

2021

Cynicism as a Modus of Political Agency: Can It Speak to International Law?

Hengameh Saberi

Source Publication:

Björnstjern Baade, Dana Burchardt, Prisca Feihle, et al. *Cynical International Law? : Abuse and Circumvention in Public International and European Law*. Springer; 2021

Follow this and additional works at: https://digitalcommons.osgoode.yorku.ca/scholarly_works



Part of the [International Law Commons](#), and the [Law and Philosophy Commons](#)

Cynicism as a Modus of Political Agency: Can It Speak to International Law?

Hengameh Saberi

Abstract This essay is a brief tour through the philosophical journey of cynicism as a critical ethos and modus of political agency. Against colloquial and psychological uses, all with a crippling effect, it seeks to remind of the best potential of a philosophical cynical temperament for a sense of empowered agency by revisiting its travels from ancient Athens to our time. With that history in sight, it will then in a preliminary and experimental fashion imagine some possible avenues through which international law can begin to appreciate a cynical orientation as a force for good rather than an enemy to deny, dismiss or psychologise in paralysed surrender.

Understanding the history of a cynical orientation as a mode of active engagement through social critique has an eye on the present and the future. It is to direct us toward a meaningful way to channel in the individual and collective cynical reservoir for clamming agency against exclusionary social structures. The first, essential step toward developing that temperament however, is to have clarity about cynicism's distinctive philosophical history, filtering out destructive effects of resignation as a sensibility, apathy, disillusionment, and despair over one's individual alienation and social nihilism. Modest but unavoidable, it is this very first step which motivates the present essay.

1 Introduction

Too much faith is the worst ally. When you believe in something literally, through your faith you'll turn it into something absurd. One who is a genuine adherent, if you like, of some political outlook, never takes its sophistries seriously, but only its practical aims, which are concealed beneath these sophistries. Political rhetoric and sophistries do not exist, after all, in order that they be believed; rather, they have to serve as a common and agreed upon alibi. Foolish people who take them in earnest sooner or later

discover inconsistencies in them, begin to protest, and finish finally and infamously as heretics and apostates. No, too much faith never brings anything good...

Milan Kundera, *Laughable Loves*

I warn you, my cynicism is so strong that it borders on optimism.

Scott Davis Howard, *Three Days and Two Nights*

What is cynicism in and about international law that makes it worthy of scholarly attention? Is it not the case that a shadow of uncertainty, mostly manifested in hypochondriac snivels from within but also cast as antagonism from without, has persistently followed the life of international law for more than a century? Certainly, there is something to be said about the expansion of various forms of populism and their potential threat to international law's stature in the present time. Besides, the particularities of virtual-space reality, novel technological incursions in both private and public spheres, the plausibility of algorithmic warfare, food and water insecurity, and so forth defy overarching diagnostic and remedial theories, armchair ambitions notwithstanding. As serious threats, they feed on and, in fact, in variegated ways deepen the gap between 'haves and have nots', 'cans and cannots' and between 'the insiders and the outsiders'. But all things considered, unless overtaken by historical amnesia or a desire for self-aggrandisement, do we have sufficient reason to count such threats as catalysts propelling a sense of urgency to engage with cynicism about the role of law in international politics in this particular time in response to our contemporary problems?

This question becomes more meaningful when considering that prior to the present volume there was no more than one single scholarly reflection on the subject in international legal literature as a whole.¹ If the global legal order is under siege – uniquely or not – a conscious re-orientation of agency and structure that can potentially direct toward moral and political empowerment is in demand. Such timeless empowerment, as will be explored, may not always have been a progeny of simple and pure faith, whatever its origin.

¹ To my knowledge, until now the only published work directly addressing the question has been by Koskenniemi (2017).

Paradoxical on its face, Periclean culture indeed saw it in its opposite, cynicism. And so might we.

However unique or comparable today's challenges facing international law – including the fashionable concern with populism or new right-wing movements – might be, there is great value in exploring the role of cynicism in any self-assured, aspiring, or evolving democratic order. Cynicism, on its face inimical to some common expectations in a democracy such as trust and stability, comes with an underappreciated philosophical trajectory that has historically served to advance social critique aiming at betterment of democracy. The historical ebbs and flows of cynicism's journey in philosophy and social critique cast doubt on the exceptionalism of current agnostic threats to democracy as a particularly unique occasion compelling a better understanding of cynicism in and about international law. Neither cynicism's challenge to conventions throughout history, nor the various garbs it has put on to develop social critique are novel. Nor do we have good reasons to always treat cynicism as destructive or pathological. But our moment like many others foregone is witnessing anxiety about the relevance of law in international politics and global economy, and perhaps self-conscious of its own cynical outlook, seeks to justify, reject, or explain it away as a pathology.

Against such dismissive and fearful reactions, this essay looks under the appearance of cynicism's negation and urges a historical understanding of its development as a particular and engaged modus of political agency. This trajectory reveals the sharp critical edge of cynicism as a philosophical attitude or temperament rather than a mere psychological state of the mind. Looking beyond the urgency of the time – real or imaginary – as well as cynicism's popular, colloquial usage, we had better explore a more enduring view of it in (international) politics and social life that need not feed on seasonal particularities. Such an enduring reservoir has travelled from ancient Athens to our time in different garbs and formulations inspiring social critique. To appreciate cynicism's enabling critical force and potential as a political ethos throughout the time, we ought to take the concept more seriously than a psychologically crippling state of being would allow. This alternative – cynicism as a philosophical attitude with promising potential for meaningful political engagement – however, has not necessarily offered a social recipe or practical blueprint to its followers throughout its history. Nor can we expect it to be any different this time

around. From ancient Cynicism² to post-Renaissance and postmodern adaptations, cynicism has experienced various incarnations with inevitable fault lines. But these fractures do not have to confront us with a simple, binary choice between the ancient and the modern or the authentic and the inauthentic because, just like our predecessors on this path who have negotiated their language of revolt and critique in various cynical dispositions, we would have to make our own cynical cocktail with the hindsight of history if we were to follow this path in the hope of keeping the possibilities of radical politics alive. We can concoct a version of cynicism with radical energy as taught by the best of this history however, only when we filter out the destructive effects of resignation as a sensibility, apathy, disillusionment, despair over one's individual alienation and social nihilism, and a superior sense of control over the authentic in politics – all unhappy children of cynicism's marriage to postmodernism.³

² In line with conventional use, Cynicism is capitalised throughout wherever the reference is specifically to the Ancient form. As it will become clear, since the kind of cynical orientation entertained here does not build on a simple Ancient-versus-modern binary distinction, it does not have to be capitalised even when it is closer to the Ancient tradition in content.

³ It is in that refined state that cynicism, to use an aphorism, 'borders on optimism.' Howard (1863).

Understanding the history of a cynical orientation as a mode of active engagement through social critique has an eye on the present and the future. It is to direct us toward a meaningful way to channel in the individual and collective cynical reservoir for claiming agency against exclusionary social structures. This essay has a much more modest goal, however. It revisits a few moments of cynicism's journey to suggest that its potential, in general and no less in international law, lies in a philosophical rather than a psychological or colloquial stance. Our success in developing a cynical orientation with positive potential is predicated on an essential first step of clarity about the concept's distinctive history and distinction from other sources of agnosticism. It is that preliminary but essential step that will guide the rest of the present essay.

The next section will distinguish cynicism from more familiar sources of negation in international law such as various forms of scepticism which, beyond questioning the latter's relevance, effectiveness or very being, bear no more resemblance to cynicism than plain faith may do. More important than this distinction, arguably evident in nature, is to discriminate cynicism as a philosophical sensibility from what it has already been taken to stand for in international law – a mere psychological state. The third and central section will then attempt to portray what cynicism has historically been by selectively revisiting cynicism's ebbs and flows from Diogenes to Foucault, offering a snapshot of our reservoir of tradition and its malleability as an outlook to the world. Here is where the distinction between different treatments of the experience of alienation – that flagship experience of the cynic – will become clear. Some revel in its liberatory effect and others resign to its pathological lethargy and despair. It is only the former kind that could motivate political agency.

With this history in hand, the final section, in a rather experimental fashion and borrowing from the recent reincarnation of cynicism's best potential for active engagement in political theory, imagines some possible avenues through which international law can begin to appreciate a cynical orientation as a force for good rather than an enemy to deny, dismiss or psychologise in paralysed surrender. This will remain a sketch, only outlining a preliminary idea of how cynicism's challenge to certitude of trust, adoption of contingency instead, and tactical or opportunistic coping – all legacies of cynicism's philosophical journey – could become a weapon of engagement rather than a cause for resignation. In a field such as international law where cynicism has run free on colloquial terms invariably with negative

implications, a historical appreciation of its critical force and enabling re-emergence in neighbouring disciplines is a first step towards that manifestation.

2 What Cynicism Is Not or Should Not Be

What is particularly fresh in a cynical outlook to international law, a field historically plagued by sharp antagonism? An exercise in discrimination between various forms of antagonism might at best bear some analytical value, and at worst amount to no more than pedantic hair-splitting. Evidently, ontological doubts start from and operate on very different assumptions from epistemic scepticism. But the net outcome of their blow to international law's image and relevance does not much differ from other, more sophisticated epistemic challenges. What matters here is that with familiar ontological, epistemic and normative critiques, and other sources of dismissal in international law, cynicism shares a similar intransigent critical edge merely so far as it challenges accepted forms of social conventions. But their common grounds end right at that point, making any resemblance as preposterous and vacant as it is superficial.

At the risk of wearying the seasoned reader, we can quickly recall those well-trodden paths of negation which critics with varying degrees of success have taken to demand of international law what they have thought it ought to be or do. Austinians,⁴ IR realists,⁵ and the neo-conservatists of the political right⁶ have all been concerned, in different ways, with questions of ontology. The challenge to international law's very existence – by the realists and the right – should not be taken lightly, but the apparent force of such arguments alone does not afford them nearly as much argumentative weight or philosophical sophistication as some epistemological critiques possess. It is the force of epistemic scepticism, after all, that led the New Haven Jurisprudence to discount what it called old, metaphysical jurisprudence in favour of a complex, positive program of empiricism;⁷ (a programme whose ultimate fate of failure is of no concern here). The same epistemic scepticism situated in a postmodern orientation resulted in calls for epistemological renewal in some critical corners

⁴ Austin (1863).

⁵ Krasner (2002), p. 42; Mearsheimer (1994), p. 3.

⁶ Goldsmith and Posner (2005). Characterising this book and its authors as examples of right-wing political thought is contestable on a number of levels. It characterises the political right in a very broad (if not loose) sense; it lacks discrimination between the two authors' at times different political perspectives; and it takes a theoretically-meagre application of rational choice models to represent the political right. For the purposes of the argument, the popularity of the book should nevertheless suffice to justify the choice.

⁷ Lasswell and McDougal (1992).

such as the ones inspired by (post)structuralism. Their most sophisticated adherents call for heterodox experimentations with no closure in sight.⁸ Other critical movements, whose quarrel is with international law's pedigree and legitimacy, oppose the tradition and current structure of international law, but are not necessarily, or not at all, epistemic sceptics. They instead advocate for new sources of knowledge and authority.⁹

There might be more contenders to negation, disillusion or disenchantment that could putatively align with cynicism if we were to satisfy ourselves with a colloquial understanding of a cynical sensibility that encompasses introspective darkness, nihilism, quietist relativism, anarchic disorder, manipulation and hypocrisy of insiders and resignation of outsiders, and an overall sense of estrangement and rejection of the world that constantly fails to live up to some lofty, predetermined metaphysical or moral ideals. Yet this is precisely the peril we should avoid. To be sure, cynicism has shared a comfortable corner with all such sensibilities mostly in its colloquial animation, but at times in some versions of its philosophical incarnation too while traveling from the Greeks to the present. It is nevertheless paramount to move beyond the colloquial usage into the philosophical territory and separate the wheat from the chaff. But before that *tour d'horizon* in the next section, let us briefly see in what sense cynicism is, or ought to be seen as, a philosophical rather than a mere psychological sensibility.

In the sole existing account of cynicism in international law, Martti Koskenniemi describes cynicism as the mirror in which commitment is bound to look at itself in the international legal agent's household.¹⁰ For the international lawyer, professional commitment is neither faith nor certainty, because legal practice is not theology and legal propositions do not carry truth-values as such either.¹¹ It is rather a defence against falling into the abyss of contradiction between private and public selves by combining one's private passion with public duty into a meaningful identity.¹² The spirit of going against 'one's own (immediate) [private] interests', the integrity with which the lawyer observes the rule of law and his or her public faith in the function of law trump 'competing loyalties and normative demands'.¹³ This kind of commitment is to save the professional from the malady of

⁸ Kennedy (2017).

⁹ Eslava (2019).

¹⁰ Koskenniemi (2017).

¹¹ *Id.*, pp. 42-43.

¹² *Id.*, p. 40.

¹³ *Id.*, pp. 42-43.

‘personal alienation and social nihilism’.¹⁴ But it is certainly not rational – not necessarily irrational but non-rational, demanding courage, in fact something akin to heroism of the international lawyer to forge ahead with ideals which may fail or materialise but nonetheless become no more than a disappointment.¹⁵

When ideals and goals are frustrated – a familiar fate in the international law marketplace, so does the force of commitment behind them. That is precisely when cynicism is born. In fact, it takes much less for cynicism to rear high over commitment. In the everyday balancing of rules and policies, clouds of doubt and ambivalence never cease to threaten the reassuring appearance of clarity. In the absence of certainty of truth and faith, decision-making is the wrestling ring of the lawyer’s public rhetoric and private doubts, ultimately leaving his or her commitments to cope with the blow of loss and struggle to return for another round.¹⁶ Cynicism, then, is always there, has always been, and is not to give way; that’s intrinsic to the structure of legal argument.

Yet ‘the dialectic of commitment/cynicism’¹⁷ is a much deeper insight into the psychology and mental structure of the actors on the international law scene and goes well beyond a structural analysis of law. With characteristic lucidity, Koskenniemi demonstrates how the dying utopianism of commitment gives life to cynicism’s saving face and rationalisation of the status quo; how heroism of venturing into the world of action despite lack of certainty turns into please to (pseudo)-empiricism of facts to conceal one’s ineliminable ambivalence; and how the nobility of commitment’s other-regarding priorities turn into disgrace of everyday hypocrisy.¹⁸

This is a kind of ‘existential schizophrenia’¹⁹ that seamlessly swings the agent between the nobility of heroism and vices of pure careerism, complacency, hypocrisy, and manipulation.²⁰ Far beyond the neuroses of academics alone, it is equally endemic to legal advisors, activists, and judges.²¹ Indeed, this vertigo is endemic to modernity itself. In the absence of shared ideological moorings, the loss of faith in rationality, and perceived failure of modernity, it is not surprising that Peter Sloterdijk, as Koskenniemi also recounts, speaks

¹⁴ *Id.*, p. 41.

¹⁵ *Id.*

¹⁶ *Id.*, pp. 44-51.

¹⁷ *Id.*, p. 54.

¹⁸ *Id.*, pp. 51-53.

¹⁹ *Id.*, p. 58.

²⁰ *Id.*, p. 51.

²¹ *Id.*, pp. 54-65.

of the malaise of 'enlightened false consciousness'.²² Sloterdijk's diagnostic account is in line with the twentieth century treatment of cynicism as a form of existential self-assertion.²³ In that, he builds on Paul Tillich's earlier account of modern cynicism as a form of 'non-creative existentialist attitude', which leaves modern cynics 'empty of both preliminary meanings and an ultimate meaning, and therefore easy victims of neurotic anxiety'.²⁴ Tillich's and, later, Sloterdijk's and Foucault's hope in reviving cynicism was to salvage its moral strength as an ethos that could correct the overwhelming sense of discontent and disillusion in the latter part of the twentieth century politics. In cynicism, they sought to find a new language of social critique that embodied the spirit of Enlightenment. Tillich and Sloterdijk made a distinction between Cynicism and cynicism and attempted, each in his own way, to find the reason for the perversion of the former into cynical disillusionment. We will return to this distinction in the next section, but let us pause on Sloterdijk's existentialist account for another moment.

If Enlightenment as a discourse has failed to deliver, 'enlightened false consciousness', in the equally apt re-phrasing of one of Sloterdijk's readers,

defines a sensibility which is both formed by this discourse, and which has been utterly abandoned by it. It protects itself from existential collapse by means of an interior 'reflexive buffer'; the modern cynic is radically alienated both from his own linguistic products and from the possibility of ideologically centred political activity.²⁵

Sloterdijk, however, did not end with critique. His radical corrective was to be found in ancient Cynicism and particularly in Diogenes's satirical rhetoric and his decision to live in harmony with doctrines he preached. In doing so, he sought to provide a lived philosophy with an effective language for a cynical society and challenge the primacy of high theory, all the while as he 'define[d] a model of subjectivity in rupture with the bad faith of contemporary cynic consciousness'.²⁶

That Sloterdijk's remedy to the cynical melancholy of modernity is based on a distinction between certain criteria of authenticity (and hence, authentic versus inauthentic

²² Sloterdijk (1983), p. 5; Koskeniemi (2017), p. 57.

²³ As we shall see in the next section, Michel Foucault's account of cynicism differs from Tillich's and Sloterdijk's in this respect.

²⁴ Tillich (1988), p. 211 cited in Shea (2010), p. 134.

²⁵ Bewes (1997), p. 4.

²⁶ Shea (2010), p. 151.

cynicism) brings back the metaphysical into politics through the back door. All the same, he is after a remedial corrective and retrieves that in a different philosophy than Enlightenment-gone-awry, even if the cost is a sense of false nostalgia and romanticisation of ancient Cynicism. The existentialist reckoning of Koskenniemi's melancholic legal agent, however, shares no such vain ambitions (for good reason) and its keen psychological observations are of a different nature and not susceptible to such follies. Still, the dialectic of commitment/cynicism goes only so far. Indeed, because cynicism itself is not a totalising identity even in a philosophical understanding, it could not go beyond a certain point. Perceptive as a psychological account of international lawyering and activism is, it consciously remains within the limits of the agent's psyche and his or her struggles between the constant pulls of the public and the private. Its persuasive allure lies in its recognition of such limits which caution against any effort to draw out possibilities by way of salvation from the inevitability of commitment's conversion into cynicism. In the darkness of this dialectic's finality instead, there is wisdom for humility in acceptance of what is certain to come and taking it with a light heart.²⁷ Reading the last lines of the dialectic, one can venture a surmise that in fact with humility, one might reduce the odds of cynicism's next unwelcome appearance.²⁸

But this is as far as any psychological account goes. What matters is of course not a disciplinary rivalry and philosophy cannot have the last word. It is the centrality of subjectivity and the modern/postmodern anxiety about (dis)integration of different selves – the private and the public, the personal and the professional. The philosophical account favoured here, the kind that boasts a historical record of feeding critical energy into politics, is not focused on the cynical self – or any self for that matter. Instead it is preoccupied with drawing empowering force from inevitable discontents for coping with misery and for fresh political action. In that, it parts way with psychological and existential accounts of the (cynical,) inward-looking self.

The self-entrapped between commitment and cynicism of the legal agent perhaps, with the help of a good deal of re-interpretation, reminds one of Alan Keenan's ideal type 'the cynical insider'.²⁹ Keenan's 'cynical insider', falls in-between the other two ideal types, 'master-cynics' and 'outsider cynics' in its connection to and possession of power. Motivated

²⁷ Koskenniemi (2017), p. 67.

²⁸ *Id.*

²⁹ Keenan (1998), p. 4.

by fear of losing their position or security, cynical insiders are shameless in their use of publicity and verbal redescrptions to help maintain and legitimise the power of the powerful.³⁰ ‘These are the alienated middlemen, ... who are given the job of creating and sustaining the illusions that allow the powerful to rule.’³¹ It would be more than uncharitable and inaccurate to attribute the same kind of shameless guardianship of power to the legal agent of the commitment/cynicism dialectic. The inevitability of psychologically-inescapable pull of commitment/cynicism dichotomy is different from conscious, deliberate, self-interested manipulations of ‘cynical insiders’ after all. Yet when one considers the last breaths of the agent’s commitment when all of its three defining aspects – Rationalisation of status quo, seeking refuge in (pseudo)-empiricism from unabating ambivalence, and hypocrisy – become either the very opposite or the miniaturised version of what they were and he or she nevertheless feels bound to keep up with the rhetoric, it is not difficult to recall the image of Keenan’s ‘cynical insider’. That is true most notably in the case of conflicted practitioners and legal bureaucrats with vested institutional interests. Be that as it may, focusing on the psychology of the cynical agent still says little about cynicism itself, what it has been taken to mean historically, and how it could potentially serve as a disruptive, enabling force in social thought and politics.

3 What Cynicism Has Been

In the company of Diogenes of Sinope, cynicism has been attributed to a wide variety of thinkers: from Socrates to Machiavelli, Spinoza, Rousseau, Nietzsche and even Wittgenstein.³² In turn, a wide variety of ethical, lifestyle, aesthetic, and political dispositions have been taken to represent cynicism as a lived philosophy: asceticism, self-sufficiency, cosmopolitanism, a disenchanting view of human society and social conventions, rhetorical practice of redescription, anarchism, and so forth. Some of these practices, inclinations and beliefs are certainly closer to the original Cynics’ ways and some are a result of its subsequent acceptance and adaptations. To have a better chance at re-claiming the best of this legacy, we ought to rely on a reservoir of experience, from ancient Cynicism to modern

³⁰ Mazella (2007), p. 9.

³¹ *Id.*

³² Wittgenstein seems to be an unexpected company here, unless, first, we adopt a less specific understanding of cynicism, or, second, focus on Wittgenstein’s anti-philosophy. For an example of the former, see Christian and Iris (2009), p. 469.

variations, that has advanced a cynical attitude as a linguistic tool and ethical basis to engage in social criticism.³³

3.1 Ancient Cynicism

Most of what we have on the widely quoted Diogenes and all less-known figures practicing a Cynical mode of life is anecdotal and largely unsubstantiated.³⁴ An ascetic and simple lifestyle gave ancient Cynics a higher moral ground to attack materialism. Most famously, Diogenes the dog (*kyon*) scoffed at all sorts of social conventions, from the quotidian to those advanced by larger societal forces. Cynicism's moral teachings were more clearly transmitted by Epictetus who offered a stoicised version of Diogenes in his Discourses, according to which, beyond an ascetic lifestyle, the Cynical life was about self-discipline and relinquishment of envy, rage, greed and immoral desires. Others have drawn a more moderate image of Diogenes that nonetheless speaks of his moralism.³⁵ Our reward from engaging with the colourful stories, entertaining practices, and pithy expressions attributed to ancient Cynicism would emerge in a few of its messages: that its disenchanting worldview long preceded the post-Enlightenment kind and so reducing cynicism to a simple understanding of modern disenchantment is ahistorical; that the fear of cynicism begetting cynicism ignores the variety of practices attributed to the practice and its complexity; and that ancient Cynicism's cosmopolitanism³⁶ and anti-slavery sentiments were the direct effect of its distinctive moralism and well deflect popular charges of nihilism.

Although Cynicism may never really have found a place of honour among philosophers,³⁷ it certainly constitutes a coherent set of ideas and practices in defiance of social conventions. Uncharacteristically for a philosophical movement, a good deal of these ideas are sententious and reflected in the form of aphorism. These aphorisms convey 'black humour, paradox or surprise, and [just as importantly] ethical seriousness'.³⁸ This is why for some, Cynicism is in part 'a body of rhetorical and literary genres'³⁹ which are not a mere form embodying Cynic doctrines incidentally, but are in fact an activity – the exercise of

³³ Shea (2010), p. 11.

³⁴ The most cited reference on Diogenes is Laertius (1979).

³⁵ See, e.g., Mazella (2006), p. 102.

³⁶ On Cynicism's cosmopolitanism, see Moles (1996), p. 105.

³⁷ Hegel wrote of the Cynics: 'there is nothing particular to say of the Cynics, for they possess but little philosophy, and they did not bring what they had into a scientific system', Hegel (1983), p. 479 as cited in Long (1996), p. 29.

³⁸ Long (1996), p. 33

³⁹ Dudley (1937), xi as cited in Branham (1996), p. 82.

'parrhesia' or free speech – through which Cynicism originated.⁴⁰ Cynicism's 'link to arts of philosophical jesting' is important not only for the fact that it distinguished the Cynics from all other ancient philosophers in their regard for 'freedom (of speech) as a central value to Cynic philosophy',⁴¹ but also in the way it endures into the life of modern cynicism in the Republic and later in the nineteenth century. That explains why in examining the genealogy of modern cynicism, some believe that better evidence is often found in literary-philosophical or purely literary rather than theoretical-philosophical sources.⁴²

Controversy around Cynic philosophy is perhaps exacerbated because of its mostly unwritten heritage. Its cosmopolitanism is taken to be merely in its negation of the importance of the polis rather than a positive value.⁴³ Its connection to Socratic moral tradition is emphasised in order to discount the importance of its rhetorical dimension.⁴⁴ Venerated and denigrated disproportionately, it is nevertheless a legacy capable of resurrection for critical use as its future has proved time and again. It is to that future that we now turn.

3.2 *Modern Cynicism*

What was so appealing in the peculiar character of Diogenes that could be appropriated by both philosophes and counter-enlightenment forces to personify rebellion against tradition and modernity alike? Heinrich Niehues-Pröbsting seems to provide one of the most concise and apt explanations. Besides extraordinariness, he suggests, Diogenes is a representative of reason and Cynicism embodied alongside ideals of freedom, open criticism of the religious and secular alike, philanthropy, and cosmopolitanism.⁴⁵ All the same, Diogenes is burdened with folly as well; hence Cynic became a term for Enlightenment's sarcasm and abuse applied by some of the philosophes to their peers, such as Rousseau, who were well-situated

⁴⁰ Branham (1996), p. 103.

⁴¹ *Id.*

⁴² Niehues-Pröbsting (1996), p. 341. This is hard to dispute given the abundance of evidence. Yet an emphasis on the literary weight of cynicism might be misleading to the extent that it might detract from the social forces – such as alienation – determining various manifestations of it.

⁴³ For an opposite view which demonstrates the positive contributions of the Cynics to cosmopolitanism before Stoics, see Moles (1996), pp. 119-20.

⁴⁴ For a contrary view, see Branham (1996), p. 102; for a summary of opposing views, see *id.*, p. 84; for a stronger view in favour of the Stoic philosophy's ethical theory as compared to Cynicism see Gill (2013).

⁴⁵ Niehues-Pröbsting (1996), p. 332.

in the ranks but nevertheless targeted as outsiders.⁴⁶ Most importantly, folly is not contingent or passing but a consequence of reason itself and its excesses:

In Cynicism, the Enlightenment discovers the danger of reason being perverted, ... reason being frustrated because of its own far too exalted expectations. The Enlightenment becomes aware of this menace to itself through its affinity with Cynicism. The reflection on Cynicism provides a necessary piece of self-recognition and self-criticism. Consequently, the failure of the Enlightenment – or of one part of it – leads to cynicism in the modern sense of the word.⁴⁷

In the context of the Renaissance's celebrated strongly sexualised satires, Diogenes' irreverence might seem to fit naturally. Yet Enlightenment philosophers demanded more of his figure. Rather than a misanthropist (historically inaccurate) and indecent (an obsolete characteristic in 1750s' French society), D'Alembert's Diogenes is a symbol of independence ('from patronage and from collaboration with tyrannical governments') and of courage in expression of truth.⁴⁸ Remote from the rugged and destitute image of Diogenes on the street, the eighteenth century's clean-shaven, literate, and philosophical Cynic is the man of letters akin to today's public intellectual.⁴⁹ D'Alembert's fiercely independent Diogenes is thus to speak the truth, but to do so in 'a manner suitable to collaboration, conversation, and [a] fruitful exchange of ideas' with his peers as an 'ideal member of the republic of letters'.⁵⁰

This polished image, however, was soon to be contested by the very philosophes who sought a language of social criticism in Cynicism. Diderot for instance, after imprisonment adopted, in his most well-known works, 'dialogue' instead of 'the allegorical satire' of his earlier writings,⁵¹ and took Socrates as a consolation and hope for uttering truth under censorship.⁵² But this left him with a nostalgia for 'the lost eloquence of the ancient world and for the Cynic's satirical bite'.⁵³ Diderot's response to this yearning led him to create, if inadvertently, a comfortable niche for philosophers to write in the safety of their status in a

⁴⁶ *Id.*

⁴⁷ *Id.*, p. 333.

⁴⁸ Shea (2010), p. 30.

⁴⁹ Heinrich Niehues-Pröbsting reads Christoph Martin Wieland's Diogenes as what would be termed a public intellectual today; Niehues-Pröbsting (1996), p. 336.

⁵⁰ Shea (2010), p. 31.

⁵¹ Sherman (1976), p. 33 cited in Shea (2010), p. 47.

⁵² Shea (2010), p. 48.

⁵³ *Id.*, p. 49.

way that convert their readers into Cynics.⁵⁴ He thus attempted to employ Cynicism to interrogate Enlightenment, while presenting the former simultaneously as ‘the illness and the potential remedy of the progressive agenda of the philosophes’.⁵⁵ Rameau’s Nephew only exacerbated this complexity by portraying two exaggerated extremes or caricatures of Cynicism: of the idealised, refined philosopher who stands for autonomy and independence (the philosopher) on the one hand, and that of the Cynic with all those obscenities which the philosophes had tried to disavow in Cynicism.⁵⁶ In pitting good against bad cynicism, Rameau’s Nephew might just have been a foretelling of Sloterdijk’s diagnosis of two centuries later.

Cynicism figured so significantly for Enlightenment philosophers that even Rousseau, who arguably had no or negligible enduring interest in that tradition, was compared, mostly unkindly, to Diogenes by other philosophers. To some, Rousseau’s flirting with Cynicism is nothing more than a pose.⁵⁷ Others read what began as a superficial play of verbiage in Rousseau – which in any case reflected his sense of alienation – but led to the adoption of a lifestyle of poverty as a full-fledged commitment (even though seasonal) to Cynicism.⁵⁸ Rousseau’s life in Cynicism was more practical: challenging polite conventions and his penchant for diatribes. This primitive adherence nevertheless seemed to enrage the Encyclopedists in the way it challenged the political and intellectual compromises of the republic of letters;⁵⁹ hence caustically identifying him with Diogenes, and sometimes a false one in that.⁶⁰ Beyond different interpretations of Rousseau’s Cynicism, two points still withstand. Firstly, that Cynicism could take Rousseau only so far. By the time of *Social Contract*, the primitivism of Diogenes was all lost. Secondly, regardless of the nature of his affinity with Cynicism, he still managed to leave a positive impression about Cynicism in a figure no less than Kant.⁶¹ Yet this might say more about Rousseau himself than about Cynicism.

The story of the modern acceptance of Cynicism is not one of a search for authenticity; that was still to come with Sloterdijk. Whatever else it might have been,

⁵⁴ *Id.*, pp. 56-57.

⁵⁵ *Id.*, p. 57.

⁵⁶ *Id.*, pp. 57-58.

⁵⁷ Niehues-Pröbsting (1996), pp. 340-41.

⁵⁸ Shea (2010), pp. 100-01.

⁵⁹ *Id.*, p. 103.

⁶⁰ Niehues-Pröbsting (1996), p. 347.

⁶¹ *Id.*, p. 339.

Cynicism was refined by Enlightenment's polite society and came out humourless. The expulsion of humour from Cynicism, in one reading, was the beginning of its end and the very beginning for cynicism.⁶² If this is indeed historically convincing, we are left with a whole body of ancient practice to sift through and reconstruct Cynic attitudes that are responsive to today's politics. Sloterdijk's existential answer falls short. Our answer might not be in holding the philosophers responsible for diluting a romanticised figure of Diogenes, selective fractures of Cynicism, or a choice between the two kinds. It might rather be in a new reconstruction of cynicism's best critical legacy at the service of radical politics regardless of its origin, ancient or modern.

3.3 Cynicism after the Frankfurt School

In the latter part of the twentieth century, there was another revival of interest in cynicism. Peter Sloterdijk and Michel Foucault were of course responding to a different set of problems than the Enlightenment philosophers. But they, too, envisioned cynicism to offer a new linguistic tool, a new philosophical ethos, and a model of philosophical agency to articulate social criticism.

We have already heard Sloterdijk's principal message, defining cynicism in a memorably arresting phrase, 'enlightened false consciousness',⁶³ juxtaposing Cynicism and cynicism, and venerating the former while dismissing the latter. Celebrating the humour and 'cheekiness' of Diogenes, living in harmony with the doctrines he preached, and defining the body as the privileged locus of resistance, Sloterdijk never really articulates how exactly any of these could give Cynicism a liberatory force. The frailty of Sloterdijk's account is not merely in its lack of historical grounding in the Enlightenment philosophers' experiment with Cynicism, but in its largely satire and suggestive style that, at best provokes and offers new energy and awakes from indolent apathy, and at worst evokes nostalgia to no end. Beyond spontaneity, it is hard to appreciate what exactly a simplistic hedonism could bring into subversive politics. For spontaneity alone, Cynicism might just have been too long a journey to take, and Sloterdijk's mystic account seems to have little more to give.

Around the same time and centring on philosophies that connect truth-telling to a rigorous commitment to shaping one's life based on one's principles, Michel Foucault's last

⁶² This is the central thesis of Louisa Shea's book, which seeks historical confirmation for Sloterdijk's largely intuitive argument. Shea (2010), pp. 100-101.

⁶³ Sloterdijk (1983), p. 5.

lecture courses also draw on Cynicism. Yet for Foucault, beyond an ancient philosophy, Cynicism is a transhistorical attitude.⁶⁴ Its core significance for Western philosophy, as Foucault believes, lies in its ability to connect blunt speech and self-fashioning.⁶⁵ Cynicism is not about individual courage in free speech in the face of adversity, but an ethos that marries the manifestation of truth to forms of existence.⁶⁶ This in turn, allows Foucault to bring Cynicism to bear on the relations of the subject to power and power to truth, making it into ‘an ethos that would allow the games of power to be played with “the minimum of domination possible”’.⁶⁷

For Foucault, three main characteristics make Cynicism stand out as a model of doing philosophy and making critique relevant. First, ‘truth embodied’. The Cynic does not just tell the truth, he lives it. His simple lifestyle, poverty, and shunning of social conventions make it possible for the Cynic to live the life he speaks of.⁶⁸ Second, ‘a militant beneficence’. Foucault’s Cynic, contra Sloterdijk’s projected mystical, Zen-master figure, is a militant force for societal change.⁶⁹ Third, ‘scandalous banality’. Here Foucault finds the Cynic’s grotesque and seemingly extraordinary practices as in fact evidence of what they live for: demystifying philosophy, and nothing more.⁷⁰

This last character alone might settle the score between claims that have historically pulled Cynicism to different directions, foisted political meanings into it, cashed out artificial criteria of authenticity on its account, and asked it to give more than it could afford. ‘Scandalous banality’ makes social critique relevant by advising against blueprints and by embracing contingency and tactical movements in the face of adversity and oppression.

With this historical potential in sight, let us now try to imagine, in an experimental fashion, whether and how a cynical temperament could speak to international law in words that carry the seeds of energised political engagement and a sense of empowered agency.

⁶⁴ Foucault (1984), p. 163 cited in Shea (2010), p. 176.

⁶⁵ Foucault (1984), pp. 152-53.

⁶⁶ *Id.*, p. 166.

⁶⁷ Shea (2010), pp. 177-78.

⁶⁸ Foucault (1984), p. 233 cited in Shea (2010), p. 182.

⁶⁹ Shea (2010), pp. 182-85.

⁷⁰ *Id.*, p. 186.

4 Cynicism in International Law?

If cynicism were to orient actors toward a meaningful political engagement with international law, it would have to be freed from the darkness of psychological despair, existential anguish, and misguided philosophical attempts at appraising its authenticity based on binary distinctions. Recent re-emergence of interest in cynicism in political theory, not as a full-fledged theoretical enterprise for social change but rather as a critical ethos, offers some interesting avenues of further inquiry.⁷¹ These projects build on the work of a small group of classicists and historians who have introduced a fresh assessment of Cynicism as

a distinctive moral-political outlook; as a *modus dicendi* [an art of speech] for coping with misfortune; as a repertoire of subversive rhetorical techniques that ‘moralize the gap’ between ideals and practices; [and] as localized ‘tactics’ of resistance which serve to ennoble the protests of otherwise disempowered actors.⁷²

Having moved away from a counterproductive binary division between old and new cynicism, at core, these projects seek to re-appropriate the presumed vices of a cynical attitude for survival, subversive political action, and contingent progress. One line of argument severs the falsely assumed link between trust and democratic politics to challenge the perceived threat of cynicism to democracy. Cynicism, it holds, is an

ineradicable, constitutive element of democracy, rooted in the inevitable gap between external performance and interior motivations that characterizes human sociability.⁷³

In that realisation today, we are no different from Enlightenment *philosophes*.⁷⁴ Rather than despair over the impossibility of reliance on and trust in some idealised vision of political virtue, cynicism can mobilise marginalised actors towards adaptable tactics to resist and assault hegemonic norms and institutions.⁷⁵ Such tactics are time-dependent and ‘always on the watch for opportunities that must be seized “on the wing”’.⁷⁶ In tactical moves, the vulnerable must resort to ‘forces alien to them ... when they are able to combine

⁷¹ See, e.g., McGuire (2018); Shea (2010); Stanley (2012).

⁷² McGuire (2018), p. 4.

⁷³ Stanley (2012), p. 192.

⁷⁴ This is in fact a central thesis of Stanley’s book.

⁷⁵ Stanley (2012), p. 203.

⁷⁶ de Certeau (1984), pp. 36-37.

heterogeneous elements' propitiously to achieve their ends through 'manipulat[ing] events in order to turn them into "opportunities"'.⁷⁷ Opportunistic tactics are not too far from one particular reading of Diogenes's rhetorical expressions:

a *modus dicendi*, a way of adapting verbally to (usually hostile) circumstances. ... [T]his process of invention, this applied rhetoric ... constitutes the Cynic's discourse, a process in which strategies of survival and rhetorical strategies repeatedly converge and coalesce.⁷⁸

The Cynic's rhetorical discourse then, is the embodiment of the decision to seize tactical opportunities as they arise.

Decisions of tactical nature, however, seem to cause raised eyebrows in those with a Procrustean bed to force practice into formulaic theories. Inspired by military theories of 'strategy' versus 'tactic', one such critique objects to critical international legal scholars' description of their interventions as 'strategic' and instead re-describes them as merely 'tactical'. By sacrificing the long-term and structural benefits of 'strategic' action for the short-term and conjunctural considerations of 'tactical' positions,⁷⁹ the argument goes, critical international law scholars in fact not only lose sight of the importance of fundamental societal change that could be achieved through proper strategies but also stay content with small tactical victories and ultimately reinforce the sources of domination. Under this account, for instance, the well-known, open letter of a number of British-based critical legal scholars contesting the legality of the second Iraq War in 2003 based on doctrinal grounds was with a view to win that particular battle and stop the war.⁸⁰ But such a short-term victory through the use of tactical terms of liberal legalism was nevertheless 'problematic in strategic [long-term, structural] terms', and in fact might confine 'prudence' to short-term objectives and gains.⁸¹

The Marxist-inspired objective of unconditional prioritisation of structural considerations and revolution over reform aside,⁸² the romantic, revolutionary aspirations for wholesale change undergirding such zero-sum programmatic political theories are

⁷⁷ *Id.*

⁷⁸ Branham (1996), pp. 87-88. The connection is suggested in Stanley (2012), p. 203.

⁷⁹ Knox (2010), p. 194.

⁸⁰ *Id.*, pp. 205-07.

⁸¹ *Id.*, p. 208.

⁸² *Id.*, p. 215.

entirely oblivious to transience and contingency of opportunities for political action. Under such dogmatic accounts, seizing opportune moments to stop or end a war or adopt the legal verbiage to inspire hope in victims of violence without the absolute guarantees of structural change would thus be a loss – if not plain betrayal. ‘Opportunistic coping’ and settling for contingent progress, both encouraged by a cynical temperament, would seem to detract from the ‘Platonic pretensions’⁸³ of such grand theoretical programs.

Unconcerned with fitting political struggles into the normative guidance of wholesale theoretical programmes however, actual narratives of various actors’ resistance on the ground find empowerment in adaptable tactics and opportunistic coping. In what could be read as a counter-illustration to the above example and through a compelling ethnographic account, Lori Allen demonstrates how a cynical distrust among the West Bank Palestinians against human rights organisations and their lip-service to lofty ideals – including the language of law’s assumed neutrality – has not led to despair and resignation in local actors, but instead enabled them, emotionally, politically, and intellectually, ‘to keep a liberated Palestinian state imaginable’.⁸⁴ This kind of ‘opportunistic coping’ is temporal and contingent, but certainly not hypocritical or deceitful. It is a tactical exercise in a world morally mired in corruption and politically compromised, which allows the disempowered to survive while the inevitable contestation continues.

Cynicism, after all, is nothing but ‘an affirmation of contingency’. It is contingent because it puts forth a radical challenge to dogmatic certitude.

The cynical critique of convention does not deny conventions in order to acknowledge substitutes, and it affirms itself from within the very institutions whose claims to legitimacy it challenges. A champion of criticism rather than recognizing, Diogenes assailed conventions because they were conventional; the alternative was – as it continues to be – the reactionary reification of habit as necessity.⁸⁵

But cynicism is also contingent in another sense: it is temporal and not suspicious of all *nomos* at once. It is not after chaos or moral and epistemic vandalism. Cynicism’s target is the ‘pathology of certainty’⁸⁶ and dogmatic pretensions.

⁸³ McGuire (2018).

⁸⁴ Allen (2013), pp. 25-26.

⁸⁵ Schreier (2009), p. 39.

⁸⁶ McGuire (2018), p. 68.

In some way, it is precisely various forms of ‘pathology of certainty’ that, consciously or otherwise, underlie expressions of objectives and demands in political contestations. When ‘the international human rights movement’ is described as ‘part of the problem’,⁸⁷ the critique does not simply destabilise many activists because they are strangers to pragmatism. Taken as a counterpoint to ‘a naive, devotional approach to human rights ... [pragmatism] is far from being an extra-vernacular project or one that would ruffle the feathers of most human rights activists’.⁸⁸ ‘Too much faith is the worst ally’ might be an obvious theoretical insight to many professional activists after all.⁸⁹ What in fact offends the movement’s sensibilities and removes the carpet from under its advocates’ feet is exposure of their ambivalence, longing for impossible faith in some mooring dogma, and inability to own up to their constant indecision between principles and consequences while waiting for certainty becomes pathological and brings political paralysis. A cynical temperament, instead, emboldens actors to not only face but also embrace the death of dogmatic certitude not once forever but for so long as political engagement is to live.

Cynicism’s challenges to the long-held value of trust in politics, its affirmation of contingency and negation of dogmatic certitude of conventions, and its tactical deployment of suspicion for opportunistic coping may all taste bitter to international lawyers’ taste buds. But hasn’t both day-to-day and grand-scale occupation in international law already been fraught with all that? If the answer is in the affirmative, then cynicism might offer a new opportunity to pursue these lines of inquiry on more conscious, deliberate and productive terms. Neither the darkness of an existential approach to cynicism, nor the poverty of a colloquial understanding of it could do justice to a rich heritage of pessimism about social conventions and optimism about human agency.

The Cynic mocks the structure, but nurtures hope, in unbound human agency. This might be the most instrumental message of Cynicism from which much else results. Imagine a space in which the plausibility of demands, feasibility of protests, or legitimacy of negotiations are not tied to a reprehensive or approbative Procrustean bed of predetermined, elaborate theories – theories whose rightness for the holders will ultimately prevail over their resulting consequences. Imagine sites of struggle wherein ‘cynical complicity’ of participants eases the pain and suffering of the conflict and may very well

⁸⁷ Kennedy (2002).

⁸⁸ Charlesworth (2002), p. 130.

⁸⁹ Kundera (1974).

redefine the 'gives' and 'takes' of stakeholders. And if that is not too difficult, imagine scholarly interventions capable of moving beyond some conventional understanding of 'territorial integrity' and 'political independence' as the sacred yardsticks of the UN Charter with pre-determined meanings to draw up new boundaries.

This is not about crude consequentialism or unprincipled pragmatism. It is rather about 'opportunistic coping'. The disempowered and the hopeless must be able to cope after all, while they await illusory permanent solutions. Freed from crippling darkness, what cynicism could potentially offer international law as a conscious modus of political agency requires more unconventional thinking and bold action. But what it already does have to offer today by way of survival tactics is no small gift.

References

- Allen L (2013) *The Rise and Fall of Human Rights: Cynicism and Politics in Occupied Palestine*. Stanford University Press, Palo Alto
- Austin J (1863) *The Province of Jurisprudence Determined*. Murray, London
- Bewes T (1997) *Cynicism and Postmodernity*. Verso, London
- Branham RB (1996) Defacing the Currency: Diogenes' Rhetoric and the Invention of Cynicism. In: Branham RB, Goulte-Caze MO (eds) *The Cynics: The Cynic Movement in Antiquity and its Legacy*. University of California Press, Berkeley, p 81-104
- De Certeau M (1984) *The Practice of Everyday Life*. University of California Press, Berkeley
- Charlesworth H (2002) A Response to David Kennedy. *Harvard Human Rights Journal* 15:127-132
- Dudley, DR (1937) *A History of Cynicism from Diogenes to the Sixth Century AD*. Methuen, London
- Eslava L (2019) TWAIL Coordinates, International Law Under Construction. <https://grojil.org/2019/04/01/twail-coordinates/>. Accessed 25 Aug 2019
- Foucault M (1984) Le Courage de la vérité, Lecture of February 29, 1984. In: Foucault M (ed) *Le Gouvernement de Soi et des Autres II. Cours au Collège de France*. Gallimard, Paris
- Gill C (2013) Cynicism and Stoicism. In: Crisp R (ed) *The Oxford Handbook of the History of Ethics*. OUP, Oxford, p 93-111
- Goldsmith J and Posner E (2005) *The Limits of International Law*. OUP, Oxford
- Hegel GWF (1983) *Lectures on the History of Philosophy*. Humanities Press, Atlantic Highlands, New Jersey
- Howard SD (2016) *Three Days and Two Nights: An Amusing Arthurian Adventure*. PJPF Press
- Keenan A (1998) The Twilight of the Political? A Contribution to the Democratic Critique of Cynicism. *Theory and Event* 2(4). <https://muse.jhu.edu/article/32493>. Accessed 30 Apr 2020
- Kennedy D (2017) A New Stream of International Legal Scholarship. In: Wiessner S (ed) *General Theory of International Law*. Brill, Leiden
- Kennedy D (2002) The Human Rights Movement: Part of the Problem? *Harvard Human Rights Journal* 15:101-126
- Knox R (2010) Strategy and Tactics. *Finnish Yearbook of International Law* 21:193-229

- Koskenniemi M (2017) *Between Commitment and Cynicism: Outline for a Theory of International Law as Practice*. In: d'Aspremont J, Tarcisio G, Nolkaemper, A, Werner WG (eds) *International Law as a Profession*. CUP, Cambridge, p 38-66
- Krasner S (2002) *Realist Views of International Law*. *Proceedings of the Annual Meeting of the American Society of International Law* 96:265-268
- Kundera M (1974) *Laughable Loves*. Alfred A. Knopf, US
- Laertius D (1979) *Lives of Eminent Philosophers*. Harvard University Press, Cambridge
- Lasswell HD and McDougal MS (1992) *Jurisprudence for a Free Society: Studies in Law, Science and Policy*. New Haven Press, New Haven
- Long A (1996) *The Socratic Tradition: Diogenes, Crates, and Hellenistic Ethics*. In: Branham RB and Goulte-Caze MO (eds) *The Cynics: The Cynic Movement in Antiquity and Its Legacy*. University of California Press, Berkeley, p 28-46
- Laurson JC (2009) *Cynicism Then and Now*. *European Journal of Philosophy and Public Debate* 1(2):469-482
- Mazella D (2006) *Diogenes the Cynic in the Dialogues of the Dead of Thomas Brown, Lord Lyttelton, and William Blake*. *Texas Studies in Literature and Language* 48(2):102-122
- Mazella D (2007) *The Making of Modern Cynicism*. University of Virginia Press, Charlottesville
- McGuire J (2018) *Cynical Suspicions and Platonist Pretensions: A Critique of Contemporary Political Theory*. Brill, Leiden
- Mearsheimer, J (1994) *The False Promise of International Institutions*. *International Security* 19(3):5-49
- Moles J (1996) *Cynic Cosmopolitanism*. In: Branham RB and Goulte-Caze MO (eds) *The Cynics: The Cynic Movement in Antiquity and Its Legacy*. University of California Press, Berkeley, p 105-120
- Niehues-Pröbsting H (1996) *The Modern Reception of Cynicism: Diogenes in the Enlightenment*. In: Branham RB and Goulte-Caze MO (eds) *The Cynics: The Cynic Movement in Antiquity and Its Legacy*. University of California Press, Berkeley, p 329-365
- Schreier B (2009) *The Power of Negative Thinking: Cynicism and the History of Modern Literature*. University of Virginia Press, Charlottesville
- Shea L (2010) *The Cynic Enlightenment: Diogenes in the Salon*. John Hopkins University Press, Baltimore
- Sherman C (1976) *Diderot and the Art of Dialogue*. Droz, Geneva
- Sloterdijk P (1987) *Critique of Cynical Reason*. University of Minnesota Press, Minneapolis
- Stanley S (2012) *The French Enlightenment and the Emergence of Modern Cynicism*. CUP, Cambridge
- Tillich P (1988) *The Courage to Be*. In: Tillich P (ed) *Hauptwerke*, vol 5. De Gruyter, Berlin, p 141-230

Hengameh Saberi is Associate Professor at Osgoode Hall Law School, York University.