auschwitz is a radical but not unique instance of instrumental rationality", and as long as the conditions out of which Auschwitz became possible still exist, another conflagration of mass violence is always a possibility.⁴⁹ It is for this reason, particularly in his lectures, that a discussion of Auschwitz is often accompanied by reference to another contemporary corollary of "instrumental rationality", such as the war in Vietnam or the threat of nuclear war, which signifies that the logic that facilitated Auschwitz persisted *beyond* Auschwitz.⁵⁰

In light of this, Adorno's reflections regarding the prosecution of the "torturers of Auschwitz", as well as his critique of "bourgeois justice" more broadly, is now more fully intelligible. Legalism is not only compatible with fascism, but its basic principles, particularly an ethic of rule-following that creates uniformity of judgment and behavior, had helped lay the terrain for a distinctly fascist politics. Fascist dehumanization could only have occurred if it was preceded by another similar form of dehumanization. This can only be explained through Adorno's distinctly Marxist emphasis on the birth of the commodity form, which has remade society and its subjects in its uniform and abstract image. Adorno's attempt to move beyond the reproduction of "systematic misrecognition" by engaging in a practice of "doing justice" is a means of producing new political possibilities within what appears as a totally reified social whole. As we will come to see, justice is not a matter of positing alternative abstract principles in response to the insufficiencies of legalism, but rather it distinguishes itself as an unending process of seeing things in the world for what they are and indeed what they could be.

3. Guilt as the Foundation of *Negative Dialectics*

Several distinct trends in postwar political-theoretical inquiry have featured guilt as an important touchstone. Naturally, the psychoanalytic tradition laid claim to being the premier theoretical tradition that attempted to make sense of feelings of guilt and the intra-psychic forces that molded and responded to it at the individual level. Outside of the psychoanalytic tradition, and in many cases in opposition to it, political thinkers like Karl

⁴⁸ Hannah Arendt, "The Image of Hell". *Essays in Understanding, 1930-1954: Formation, Exile, and Totalitarianism*. (New York: Knopf Doubleday Publishing, 2011), p.198

⁴⁹ Bernstein, *Adorno: Disenchantment and Ethics*, p.394

⁵⁰ Theodor Adorno, *Lectures on Negative Dialectics: Fragments of a Lecture Course 1965/1966* (Cambridge: Polity Press, 2008), p.19

Jaspers, Hannah Arendt and Dwight MacDonald provided in-depth reflections regarding how, if at all, guilt in the legalistic and moral sense could be ascribed to the members of a collectivity for the crimes perpetrated by their state, which in turn helped give rise to a rich and enduring tradition of inquiry related to moral and political responsibility.⁵¹ Additionally, and quite distinct from these two traditions is the Rawlsian conceptualization of guilt, which is framed as a foundation of what Rawls calls “the sense of justice”, which is cast as the only necessary affective component “required for participation in the original position.”⁵²

Adornian guilt is related to the psychoanalytic tradition, but features a few noteworthy deviations. First, guilt for Adorno is distinctly *not* pathological, as it might be for others in the psychoanalytic tradition. In some of his later writings, for example, we find Adorno very explicitly attempting to rescue guilt from its pathological connotations. In his 1959 essay and radio address “The Meaning of Working Through the Past”, he critiques the dismissal of “guilt complexes” by his contemporaries in reference to the German attempts to come to terms with the recent past:

Despite all of this, however, talk of a guilt complex has something untruthful to it. Psychiatry, from which the concept is borrowed with all its attendant associations, maintains that the feeling of guilt is pathological, unsuited to reality, psychogenic, as the analysts call it. The word ‘complex’ is used to give the impression that the guilt...is actually no guilt at all but rather exists in them, in their psychological disposition: the terribly real past is trivialized into merely a figment of the imagination of those who are affected by it. Or is guilt itself perhaps merely a complex, and bearing the burden of the past pathological, whereas the healthy and realistic person is fully absorbed in the present and its practical goals?⁵³

For Adorno, guilt is not to be expunged or transcended. It is rather to be grappled with as part of an ongoing ethical and political project, as we shall see. Additionally, and against the psychoanalytic reading of guilt as debilitating, Adorno thinks of it as having distinctly emancipatory value, insofar as political emancipation is possible. Here Adorno is more closely in line with Jaspers’ understanding of “metaphysical guilt”, though he does not have in mind the specific *ends* that Jaspers outlines, nor does he, as Peter Gordon notes, “elevate questions of historical complicity onto the empyrean plane of a generic and indistinct human condition” in the way that Jaspers does.⁵⁴ In some sense, Adorno could also be thought of as having an affinity with the Rawlsian notion of guilt as a *capacity* to engage in certain politico-ethical experience, but of course Adorno could not buy into a Rawlsian project that emphasizes its own kind of reified legalism and practice of consensus-building.

Adorno’s reflections on guilt are at once less formal than Rawls’, more social and emancipatory than the early psychoanalytic reading and Arendt’s lifelong discussions of the subject, and importantly more responsive to distinct historical and political predicaments of power than Jaspers’ discussion of guilt in *Die Schuldfrage*. When contextualized, guilt in Adorno’s corpus is revealed as the affective engine that propels us to engage in the practice of “doing justice” to damaged objects in the world. As this paper will develop more fully in the following section, it is a capacity that allows us to

⁵¹ See Karl Jaspers, Jaspers, Karl. *The Question of German Guilt*. Translated by E.B. Ashton. (New York: Fordham University Press) 2000; Hannah Arendt, “Organized Guilt and Universal Responsibility”. *Essays in Understanding, 1930-1954: Formation, Exile, and Totalitarianism* (New York: Knopf Doubleday Publishing) 2011; Dwight MacDonald, *The Responsibility of Peoples: And Other Essays in Political Criticism* (Westport: Greenwood Press, 1957)

⁵² John Rawls, “The Sense of Justice”, *The Philosophical Review*, Vol. 72, No. 3 (Jul., 1963), pp. 281-305, p.301

⁵³ Theodor Adorno, “The Meaning of Working through the Past”, *Can One Live After Auschwitz? A Philosophical Reader* Edited by Rolf Tiedemann. (Stanford: Stanford UP, 2003), p.3-18, p.5

⁵⁴ Gordon, *Adorno and Existence*, p.141

recognize an indebtedness we have to those who suffer, will suffer, and have suffered in the past, making it temporally present, retrospective, and forward-looking. In effect, in reclaiming guilt from legalistic identification, Adorno is repurposing it for a new kind of ethical-political engagement that is not only cast as restitutional or reparative justice in response to the violence of commodification and “identity-thinking” more generally, but also produces new political possibilities within what appears as a reified social whole.

3.1. *Survivor’s Guilt and the Guilt of Society*

Though Adorno co-authored a study entitled *Guilt and Defense* in the direct aftermath of the Second World War, a work that tracked the defense mechanisms used by German citizens to deny or disavow any responsibility for the crimes of the Nazi regime, Adorno’s actually substantive reflections on guilt, or any elaboration on what could be described as a theory of guilt, are relatively difficult to parse out. Like Adorno’s critique of “bourgeois justice”, guilt is referenced throughout a number of Adorno’s works, but it does not receive sustained analytical treatment, and does not appear to immediately crystalize into a sustained argument. However, upon further examination, and in taking reflections from several of his works into account, the thread of guilt can be seen as a crucial lynchpin of *Negative Dialectics* and Adorno’s theorization of justice more broadly.

The first and most noticeable references to guilt in Adorno’s corpus are oftentimes autobiographical. For example, a scan of some of his letters will uncover raw expressions such as the following from a letter to his mother shortly after the end of the Second World War, where he communicated “the injustice of continuing to live, as if one were cheating the dead of light and breath. The sense of such guilt is infinitely powerful in me.”⁵⁵ Yet, this sentiment does not remain confined to his letters, but also appears with significant regularity in his lectures and more formal works, thus giving us a glimpse of the importance of the idea in his philosophy generally. For example, in the *Metaphysics: Concepts and Problems* lectures, he remarks, after positing the question of whether and how one can live after Auschwitz that “the question has appeared to me...in the recurring dreams which plague me, in which I have the feeling that I am no longer really alive, but am just the emanation of a wish of some victim of Auschwitz.”⁵⁶

Though a clear instance of what appears as personal survivor’s guilt, Adorno makes of this supposedly subjective feeling a more general condition. This is apparent if we reference Adorno’s recounting of this same episode in *Negative Dialectics*, but take note of the fact that rather than discussing survivor’s guilt in the first person, he switches to a more indistinct and general third person.⁵⁷ However, further on in the same lectures on metaphysics, he gestures towards this generalization of survivor’s guilt in the following way:

Unless one makes oneself wholly insensitive one can hardly escape the feeling – and by feeling I mean experience which is not confined to the emotional sphere – that just by continuing to live one is taking away that possibility from someone else, to whom life has been denied; that one is stealing that person’s life.”⁵⁸

⁵⁵ Müller-Doohm, *Adorno: A Biography*, p.311

⁵⁶ Theodor Adorno, *Metaphysics: Concepts and Problems*, p.110

⁵⁷ “But it is not wrong to raise the less cultural question whether after Auschwitz you can go on living – especially whether one who escaped by accident, one who by rights should have been killed, may go on living. His mere survival calls for the coldness, the basic principle of bourgeois subjectivity, without which there could have been no Auschwitz; this is the drastic guilt of him who was spared. By way of atonement (*Vergeltung*) he will be plagued by dreams such as that he is no longer living at all, that he was sent to the ovens in 1944 and his whole existence since has been imaginary, an emanation of the insane wish of a man killed twenty years earlier.”

Adorno, *Negative Dialectics*, p.362-363

⁵⁸ Adorno, *Metaphysics: Concept and Problems*, p.112-113

Survivor's guilt here is textured as something still subjective, but also something that seemingly moves beyond the first person towards a more general affliction. It is not that Adorno *feels* that he is robbing others of life, but rather that he knows this to be the case for all of us, and registers this indebtedness through the feeling of guilt.

This movement from the particular to the general is an important step in Adorno's elaboration of guilt. It allows him to make a connection between the seemingly raw affect generated from our simple recognition that we live at the expense of the suffering of others, thereby emphasizing our dependency on those who have and do suffer, and build upon this into a more general problem, which is the tendency we have to *forget* this kind of indebtedness. In *Negative Dialectics*, he notes:

The guilt of a life which purely as a fact will strangle other life, according to statistics that eke out an overwhelming number of killed with a minimal number of rescued, as if this were provided in the theory of probabilities – this guilt is irreconcilable with living. And the guilt does not cease to reproduce itself, because not for an instant can it be made fully, presently conscious.⁵⁹

In short, the fact that we cannot consciously be aware of the fact that we live at the expense of others, *both past and present*, marks us with the guilt of practicing the “empty and cold forgetting” that for Adorno is characteristic of “bourgeois” politics and philosophy.⁶⁰ By virtue of the fact that it is impossible to live fully conscious of this at all times, we all incur the guilt of having not done justice to the memory of those who are victims of the effects of instrumental rationality, and we incur the guilt of not doing justice to those who presently suffer needlessly by keeping them out of sight. As he puts it bluntly in the *History and Freedom* lectures, “a mind that is incapable of looking horror in the face...thereby perpetuates it.”⁶¹

However, and this is a crucial component of Adorno's conception of guilt, we don't simply forget those that are rendered invisible and voiceless, we also unconsciously but actively traffic in the language, thought and various practices characteristic of bourgeois society that enact violence on others. If it is bourgeois society that has done violence to objects through abstraction and thereby mystified our dependency and indebtedness to them, the fact that we tend to reproduce this by virtue of our own mimetic capacities means that we inevitably practice this same kind of violence, thereby assuming a “second burden of guilt” in addition to that of forgetting.⁶²

This rather messy constellation could be clarified in the following way. First, for Adorno, we are afflicted by guilt insofar as many of us in the West live comfortably at the expense of others, both past and present. This is an inevitable function of a western liberal democracy, which inflicts significant violence on some so that others may live comfortably, and has never realized its promise to accord the subject “unabridged autonomy”.⁶³ Adorno is thereby asserting the subject's implicatedness simply by virtue of him or her *living* in an unjust society. Additionally, there is *another* layer of guilt heaped upon the western subject because of its consistent failure to *recognize* this fact, instead buying into the ideological mystifications, or as Adorno claims, “delusions” that aid in

⁵⁹ Adorno, *Negative Dialectics*, p.364

⁶⁰ Adorno, “The Meaning of Working Through the Past”, p.13

⁶¹ Adorno, *History and Freedom: Lectures 1964/1965*, p.7

⁶² Here Adorno is speaking in specific reference to our tendency to fix social phenomena with concepts, which is in effect a violent act. “What we see here is the transformation of quantity into quality – monstrous though it is to try to operate with the concept of quality in order to grasp the murder of millions. In fact, even to attempt to withstand such events mentally, to shed light on them with the aid of concepts, is to fix them with concepts. To speak of genocide as if it were an institution is to institutionalize it.” Adorno, *History and Freedom*, p.7

⁶³ *Ibid*, p.221 The full excerpt reads as follows: “The more freedom the subject – and the community of subjects – ascribes to itself, the greater its responsibility; and before this responsibility it must fail in a bourgeois life which in practice has never yet endowed a subject with the unabridged autonomy accorded to it in theory. Hence the subject must feel guilty.”

“papering over” a society’s “guilt and over truth”.⁶⁴ On top of this, the very notion that we unknowingly or knowingly prop up conditions of injustice and suffering make us actively implicated, and indeed guilty in perpetuating the suffering of others. In short, for Adorno designates us as ‘guilty’ when we employ strategies, consciously or unconsciously, in thought or in practice, that help us reconcile ourselves with an unjust world instead of cultivating a resistance to it. But this is not simply a detached designation, it is also an injunction to let oneself *feel* and recognize one’s almost hopeless implicatedness in injustice.

3.2. *Guilt and Suffering*

But it is not sufficient for Adorno to speak of guilt in terms of recognition that we are indeed indebted to and dependent upon others, and that we share a responsibility to repair the world when it comes under threat. To claim we are guilty of something is not a mere act of description, nor is it necessarily an injunction that we *need* to feel guilty because of our implicatedness in suffering and its perpetuation. When Adorno is drawing our attention to the *feeling* of guilt, the *somatic experience* of guilt, he is claiming we have natural capacities to experience such an affect, but bourgeois society does not register these capacities as meaningful or socially or personally important. They are therefore disavowed or neglected, unable to be harnessed for any emancipatory purpose. By making feelings of guilt politically meaningful, Adorno is emphasizing the elements of human experience that are rendered unintelligible under the hegemony of “bourgeois justice.” The cold calculation of “rationalized reason”, the instrumental rationality of universalized moral theories that traffic in identity-thinking, make no room for the somatic experience of guilt, pity, remorse, or even something like mourning.⁶⁵

Adorno’s famous claim early in *Negative Dialectics* that “the need to lend a voice to suffering is the condition of all truth” (*Das Bedürfnis, Leiden beredet werden zu lassen, ist Bedingung aller Wahrheit*) points us in the direction of what exactly we are to do with guilt.⁶⁶ In the same way that truth exists in the spaces where there is a disjuncture between the concept and the object to which it refers, ethics can be recovered in the affects that cannot be incorporated into the hegemony of identity-thinking. The guilt of not having lent a voice to suffering, which to do fully is impossible on Adorno’s terms, is the pivot point through which “making amends” (*wieder gutzumachen*) becomes possible.⁶⁷ This makes guilt a crucial *kind* of suffering that at once gives us a sense that we are indebted to things and people in the world that suffer violence within a particular historico-political constellation, and thrusts us to make amends for that constant stream of violence.

What becomes clear is that for Adorno, we assume guilt by simple virtue of our implicatedness within an unjust historico-political constellation, which in turn produces and reproduces a set of social pathologies that cause various forms of suffering. Yet, at the same time, guilt is also a central means of producing possibilities for political and ethical experience within what appears as a totally reified social whole. The reason that guilt has this latter capacity is because it brings our attention to a dependency that is masked in bourgeois society. The claim on the part of bourgeois philosophy that we can exist as free, calculating, rational and autonomous subjects without others is an act of undue disavowal of the world outside of ourselves. Any act of separation between subject

⁶⁴ Adorno, *Negative Dialectics*, p.368

⁶⁵ See *Dialectic of Enlightenment*, p.179

⁶⁶ Adorno, *Negative Dialectics*, p.18

⁶⁷ *Ibid*, p.19 - “While doing violence to the object of its syntheses, our thinking heeds a potential that waits in the object, and it unconsciously obeys the idea of making amends to the pieces for what it has done. In philosophy, this unconscious tendency is the hope for reconciliation, because the resistance of thought to mere things in being...intends in the object even that of which the object was deprived by objectification.”

and object, rather than a recognition of their mutual and indeterminate dependency, is in effect a “claim to domination.”⁶⁸

Adorno’s emphasis on suffering, as Honneth notes, “implicitly follows Freud by taking over his idea that neurotic suffering motivates a ‘need for recovery.’”⁶⁹ The fact that we suffer inevitably triggers a response that propels us to alleviate that suffering, and resist the particular kinds of social ills that *cause* suffering. Amidst Adorno’s seemingly relentless pessimism emerges the glimmer of hope that “the failings of capitalist life can still be experienced”, and that Weber’s *stahlhartes Gehäuse*, the model that Adorno believes contemporary reification takes, can be met with something other than resignation.⁷⁰ In this sense, guilt is a kind of suffering *and* a receptivity to suffering that propels us to repair the world, and acknowledge our dependence on it, rather than avoid it or dominate it. And as Adorno remarks towards the end of the *Guilt and Defense* study, “people who desperately tried to escape a feeling of guilt” in the aftermath of war “are incapable of substantive solidarity with any other people.” And it is this solidarity that Adorno wishes to rebuild by bringing guilt back into ethical and political life.⁷¹

3.3. Contesting the Politics of Guilt

In this context, the Adornian position can come under fire from a number of angles. The first relates to whether or not Adorno’s conception of guilt is too broad and therefore meaningless, and second concerns relates to guilt’s distinctly political valence. Regarding the first objection, one could say that if we all share guilt for the injustices of society, we are unable to make crucial distinctions between those who have directly perpetuated some of humanity’s greatest crimes and those who merely go about their day while uncritically reconciling themselves to injustice. This position is a familiar refrain in Arendt’s work as she writes of the “hysterical outbreaks of guilt feeling” that Arendt identified among “German youngsters” in the 1960s who had not participated in the crimes of the Third Reich⁷² were not merely wrongheaded, but in reality an act of “solidarity with the wrongdoers”⁷³ who participated in Nazi crimes. This is because Arendt reserves guilt as an analytical category solely for those who committed criminal deeds. Nobody could feel guilty for something they had not done, and to suggest otherwise is to muddy the waters concerning the very real crimes committed by actual perpetrators. To say that a young German student and a “torturer of Auschwitz” could equally stand as guilty for a state of injustice is not only fallacious, but dangerous.

It is indeed correct that upon first glance Adorno’s conception of guilt appears to lack analytical distinction. If a normal citizen and a war criminal are both in some sense “guilty” of perpetuating injustice, then what use is the term at all? It seems clear that a radical distinction would need to be made. In response, some additional clarity may be required. Adorno does not speak in terms of gradations of guilt, but rather seems to gesture towards speaking of guilt in terms of type or kind. The guilt Adorno references is not something that individuals share for humanity’s great crimes, but rather for producing and reproducing the *conditions* under which certain crimes become possible. This is something akin to an unconscious, pre-critical practice of reconciling oneself to injustice of reified consciousness rather than resisting it. Or it can importantly be an act of conveniently *forgetting* injustice and its sources.

Once we recognize Adorno’s major concern is the persistence and reproduction of the conditions that led to Auschwitz rather than sorting out the degrees of culpability of

⁶⁸ Theodor Adorno, “On Subject and Object”. *Critical Models: Interventions and Catchwords*. Translated by Henry W. Pickford (New York: Columbia UP, 2005) p.245-258. p.246

⁶⁹ Honneth, “A Physiognomy of the Capitalist Form of Life: A Sketch of Adorno’s Social Theory”, p.70

⁷⁰ *Ibid*, p.68

⁷¹ Theodor Adorno, *Guilt and Defense: On the Legacies of National Socialism in Postwar Germany*. Edited and Translated by Jeffrey K. Olick and Andrew J. Perrin. (Cambridge: Harvard UP, 2010), p.182

⁷² Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Penguin Books. 2006) p.251

⁷³ Hannah Arendt, “Collective Responsibility” *Responsibility and Judgment*. (New York: Schocken Books. 2003) p.148

those who directly engaged in crimes against humanity, we bring our attention to the quotidian acts of injustice that we participate in or neglect as part of our everyday lives. Normal citizens may not assume guilt for Auschwitz directly, which would indeed be an egregious oversimplification, but Adorno gives us an expansive framework to sort out how individuals assume a guilt for participating in smaller practices of everyday injustice which, when taken together, lay the terrain upon which mass violence smoothly functions. Given this, Arendtian responsibility does not quite seem to capture Adorno's sentiment. Adorno does indeed hold his conception of the subject to account for their *direct* actions, instead of insisting that they assume guilt for something they have not done. It happens, however, that there is a broader connection between what appears as benign and everyday consumerism or cultural consumption, for example, and the likelihood that significant acts of violence will continue to occur. Though we still might ask more of Adorno as it relates to *specific kinds* of guilt and culpability that are assigned directly to perpetrators rather than those who have exhibited different degrees of implicatedness in various crimes, Adorno is making a significant connection between everyday and supposedly benign cultural and political practices and the susceptibility for certain kinds of violence to emerge seamlessly therefrom.

This leaves the question of guilt's distinctly political valence. The Arendtian challenge is relatively familiar on this matter as well, as Arendt's division between the moral and the political sets the *moral* category of guilt, which is inherently "self-regarding", against the more *political* category of responsibility, which is inherently worldly for Arendt.⁷⁴ In this frame, guilt assumes almost no political valence, as it emphasizes the actions of singular individuals. The worry about blurring the distinction between the moral (or ethical) and the political has indeed reproduced itself in Adorno scholarship. Recent work by Vasquez-Arroyo has asserted that an "ethical Adorno" has emerged as part of the general "ethical turn" in political theory, which has conceptualized Adorno's work as "the bearer of an ethical message that is seen as a forerunner or precursor of deconstruction or as a thinker of neo-Nietzschean 'generosity' that seeks to radicalize the ethos of liberal democracy."⁷⁵ As noted above, Vasquez-Arroyo asserts that this scholarship has downplayed Adorno's Hegelian Marxism and failed to acknowledge the distinctly political character of Adorno's reflections.⁷⁶ On Vasquez-Arroyo's account, no ethical claim in Adorno is made without responding to a specific historical "predicament of power". This implies that in Adorno there cannot be a transhistorical subject, theory of justice or theory of guilt or any kind. Adorno's wish to reclaim ethical experience is inherently a political question and one that is only and always a response to "historically constituted and politically sanctioned violence."⁷⁷

At the same time, Vasquez-Arroyo writes-off the emphasis on guilt in contemporary political theory scholarship as a symptom of the "ethical turn", thereby neglecting its distinctly political function in Adorno's work. As Vasquez-Arroyo writes, discourses of guilt tend to "cast a political question in personal terms", and can neglect "the imperatives of political action" and distinctly political questions of collectivity.⁷⁸ In other words, guilt still remains confined to the individual moral sphere rather than the political sphere. However, on Adorno's terms there cannot be any separation between the moral and the political. Guilt is at once a political *and* a moral category, and the moral concern that we get from *feeling* guilty is a distinctly political affect, insofar as it brings our attention to a particular political constellation that determines how we make individual choices that either reproduce or break free from injustice. In short, far from seeking to remove himself from what we consider political life, Adorno wished make a

⁷⁴ Lilian Alweiss, "Collective Guilt and Responsibility: Some Reflections". *European Journal of Political Theory*. 2(3), p.307-318, p.310

⁷⁵ Antonio Vasquez-Arroyo, . *Political Responsibility: Responding to Predicaments of Power* (New York: Columbia UP, 2016), p.182

⁷⁶ *Ibid*

⁷⁷ *Ibid* p.190

⁷⁸ *Ibid*, p.xviii

strong connection between the ethical and the political. It is worth recounting his last lines from *Problems of Moral Philosophy*:

*In short, whatever we might call morality today goes directly to the question of the organization of the world – one could say: the pursuit of the right life would be the pursuit of the right kind of politics, if such a right kind of politics could be placed in the realm of what is realizable.*⁷⁹

Guilt cannot be confined as a simple moral choice, but rather involves the question of social, political and economic structure that makes certain supposedly choices possible. More importantly, though, it is the affective receptivity to guilt in relation to human suffering that gives us a sense that political life is not only fraught with injustice, but also that it fails on its own terms to deliver true freedom, justice or equality. Guilt is not therefore self-regarding, but rather signifies one's profound connection to the world as it is and all that is wrong with it, and gives us the motivation to unfold potential possibilities for alternative political arrangements.

4. Negative Dialectics as Justice

"...we remain the children of the condition we oppose..."

-Theodor Adorno, *History and Freedom*⁸⁰

In common parlance, when we say that we did or did not "do justice" to something, we are staking a claim about whether or not something is seen for what it is *and* treated with the respect that deserves. It therefore contains a potential dual element: an epistemological component and a normative component. If we did not do justice to an object, we have in some sense failed to identify it as such, and we have failed to respond to the normative claim of recognition that the object places upon us. When Adorno uses this phrase throughout his work, especially in *Negative Dialectics*, he is communicating this same sentiment with a few potential caveats. First, he would in no way say that the project of "doing justice" could be truly fulfilled and therefore come to an end. Doing justice is therefore an impossibility but nevertheless necessary. Second, we will show that the project of doing justice is bound with a kind of atonement for the guilt we share for the violence that we consciously or unconsciously inflict on objects within an unjust social whole.

Adorno's political ethic of "doing justice", which could be broadly defined as the relentless attempt of philosophy (which for Adorno is also a *practical* enterprise) to "concern itself with what is different from itself" instead of "importing everything that exists into itself and its concepts", is intimately bound with pre-existing practices of justice insofar as they are objects of critique that are revealed to be insufficient.⁸¹ This means that justice for Adorno is an ongoing attentiveness to the dissonances, failures and contradictions, the nonidentical moments that remain unaccounted for in political practices and philosophical speculation, which in turn have the potential to break free from the source of injustice and avoid its reproduction. We discover these dissonances through a general practice of negation, amounting to a confrontation "with the very things (philosophy) has always suppressed in its traditional form."⁸² Doing justice from a practical standpoint is never something akin to a "rescue operation",⁸³ as Marasco notes,

⁷⁹ Theodor Adorno, *Probleme der Moralphilosophie* (Frankfurt: Suhrkamp Verlag, 2010), p.262. Original - "Kurz, also was Moral heute vielleicht überhaupt noch heißen darf, das geht über an die Frage nach der Einrichtung der Welt – man könnte sagen: die Frage nach dem richtigen Leben wäre die Frage nach der richtigen Politik, wenn eine solche richtige Politik selber heute im Bereich des zu Verwirklichenden gelegen wäre." (My translation)

⁸⁰ Adorno, *History and Freedom*, p.56-57

⁸¹ Adorno, *Lectures on Negative Dialectics*, p.75

⁸² *Ibid*, p.57

⁸³ Robyn Marasco, *The Highway of Despair: Critical Theory after Hegel* (NY: Columbia UP, 2015) p.84-85

but rather an engagement with the fundamentally “unreconciled and irreconcilable”.⁸⁴ It resists what is through negation, and projects new possibilities without harboring hopes of coming across any fixed and affirmative ethical or political principles.

Within this theory, guilt is not merely a state that we exist in, but also the affective energy that encourages us to engage in the practice of “doing justice to” the objects to which we have done violence. The ethic of negation is a means by which atone for this guilt on Adorno’s terms. However, this process will always be *partial* and defined by the acknowledgment of its own impossibility. Therefore, atonement can never be completed, and full reparation to damaged objects can never be ensured. Adornian justice is therefore hopeful and despairing, possible and impossible, as well both retrospective and forward-looking.

4.1. The “Performance” of Justice

As previously noted, for Adorno the “standard structure of society is the exchange form”, which is a dynamic that isn’t broken, but rather reproduced by “bourgeois justice”.⁸⁵ In this constellation, the subject is fixed as transcendental, the object is determined through a totalizing form of conceptualization, and the relation between these two is one of detachment, whereby the subject falsely announces its independence from the object and forgets that it is bound and co-constituted by objects. Put simply, under the hegemony of exchange, all relations are determinate and the fixity of the concept that subjects impart to objects is the means by which relations *remain* determinate. In response, Adorno attempts not to fully break free from this relation, since he pessimistically believes that any moment of transcendence is futile, but rather attempts to find the cracks and contradictions (oftentimes in the form of suffering) that identity-thinking paves over to present itself as natural.⁸⁶ Philosophy for Adorno is the space where a dissonance is revealed between what is perceived as fixed and the actual qualitative aspects of the object in question, or the nonidentical elements of an object that defy actual conceptualization. Adorno describes this process as an attempt to “do justice to reality” (*Realitätsgerechtigkeit*).⁸⁷

Doing justice in Adorno’s sense of the term is, we could say, a kind of shift in attention that constitutes an act of resistance to a historically-specific, hegemonic practice of identification. This includes a practice of turning towards the object and recognizing its actual indeterminacy against the Enlightenment fiction of fixed determinism. He writes in *Negative Dialectics*:

To yield to the object means to do justice to the object’s qualitative moments. (*Sich dem Objekt überlassen ist soviel wie dessen qualitativen Momenten gerecht werden*) Scientific objectification, in line with the quantifying tendency of all science since Descartes, tends to eliminate qualities and to transform them into measurable definitions. Increasingly, rationality itself is equated more mathematico with the faculty of quantification.⁸⁸

In no way is this an attempt at reconciliation, a process by which the non-identical is subsumed into a more advanced concept. Rather, Adorno wishes to destabilize the concept itself and move beyond it while resisting any moment of reconciliation. The nonidentical is not to be instrumentalized in any sense, but rather taken as the space that defies instrumentalization and reification.⁸⁹ It serves as a testament to the insufficiency

⁸⁴ *Ibid*, p.94

⁸⁵ Adorno, “On Subject and Object”, p.248

⁸⁶ See “On Subject and Object”, p.253

⁸⁷ Adorno, *Negative Dialectics*, p.41

⁸⁸ *Ibid*, p.43

⁸⁹ Marasco, *The Highway of Despair*, p.112

and partiality of the concept itself. This is one of the clear moments in which Adorno separates himself from Hegel's "affirmative ambitions" geared towards reconciliation and system-building.⁹⁰

Doing justice, if it is to be just at all, must constantly disavow its own hypostatization. It is defined not by its end-point, but rather the process by which it inhabits and reveals the spaces where the identity-principle fails on its own terms. This is what Adorno means when he claims "negative dialectics is thus tied to the supreme categories of identitarian philosophy as its point of departure."⁹¹ Bourgeois justice is the necessary starting point for any alternative theorizing of justice, and is the supposedly fixed category that generates its own resistance. As such, justice cannot be named or fixed. Rather, doing justice is something akin to an ongoing "performance", as Honneth in particular has noted, building on Adorno's reminder in *Negative Dialectics* that "the test of the turn to nonidentity is its performance; if it remained declarative, it would be revoking itself."⁹²

Identifying a language we can use to characterize this "performance" of justice has been a subject of significant debate. Indeed, Adorno himself was remarkably attentive to the loaded nature of certain linguistic categories. Though it may seem possible that Adorno is advocating a kind of "restorative" justice, it is important to note his own aversion to the German "*Wiederherstellung*", with its tendency to be linked with fascist notions of renewal.⁹³ Honneth likens Adorno's conception of justice is "restitutional", in that objects are given their due as being more complex than their concept lets on.⁹⁴ Others, such as O'Connor, consider Adorno's commitment to "doing justice" to be a "project of recognition, one in which our potential for rationality brings us to the reality that is otherwise distorted in our false forms of consciousness."⁹⁵

The importance of the exercise of designation here in particular is communicating an overarching sentiment, which is whether or not existing terminology takes into account the inherent partiality, and indeed, impossibility that pervades Adorno's notion of justice. Both "restitution" and "recognition", if not qualified, imply the possibility of completeness. The former implies that we can fully make amends to objects by "doing justice" in Adorno's sense, and the latter may ignore the baggage that comes along with the idea of recognition, which can imply a kind of determinacy. If Adorno wished to communicate to us the "impossibility of thinking that which must nevertheless be thought", that which constantly escapes and eludes our tendency to conceptualize, any treatment of Adorno's notion of justice must account for its strong aporetic quality. It is indeed impossible to think the nonidentical completely, since this would posit some kind of fulfillment or reconciliation that cannot be negated. Yet, the nonidentical portion of the object is still a phenomenon that still requires thorough and relentless engagement.

Though doing justice is a kind of pessimistic practice, since we can never count on a moment of reconciliation, this is not to say that it is a hopeless enterprise. The practice of doing justice to the qualitative aspects of an object is not merely an act of negating the concept that claims primacy over that object, but also the production of possibility, a future-oriented state in which things can be thought and done differently.⁹⁶ Acknowledging the gap between designation and that which is being designated is always a moment in which a present reality could be transcended in thought, identifying the

⁹⁰ *Ibid*, p.101

⁹¹ Adorno, *Negative Dialectics*, p.147

⁹² Adorno, *Negative Dialectics*, p.154-155

⁹³ See Theodor Adorno, *Ontology and Dialectics: 1960-1961* (NY: Polity Press, 2019), p.242 and *Probleme der Moralphilosophie*, p.254

⁹⁴ Axel Honneth, "Performing Justice: Adorno's Introduction to Negative Dialectics". *Pathologies of Reason: On the Legacy of Critical Theory* (NY: Columbia UP, 2009), p.71-87, p.87

⁹⁵ Brian O'Connor, *Adorno's Negative Dialectic: Philosophy and the Possibility of Critical Rationality* (Cambridge: The MIT Press, 2004), p.43

⁹⁶ Adorno, *History and Freedom*, p.68

“unrealized possibilities that inhere in” the concept.⁹⁷ And since for Adorno thought *is* praxis, this constitutes a potential shift not just in a cognitive space, but also in material reality.

4.2. *The Centrality of Guilt and Atonement*

Justice, therefore, is not a matter of legalistic designation, but an ongoing practice that brings attention to failures of designation in identity-thinking and the suffering that has emerged from it. Additionally, it constantly defies closure against a bourgeois, non-dialectical conception of justice that places an emphasis on final judgment, instrumentality and exchangeability. In short, Adorno’s conception of justice is a negation of the contemporary structure of bourgeois jurisprudence. What is left out here, however, is a conceptualization of what makes Adorno’s theory of justice “move”. In other words, what is it that propels us to *engage* in this process?

Adorno’s answer, in short, is suffering. As noted in *Negative Dialectics*, “all pain and all negativity” are the “moving forces of dialectical thinking”.⁹⁸ Further, he writes that “it is the somatic element’s survival in knowledge, as the unrest that makes knowledge move, the unassuaged rest that reproduces itself in the advancement of knowledge.”⁹⁹ Our receptivity towards the suffering of others past and present is what gives us the impetus to engage in a practice of repairing the damage done by the identity principle, and think of justice as something outside of bourgeois justice.

However, what is at stake is also identifying the *kind* of suffering that is central in Adorno’s theory. Though there is surely no such thing as a hierarchy of suffering for Adorno, guilt does seem to be a kind of suffering that is of significant importance in making his theory of justice function. Guilt is not only a kind of somatic “unrest” that makes us attentive towards suffering, but it also holds within it a strong element of responsibility. When Adorno claims that we are guilty in a non-legalistic sense or proclaiming his own survivor’s guilt, he is identifying the element of ethical and political life that not only reveals our indebtedness and connectedness to others, but also gives us the sense that we are indeed *responsible* for the suffering of others, thereby provoking an impetus for reparation. And the language of guilt is how Adorno expresses this multifaceted relation.

The practice of “doing justice” is therefore a direct act of resisting the hegemonic identity-principle, and also a means of atoning for one’s participation in this specific historically-situated violence. This kind of atonement is not limited to how we make partial reparations for our wrongdoing inflicted on others, but also how we can partially redeem *ourselves* entirely outside of law but still within an unethical social whole. The work that we do to reveal the nonidentical is worldly and at the same time work on the self. However, in no way does this absolve us of guilt entirely. As long as there is suffering, and as long as we are afflicted by the principle cause of suffering under “late capitalism”, there will be a need and responsibility to do justice in the form of working with the nonidentical. Guilt is the particular form of bodily suffering that tunes us into the suffering of others and our previous inability to perceive and attend to that suffering, and the process of “doing justice” is the continual act of incomplete reparation within a “damaged” whole.

This conception of justice does not try and resolve any aporetic situation. Instead, Adorno’s justice is an immersion within the aporetic. Full redemption, reparation and atonement is impossible as long as the world exists as it does. However, Adorno makes a point of outlining an *imperative* to nevertheless do the impossible. We are placed in a position to eliminate injustice while also being simultaneously aware of this impossibility. We are tasked with transcending the conceptual while also being bound to

⁹⁷ Deborah Cook, *Adorno on Nature*. (Slough, UK: Acumen Publishing, 2011), p.75

⁹⁸ Adorno, *Negative Dialectics*, p.202

⁹⁹ *Ibid*, p.203

the conceptual. And we are forced into awareness of the pessimistic doctrine that “wrong life cannot be lived rightly”. We are instead left with a seemingly infinite process of identifying and working through suffering, in which the guilt we experience is put to use as a “mutually informative, critically questioning relation” instead of being cast outside of conscious memory.¹⁰⁰ And as the traumatic scene can never fully be left behind in Freud, the guilt we share in Adorno cannot be resolved, but rather only worked with through the process of doing justice, promoting a growth of the self *as well as* a partial reconstruction of the damaged world.

This kind of justice is only intelligible if we leave behind all of the categories that have been foisted upon the subject in the Enlightenment pursuit distributive justice, which emphasizes closure, full reconciliation, exchangeability, calculability and quantification. And in building his own method of “doing justice”, Adorno within and beyond pre-existing forms of justice, exposing how bourgeois justice reproduces, rather than eliminates injustice. In so doing, Adorno reclaims familiar categories like “guilt” or “atonement” and reworks them to put them in service of an alternative.

5. Conclusion

The theory of justice found in *Negative Dialectics* is not an affirmative like that found in Rawls or others indebted to the neo-Kantian tradition. Rather, it functions as a *political ethic* that operates within the spaces where hegemonic conceptions of justice fail to account for the elements of human experience consciously or unconsciously disavowed or neglected in favor of a neat, reproducible practice of conceptualization and identity-thinking. For Adorno, legalism does just this. Morality has become a matter of procedural rule-following, and restitutorial justice is merely matter of quantitative distribution that can be finalized. In other words, for legalistic thinkers, justice *can be done*.

Adorno’s critique challenges this notion by claiming that as long as suffering endures, and as long as we find ourselves living at the expense of others, justice can never be thought of as complete. In response, Adorno reformulates justice as a *process* of exposing the instability of the categories that claim to secure justice, and seeing how suffering still endures despite ideological mystifications that claim otherwise. In propelling us to engage in this unending reparative task of acknowledging suffering, guilt plays a significant *political* role. Rather than being pathologized or cast as inherently self-regarding, guilt for Adorno is eminently social and political in its orientation. It is a form of suffering that helps us understand our implicatedness in the suffering of others, and highlights the debt we owe to those who suffer a particular fate under late capitalism. And if it is guilt that thrusts us into the space of critical engagement with the world, our ongoing engagement itself manifests as atonement.

¹⁰⁰ Dominick LaCapra, *History and Memory After Auschwitz* (Ithaca: Cornell UP, 1998) p.183