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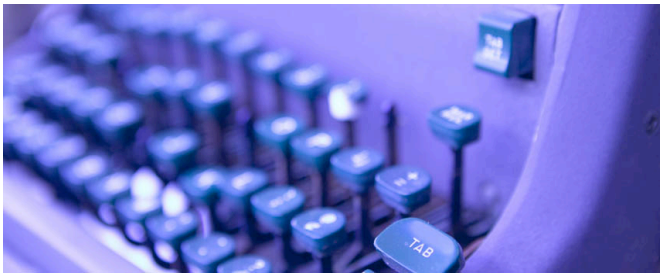

Review Article

Connecting *Humanitas*

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The Penguin and the Leviathan: How Cooperation Triumphs over Self-Interest
Yochai Benkler
New York: Crown Business, 2011
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I

In his book *The Wealth of Networks*, Yochai Benkler begins to establish the foundations that would, for him, provide the basis for thinking electronic environments, digital connectedness, and the information economy as an opportunity for people to join together and to share. Network culture, he tells us in this book, can allow us to reassert the principle of liberty, not the anarchic libertarianism that often characterized attempts in the 1990s to understand what connectedness means in a context of digital production and distribution, but a polity that remains rooted in the principle of reasoned participation in an inclusive and open democracy. Against the monetizing of the Internet, Benkler retains a speculative faith in network culture, finding in it an architecture for a shared and open economy – a distributed system of exchange - that can free social production from the proprietary ethic that the market seeks to impose on all aspects of public life. To this end, he sets out the criteria that would characterize the networked public sphere: it must have a universal constituency, filter appropriate material for its relevance, ensure the reliability of information in the public sphere, appropriately synthesize diverse opinions, and be independent from government control.[1]

Benkler picks up and broadens this project in his 2011 *The Penguin and the Leviathan*, a book which seeks to establish a model of the human as, in essence, co-operative, generous, honest, and altruistic. This model he contrasts with two – related – approaches that in the West have conceived human motivation fundamentally as a self-interested pursuit

of rewards. The first comes from Hobbes' *Leviathan*, which tells us that to be human is to be mercenary and narcissistic (a self-interestedness for it that must be controlled by an authoritarian state); the second – from Adam Smith's *Wealth of Nations* – again asserts our essential greed and egocentrism, though here of course regulation should come from the equilibrium that the market imposes on our behaviour. Against both approaches to ownership and social production, Benkler turns to Rousseau, Hume, and Proudhon to argue that we are capable of moral action – that we are 'wired' virtuously – because we have a disposition towards cooperation and generosity; this other model he finds exemplified in the open distribution of Linux code, and he finds in Linux's icon – Tux, the penguin of Benkler's Manichean title – an alternative image of how systems can work to enhance sharing.

For Benkler, the systems that we have recently created provide an opportunity to construct a new social order, one that departs from the idea of incentive- or reward-based production and rejects the idea that online association is about the narcissistic amplification of self. This model for the social would instead be founded on the principal of free distribution and equitable exchange that Benkler locates in peer production networks and open source software, as well as in new business practices that are promoting co-operative working environments. This model is not only to be found in Linux, he writes, but also in Wikipedia, Facebook, Twitter, in IBM, Google, Toyota, Southwest Airlines, and in the Chicago police department. Evidence for this faculty for co-operation is located by Benkler not only in our recently emerged social environments or in new organizational practices, but in biological and neurospychological research which points to 'a predisposition to cooperate' (13). Contrary to what we might assume, he tells us, 'there is much evidence that evolution may actually favor individuals (and societies that include these individuals) who are driven to cooperate with or help others, even at cost to themselves' (13).

The persuasive force of the polemic that Benkler's book brings to this moment of networked narcissism is often seen to come from its interdisciplinarity, with how it connects the concept of co-operation across the social sciences (economics, sociology, political science) and between the social and physical sciences (including evolutionary biology and neuroscience); in other words, with how it understands cooperation in the broader context of how the human, for some, is now understood. It is, however, important to note the limits of this interdisciplinarity, and

perhaps most immediately Benkler's refusal to consider those disciplines from which approaches and perspectives have emerged to throw into doubt the primacy of the human as actor and agent, as the source and centre of value in the world. The Kantian legacy that joins Husserl, Heidegger, Levinas, Derrida, and Nancy in a shared contestation of the anthropocentric conception of man is nowhere acknowledged, even when it touches on the idea that technologies connect the world together. There is no sense of the conceptual inheritance which, by way of Nietzsche, Foucault, and Deleuze, points to the management of the self as a social resource, as well as to the mechanisms that enable such regulatory practices,[2] and neither is there any acknowledgement of the more recent articulation of a recorporealized or cognitively different successor to the agent installed by humanism.[3]

The Penguin and the Leviathan's apparently inclusive and comprehensive, but in important ways restricted, appetite for conceiving the human that shares and connects means that it misses an opportunity to rethink not only the production of the social but also the production of the self in the context of today's connectedness. Benkler's book misses this opportunity because it doesn't extend its understanding of the concept of sharing, on which it places so much value, to a sufficiently careful consideration of who or what shares across networked connections. In its sense of what connection has the potential to offer, Benkler's model remains strangely unconnected to any questioning of the subject that becomes conjoined in acts of sharing; in its fascination with the possibility for co-operation, it remains strangely uninterested in the idea that cooperation might not begin with the individual. Instead, it takes as axiomatic the notion that it is the subject as agent who operates and has the capacity to connect with others – and to build an economy based on the bonds of amity, on trust, honesty, and generosity. This review will consider some of the problems with this model, not to question Benkler's basic petition for co-operation, or his plea that we should depart from the narcissism that is so often promoted online. Rather, the idea of the subject that is fundamental to Benkler's appeal for co-operative social production – the idea that this entity has a *capacity* to share – requires greater consideration than it receives in *The Penguin and the Leviathan*.

Two problems can be identified in respect of this subject who can share. First, there is the recent conceptual legacy that Benkler inherits but does not acknowledge. What can be traced across apparently divergent approaches to network sociality is an ontology that construes the self as

an indivisible centre around which communities, cultures, and societies aggregate. Community, we are repeatedly told throughout the 1990s and 2000s, is what the individual now has the capacity to attain and to experience; this is community populated by the subject as user, the connected citizen who chooses to share across networks and social media platforms. Such a sense of this domain of the liberated self extends across a range of – often otherwise discrepant – claims about the ethics, politics, economics of network and digital culture. Ultimately, these approaches to distributed and network production tell us, we should enter into connected communities because they will make each of us better.

Second, and relatedly, *The Penguin and the Leviathan* provides no analytic of Being that would allow the rigorous establishing of common-based cooperation as an ontological predisposition, rather than as the disposition that Benkler describes. In Benkler's book, the commons and the community that network cooperation allow are seen to be founded on the exemplary figure of the human that is not only the beneficiary of co-operative and distributed production. This figure is also assumed to be transcendent and sovereign, existing before and independently of its association with others. For Benkler, as with so many other responses to digital and network culture, this exemplary figure is taken to be self-evidently in possession of itself, indivisibly proper to itself.

Here the status of *The Penguin and the Leviathan* as an interdisciplinary study is decisive. Benkler's apparent interdisciplinarity is a limited one, since it neglects consideration of a group of disciplines that have a long-standing engagement with the figure that is both central to, and taken as axiomatic by, Benkler's celebration of sharing. Apart from some brief opening and closing remarks on philosophical approaches to the morality or social function of benevolence and self-interest, *The Penguin and the Leviathan* has almost nothing to say about debates in the Humanities regarding the potential for collaborative and co-operative exchange; this lacuna results in an inattention to the kinds of thinking that have an historic attachment to the idea that being begins in a condition of shared exchange. Indeed, we might reasonably claim, such a consideration is intrinsic to, and a fundamental part of, the Humanities. *Humanitas*, the concept generally credited with inaugurating the Humanities, sets in motion a tradition of thinking that ties sharing to citizenship, collaborative exchange to what is universally human. The concept of *humanitas* might also have provided Benkler

with the suggestion that there's something not wholly convincing or coherent about the idea of the human as a sovereign self-determination that joins with others in acts of shared association, in a fraternity that binds the social together.

II

The concept of *humanitas* emerges in Cicero's 44 BCE *De Officiis* [*On Duties*]. Here, Cicero seeks to establish a sense of *decorum*, of appropriate and proper conduct; he does this by setting out 'a doctrine of the supreme good' and by connecting this doctrine normatively to a code of conduct that would provide practical rules for the regulation of daily life. Formulation of these rules for Cicero would best emerge through rational and voluntary acts of self-reflection, through the assumption of moral responsibility, through the cultivation of the self, and through participation in public assembly. And art and literature are essential to this conception of civic association; in the aesthetic realm, Cicero tells us, we find the significance of propriety – the effort to acculturate and civilize– to be most evident. What would emerge out of this rational, poetic, and artistic pursuit of the social and cultural are values that he says are 'self-evidently' true: beauty, harmony, friendship (in the form of fraternity and fellowship), justice, generosity, nobility, courage, honesty.

Underwriting this model of good conduct is a concept of the self both as capable of independent action and as connected to the social sphere, and *De Officiis* proposes that there are four roles or *personae* that shape the human and allow it to attain the good. We are 'invested by Nature with two characters' (1.107) Cicero initially tells us: first, each of us has reason bestowed upon us; this bestowal is what allows the establishing of a shared morality and a shared sense of propriety. *Humanitas* is to be found, he writes:

> in the connection [*coniunctissimus*] subsisting between the members of the human race; and that bond of connection is reason and speech, which by the processes of teaching and learning, of communicating, discussing, and reasoning associate men together and unite them in a sort of natural fraternity. (1.50)

Second, and co-existing with natural fraternity, there is the character that 'is assigned to individuals in particular' (1.107). In other words, each person possesses – or, more precisely, is given – a singular

interiority. To these he adds two more *personae*: character is shaped by the contingent and unforeseeable (when, where, and to whom we are born), and it is further developed through the choices we make (the paths we choose to follow from those available to us). What these *personae* combine to form is a self that is fundamentally disposed to good conduct, and since it recognizes its co-existence with others, it can therefore respect their needs. When manifest in daily life, this connection with the good is to be found in a just system of ownership and distribution, a system that is structured not around proprietary self-interest, but in the interaction between the private and the public, between ownership and sharing; here, what bonds the social together is a personal responsibility that is directed towards the enhancement of mutuality.

Two problems arise out of this model of the self and its social location, arriving first in Cicero's work and then iteratively, and implicitly, restaged in Benkler's account of the networked commons. First, the idea that four *personae* comprise the human fails to hold when Cicero tells us that one of these *personae* has primacy, constituting the source of the common bond – with the others coming later to complicate and to situate contextually this primary character. Although Cicero seems to be overwhelmingly concerned with social connection (with justice, with the equitable distribution of property, with sharing and fraternity), subtending this model is a sense of individual disconnection, of the individual as an ontologically distinct entity that has the potential to associate with others. Certainly, he suggests this when he characterizes *humanitas* as a connection between members of the human race; his term *coniunctissimus* suggests a condition of linking, adjoining, conjunction, and contiguity; in other words a meeting of things that are separate, of people who are independent before meeting others, and remain autonomous in their interfacing with each other. According to this model, the individual is, in its most primordial sense and even when in the presence of others, indelibly itself.

Second, Cicero is unable to establish this selfhood as self-sufficient. Although our potential for mutuality begins in reasoned self-reflection, there is also – there has to be – something before this beginning. Initially, this antecedence appears in *De Officiis* as Nature: Nature is what gives us our capacity to act, to be self-determining, but also a desire for affiliation. 'Nature has endowed every species of living creature with the instinct of self-preservation… and of procuring and

providing everything needful for life' (1.11), he writes. But man is marked out from 'the beasts' by being granted an exceptional capacity for rational thought, and it is reason that inspires men to associate with each other: 'Nature… prompts men to meet in companies, to form public assemblies and to take part in them themselves' (1.12). So *humanitas* is rooted in a self which is not self-sufficient, a self that in its uniqueness is guaranteed by the exteriority that is Nature.

But even Nature itself is seen to be is insufficient. It appears early in *De Officiis* as the authority that grants our capacity to act and to associate, our predisposition to mutuality and to sharing with others. And yet, later, this Nature is seen to be within the domain of the gods, for it is they, Cicero writes, who give the self its agency, who provoke us into wanting to associate and to share. Those who act against this predisposition to the common bond are, according to *De Officiis*, contravening not Nature but the transcendent order of divine creation. Those who indulge their own self-interest, those who recognize no responsibility to others, those who recognize no bond of citizenship – such people for Cicero spurn the sovereign gift that has been bestowed upon them. 'Such people', he writes, 'must be considered as wickedly rebelling against the immortal gods. For they uproot the fellowship which the gods have established between human beings' (3.6). So the self is here tied up in an onto-theology in which its mastery – the self as its own property or its own proximity to itself – is never enough. Man's masterful self-presence or self-ownership here, as is so often the case, is seen to be the effect of another, higher, absolute, transcendent, exterior authority that assigns sovereign interiority. Put otherwise, this exteriority renders man dependent in the very moment that he is seen to be most independent.

Such a sovereign uncertainty we can also find in responses to network culture that view it as the effect of users' tendency to forge communities and to share within these spaces. For Benkler, as for Cicero, it is nature that gives, nature that produces what it means to be human, nature that grounds the ethical because in it, Benkler tells us, we can find evidence at the physiological level of an interior constitution that inclines towards benevolence, generosity, humanitarianism, altruism, and so on. 'Current evolutionary science', he tells us, 'is beginning to explain why cooperative behaviours are passed down both culturally and genetically' (38). Such a claim means, of course, that the self here ceases to be the cause or source of action, but is merely the effect of another, higher sovereignty – an authority that gives the individual the capacity to

operate and to cooperate. Benkler, then, seems at some level to recognize that it is not enough to say that the self is the source of value, even as he finds the self to be the creative maker of the social, the entity that can engage in the willed act of opening itself up to sharing.

But what's missing here, and what Cicero's slippage from nature to the gods reveals, is that nature can only be invested with value if there is some other, higher, sovereign authority - a supreme and supernatural cause – that renders value absolute, a metaphysicality or a theology that can guarantee the value of cooperation onto which Benkler holds with such resolve. *The Penguin and the Leviathan* recognizes the way in which this slippage has traditionally structured thinking about nature and value when this book points to a long-held, though for it flawed, attachment to the concept of nature: 'Since the days of Augustine, scientists, scholars, and theologians alike have looked to the Book of Nature as a window into God's mind' (30). Perhaps because it is incompatible with his model of virtuous conduct, Benkler is reluctant to undertake such an appeal to a sovereignty that is more supreme than nature, to something that would establish nature as the source of a human inclination towards cooperation. Instead, because he doesn't consider what makes nature virtuous or values valuable, there is a theological hole that Benkler consigns to the margins of his thinking, and this gap is most evident when he describes some kind of mystical authority that for him guarantees value and virtue: 'We've all known, intuitively, that we aren't really selfish and rational all the time', he writes, 'We've all done things because we knew intuitively that they were simply the right thing to do' (19).

This lacuna – this silence about what grounds, gives, dispenses, delivers, or bequeaths sovereignty – is what the Humanities can help us to address since, as the case of Cicero demonstrates, the attempt to think *humanitas* is what inaugurates the Humanities. Today, if we want to think about how we might begin with a more persuasive ontology – how we might develop a model of sharing that does not so awkwardly reach for a theology of value – then we might find such a model in the kind of work that Benkler touches on, very briefly, in *The Wealth of Networks*. 'The twentieth century', he writes here, 'saw a wide array of critique, from cultural Marxism to poststructuralism and postmodernism. However, much of mainstream liberal political theory has chosen to ignore, rather than respond to and adapt to, these critiques'.[4] Mainstream political theory, he goes on to say here, does not fully

consider the possibility that cultural structures shape the individual, and for him a persuasive sense of self-determination would have to take into consideration the context within which the individual lives and acts. Crucially, though, this consideration 'does not require that liberal political theory refocus on culture as opposed to formal political institutions'. Put otherwise, liberal theory needs to think about how individuals make, and can remake, political institutions, rather than be hampered with questions about the individual as an entity made in or by culture. Despite acknowledging 'a wide array of critique' in the twentieth century, Benkler, in *The Wealth of Networks*, then goes on to dismiss this array as in any way relevant. In *The Penguin and the Leviathan*, he refuses even to mention these modes of critique, let alone notice the Humanities as the place from which they unfold.

To conclude, I want very briefly to suggest just one of the ways in which connecting – or, more accurately, re-connecting – Benkler's loosely Ciceronian notion of *humanitas* to the Humanities might have allowed him to develop a more provocative sense of the self that shares. For Jean-Luc Nancy, sharing and co-operation are not actions that lie within our sphere of volition; it's not that we can decide to behave in accordance with our nature because each of us is hardwired to be aware of others, or have within us an innate respect for the ethic of mutuality. Rather, sharing – his term is *partagé*, to share with, but also to divide, apportion or split – is what effects the immanence of the human. We come to presence rather than arrive complete as a plentitudinous self-presence: 'being-with or being-together' is 'the primordial ontological condition',[5] he writes in *Being Singular Plural*, so sharing – *partage* - is not what we do but what we are. We neither make the social nor are wholly made by the social, since, in our co-appearance ('compearance' (*com-parution*)[6]) with others, the social also arrives. Co-operation becomes, then, an ontological demand rather than an ethical and active pursuit of the good. And such a demand does not require us to anchor the good in a theology of value that would leave *humanitas* either in the uncertain state of dependent freedom or as something we know intuitively. Perhaps this is the point at which we might begin to think about the opportunities offered by today's social environments and networks, not to establish what we might or might not do to connect with our disposition to co-operate, but to think about whether these environments and networks allow us to reconnect with our predisposition to be with others. If it is the individual, rather than a singular plurality, that operates here, then it is not a place where sharing is possible.

Notes

1 Yochai Benkler, *The Wealth of Networks* (New Haven: Yale University Press, 2006), pp. 180-85.
2 See, for example, Manuel DeLanda, *A new Philosophy of Society: Assemblage Theory and Social Complexity* (London: Continuum, 2006), or Siegfried Zielinski, *Deep Time of the Media: Toward an Archaeology of Hearing and Seeing by Technical Means*, trans. Gloria Custance (Cambridge, MA.: MIT Press, 2006).
3 See, for example, N. Katherine Hayles, *How We Think: Digital Media and Contemporary Technogenesis* (Chicago: University of Chicago Press, 2012), or Rosi Braidotti, *The Posthuman* (Cambridge: Polity, 2013).
4 Benkler, *Wealth*, p. 279.
5 Jean-Luc Nancy, *Being Singular Plural*, trans. by Robert D. Richardson (Stanford: Stanford University Press, 2000), p. xvi.
6 Nancy, *Being Singular Plural*, p. 12.