

EDITORIAL

Inequality as an aesthetic experience: A brief reflection for legal and political sociology

A large part of current socio-legal and socio-political studies reflect on a topic that has been widely examined from the most diverse theoretical backgrounds: inequality. This phenomenon determines relations between law, politics, and society. In this area, law and politics get established as instruments that, based on their axiological frameworks and the interests at stake, allow perpetrating or confronting inequality.

In this new issue, inequality is once again the protagonist. The denunciation of this phenomenon serves as a basis for a critical reflection on the legal and political status of populations that might be considered minority. Access to justice by women with disabilities who are victims of sexual violence; the visible or invisible barriers that impede achieving real equality between men and women in education; understandings about different modalities for violations of the right to life; the adverse situation conditioned by illegality faced by immigrants are some of the topics developed in this issue. These are cases that, from a critical perspective, invite us to reflect on accepting the rights of people in situations of inequality and their political recognition as first class citizens.

Although it is true that there are numerous and well-documented studies on the topic of inequality from the perspective of legal and political sociology, there is an alternative approach—categorized even as postmodern by some academics, which allows us to analyze elements that have not been traditionally examined in relation to inequality. This approach leads us to think about inequality based on a relationship between law, politics, society, and aesthetics. We are going to develop this approach in the pages that remain.

Inequality is an instrumental concept, and it is transversal to all political structures that are based on relations of domination. It is a form of distribution where the

parties will not receive similar quantities of the goods to be distributed, manifested in an objective aesthetic experience, which, in turn, is opposed to subjective aesthetic experiences that denounce inequality. This is the case of justice, for example, as a good that is not necessarily distributed symmetrically, against which subjective aesthetic experiences arise that denounce injustice.

Based on Rancière's theory, inequality can be integrated into the concept of the distribution of the sensible. This distribution sheds light:

[On the] system of self-evident facts of sense perception that simultaneously discloses the existence of something in common and the delimitations that define the respective parts and positions within it. [...] [it is a] delimitation of spaces and times, of the visible and the invisible, of speech and noise that simultaneously determines the place and the stakes of politics as a form of experience.¹

The range of possibilities of action to which the movement of bodies (agents) is subordinated in a social field is evidence of an ontologically inscribed inequality in our social and legal systems. According to Rancière, the political structure is designed to create regimes of objectivity that constrain movement, which are understood as aesthetic regimes that come into being in an objective legal order.

In turn, it is possible to trace the movement of bodies that break free from this distribution of the sensible. These bodies claim their visibility in scenarios where they have been condemned to invisibility as a result of an "unequal" distribution of the sensible. Rancière calls them cases of "aesthetic politics," in which agents denounce the inequality that structurally operates in the social field. It is possible to locate the artistic manifestations of the opposition in this scenario, for example, those that could contribute to denouncing inequality between men and women in the educational field.

Based on a reading of Foucault's theory,² creating such aesthetic regimes could be the main biopolitical strategy to neutralize the social functions corresponding to each subject within the social fabric, linked, for example, to the role of the masculine and the feminine. The asymmetric distribution of forms of being, doing, and feeling is

¹ Jacques Rancière. *The Politics of Aesthetics. The Distribution of the Sensible* (London: Continuum, 2004), 12-13.

² Michael Foucault. *Discipline and Punish* (New York: Random House, 1995).

the result of a naturalized “objectivizing” process, against which there exist struggles that assume the form of processes of subjectivation of resistance. This leads us to witness an aesthetic tension between objectification and subjectivation, where the core of confrontation is the result of an unequal distribution. For Foucault,³ these processes of subjectivation would become the object of normalization (political orthopedics) in order to reintegrate them within the objective margins of the subjection of bodies, that is to say, to safeguard the aesthetic regimes of inequality.

Bourdieu helps us to understand the concept of inequality as the basis of the asymmetric distribution of capital. Inequality would be the center of the structure of the fields, as it enables the reproduction of a hierarchical relationship between dominant and dominated agents. The processes of objectification could be reinterpreted as forms of structuring the field based on the possession of institutionalized capital, and the processes of subjectivation as forms of vindicating the validity of a *habitus* by dominated agents to denounce inequality in the structure. This is the case of women with disabilities and victims of sexual violence who denounce difficulty to access justice.

According to Bourdieu,⁴ we might think that the form assumed by this inequality varies from one social system to another. Inequality, being the fundamental component that sustains the structure of the fields, is dependent on strategies of conservation or subversion in each field. The inequality regime that distributes capital species in the social field will have agents who fight to defend it based on conservation strategies. This is, for example, the case of dominant agents who socially construct the rules of the game about what is legally valid regarding the protection or violations of the right to life.

On the contrary, agents whose interests are not reflected in the *status quo* of the field will struggle to establish a new structure through strategies of subversion. These strategies, however, cannot be considered processes of subjectivation (according to Foucault) or aesthetic politics (according to Rancière), since they imply the distribution or redistribution of capital without affecting the basis of the structure: inequality. The result of the struggle between agents, either using strategies of conservation or subversion, will result, on the one hand, in the creation of an objective aesthetic experience of inequality for the agents of the field, and, on the other hand, in the emergence of subjective aesthetic experiences of resistance. An example of this case

³ Michael Foucault. “The Subject and Power”. *Critical Inquiry* 50, Vol. 8, No. 5 (1982): 777-795.

⁴ Pierre Bourdieu. *Practical Reason* (Stanford, California: Stanford University Press, 1998).

could be the public policy of protection for certain facades as patrimony and the invasion of graffiti in said facades as an artistic proposal for protest.

In this order of ideas, if we understand inequality as a form of distribution that generates an aesthetic experience that is based on the interests of dominant agents, it would be interesting to explore the distinctive features of this aesthetic experience in order to observe how the *ethos* of such agents is transformed into a public aesthetic practice, that is, into a manifest ethics or, in a single word, into right.

It would also be pertinent to examine how subjective aesthetic experiences arise in opposition (confrontation based on the already developed idea of inequality). This type of analysis could be established as an alternative response from the socio-legal and socio-political fields to the problem of inequality, which could enrich the existing literature, create new debates, and innovate from a perspective not commonly explored in our disciplines: aesthetics.

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