

Response to Jeffrey Israel

I am delighted to be asked to respond to Israel's engaging and thought-provoking analysis of the capability of play. Of particular interest to me is the question of the political importance of the capability of play. On the model of the capabilities approach, a just social order is one that permits people to be people, does not reduce them to cogs in a military-industrial machine or otherwise destroy opportunities for members of society to be able to fully participate in the pursuit of a life worth living. The point of theorizing play seems to me to demonstrate that play is a fundamental aspect of living a fully realized life as a human being. I wholeheartedly embrace this premise and agree that play is indeed an essential component of human living and am willing to bet that play can also serve other essential political purposes, as Israel suggests in his essay. But I'm not quite sure that the construct Israel offers for defining play is yet a firm enough foundation for bearing the weight of the political value of play. I offer two aspects of the definition of play that I believe could be better clarified and unpacked before briefly turning to Israel's final comments on play and religious freedom.

The first aspect of Israel's account of play that raises questions for me has to do with some confusion in my mind about the perspective from which Israel's analysis of play proceeds. Israel offers some key characteristics of play and notes that one of these characteristics is that the purpose of play activity is indeterminate to the perceptions of observers. This means that "no one is in a good position to identify for what reason the activity is being done" and the defining feature of play is this indeterminate nature, that it is non-instrumental (not engaged in solely for the purpose of achieving some goal) and

not necessarily for its own sake either. By focusing on this indeterminacy, Israel cultivates a definition of play as activity “framed to evoke ambiguity.”

As an initial matter, I’m not entirely sure I understand the definition of play offered. Israel seems at times to slip between internal and external perspectives in theorizing play. What draws him into the ambiguous nature of play is the seeming indeterminacy of the activity from the perspective of an observer, and specifically observing the activities of players who lack the communicative skills to explain themselves (such as monkeys and babies). Israel uses this observation, that we can never really know what it is about playing that makes individual subjects want to engage in it, to inform his exploration of play from an internal perspective, that is from the point of view of the player, for example, in his discussion of the indeterminacy of his engagement in the activity of seasonally eating matzoh.

This turn to the internal perspective seems to be an important step because if play is understood to be a fundamental human capability, necessary to the cultivation of a fully flourishing human life, then there clearly is something important about play for the individual human being. The experience of play is important to living a fully lived human life because it contributes something of value to the experience of being human. This is what makes play *politically* important.

But the slippage between internal and external points of view was confusing to me. In the construction “framed to evoke ambiguity” I was led to wonder who is doing the framing: Is the subject engaging in activity that she is aware is somehow set off from other activities (like working or feeding oneself) or is the observer imposing a theoretic frame for analyzing and understanding the activities observed)? This construction also

led me to wonder who is evoking ambiguity: Is the essential quality of play that my reasons for playing are ambiguous and indeterminate to me? And if so, is that because I have many reasons for what I'm doing and they are all competing for supremacy? Does the ambiguity lie in the fact that I have subconscious or subrational reasons that resist conscious disclosure? On the other hand, is the objective observer who is imposing a framework for analyzing my playfulness asking these questions about what my playfulness is all about and concluding as a matter of observation that what seems distinctive about play is that the observer is unable to fully determine why I play?

This confusion in my mind about perspective extends to the use of the term ambiguity in this account of play. The idea that what is distinctive about play is that it is framed to evoke ambiguity could mean that not just the inherent, internal meaning of play, but also its external effect may be ambiguous. For example, Stephen Colbert's performance at the 2006 White House Correspondents' Association Dinner was not immediately, universally or *unambiguously* seen as deflating a nation's anger and anxiety in a delicious moment of comedy. At the time many news organizations (who were themselves the butt of the joke) were unsure of how to report it. Many audience members were visibly uncomfortable and remarked afterwards that it was over-the-top or inappropriate or crossed a line. It wasn't until reactions to the broadcast bubbled up through the blogosphere that public opinion began to turn the other way and gel around a rough consensus that his performance was successful in giving us all a good laugh in the face of our anger and anxiety. Perhaps the ambiguity of the performance contributed to its success, but it could easily have gone the other way. The nation could have bristled at the reminder of the serious business of the world at the one moment of the year when

serious business is traditionally set aside. And although Colbert's performance was ultimately seen as a success in the sense of giving those of us laughing a moment of solidarity, it's not entirely clear that the joke we shared was free from jingoism and chauvinism. Part of what made the performance so funny to those of us who were not invited to the elegant black tie affair was our smug sense of superiority at those mainstream media elites and political insiders who didn't realize the joke was on them, our ability to laugh at them precisely because they didn't have the good sense to laugh at themselves. But if they had laughed, if Bush had yucked it up while being told to his face he'd failed his mission to bring democracy to Iraq, had responded to the tragedy of Katrina with a poorly staged photo op and was responsible for a looming energy crisis, if Bush had gotten the joke and belly laughed his heart out ("I know, I completely screwed everything up! Ain't that the truth"), wouldn't we have responded with outrage? Nero playfully fiddling while Rome burns? So, I'm led to wonder if the key ambiguousness of play lies in the ambiguity to the player or the ambiguity of its reception. This question seems particularly relevant to the example of Lenny Bruce. Was his act successful in fostering interaction at a metacommunicative level because *he* didn't know what he was doing or because the audience was uncertain how to react and the act of reacting with laughter successfully relieved everyone's collective tension and anxiety?

The next aspect of Israel's definition of play that I'd like to discuss is the attempt to root play in a generic foundation that is abstracted from any specific substantive qualities or characteristics. I appreciate the importance of an expansive and generic definition of play that seeks to avoid importing distinctive cultural biases into the definition. But I wonder if more substance is necessary to the definition of play if play is

to do the work asked of it in the political sphere. For example, the insight that play is “framed” seems to me to point to a particular distinctive feature, play is in some fundamental sense set-off from other activities. Play is not immediately necessary to survival: What makes my cat’s stalking and pouncing “play” is that I feed her kibble. She doesn’t have to do those things to catch and kill her next meal. But she does them anyway, how cute! But clearly human beings engage in all sorts of activities that are not immediately necessary to survival but which we would not call play: work, school, chores, running errands. Even if not immediately necessary to survival, these activities are all instrumental in the sense that they are generally *not* engaged in for their own sakes, they are engaged in for some instrumental purpose that contributes to providing for the basics for surviving. This seems to me to be the point of Israel’s construction of play as occupying an altogether different space. Yet Israel resists infusing that space with any substantive content such as play being *not work*, a source of amusement, diversion or relief from the demands of survival or from the anxieties, pressures and tedium of “workaday” life.

This construction is an attempt to define play as a meta-category that transcends cultural distinctiveness and also creates an alternative space in which play hovers above political engagement as a site of meta-communication. Israel’s definition avoids concrete qualities and characteristics because it is an account of play that is not beholden to any particular cultural background, is not embedded in a metaphysical account of the meaning, nature and purpose of human life. But I’m not sure that democratic politics requires an account of play that is completely divorced from particular understandings of the good life. I question the assumption that in order to foster democratic political

discourse about the commonly perceived values of play we have to disassociate it from a cultural background.

For one thing, the attempt to abstract play from any particular account of the good human life elides the fact that the capabilities approach itself makes judgments about which worldviews have anything useful to contribute to democratic politics. The capabilities approach depends on the assumption that there is a set of capabilities that is essential to any authentic understanding of the good human life. In other words, a metaphysics that denies that play (or others of the capabilities on the list) is an important feature of a well-lived human life is *inauthentic*. A worldview that understands human life on Earth to be defined by toil and suffering for the purpose of enjoying the fruits of one's worldly labors in the transcendent pleasures of the afterlife could not have anything relevant to contribute to the construction of a just social order as understood by the capabilities approach. So, by asserting that play is fundamental to a just social order the approach already limits the possible cultural backgrounds to which it may apply.

Even so, Israel resists importing any particular content to the notion of play because on his account political discourse needs to begin from a generic consensus. Not everyone who lives in a democracy will be reasonable, but reasonable minds can agree that some kind of play is a good thing. If we try to say what kind of play or what kind of good play has that will automatically lead to discord and destroy the possibilities of democratic governance. But I guess I have a different picture of political discourse and a different understanding of consensus. I'm not sure that a generic consensus that some kind of play is good in some nonspecific way can have any beneficial role in democratic politics. On my understanding of democratic political discourse the discussion of play

needs to be precisely about the particular kind of play at stake and the particular goods to be achieved. Bringing concrete aspects of play is undoubtedly a recipe for argument (I can't for the life of me understand how anyone can call golf or hunting "play"). But my point is that precisely because play consists in different activities for each of us the reasons offered for their value are politically relevant. This does not mean that consensus will be lost. Rather consensus can only be reached in the first place by participants in discourse being convinced by one another. Maybe some of the people who thought Lenny Bruce was dangerous and subversive could have been convinced that sharing a laugh is politically useful because it diffuses tension in a fraught society. But that argument depends on being able to offer convincing reasons that a particular form of play serves a particular purpose.

A substance-less category of play can never serve as a basis for a consensus but is only valuable as a placeholder for people to contribute particular contents. Only by arguing about our reasoning and reaching a better understanding of both one another and the value of play to each and all can play serve as a basis for important policy determinations. For example, in enacting labor laws at the turn of the 20th century, the argument for an 8-hour work day was indebted in part to the success of the formula 8-hours to work, 8-hours to sleep, 8-hours to play, not because play occupies some indeterminate space and is of unspecified value but because a broad consensus was reached through political engagement that dividing the day in equal segments of work, sleep and recreation or doing "what one will" was good for individual health and well-being and good for society as a whole. Similarly, congressional debates about public funding for national parks include specific reasons for the different benefits to individuals

and collective benefit to society for preserving greenspace for various recreational activities. Conflicts erupt all the time about competing uses (quiet enjoyment of natural landscapes versus speeding around on noisy ATVs) but those conflicts constitute democratic discourse rather than being destructive of it.

By insisting on the generality of the category of play, the utility of play as an important category in political discourse is watered down. Israel doesn't actually presume to be able to articulate a completely generic and universally applicable category of play because he says from the start that the examples he offers either will or will not be recognized as instances of play. So, the attempt to extrapolate from those specific examples a category that is purged of all substantive content seems unnecessary. In the course of political discourse it may turn out that the various accounts of the nature, meaning and purpose of human life cannot come to a consensus about the political utility of play, in which case the democratic political apparatus will be ill-suited to guaranteeing a fundamental right to exercise one's capability of play. But it seems more likely that mutual understanding can be reached and a broad consensus about the cross-culturally significant value of opportunities to engage in play could be reached if we talk about play in concrete, substantive terms, argue about what it is that we like about the play-activities that we engage in and why we think they're good things to have in our community.

I'm afraid I've already far exceeded the expected number of pages for these responses and exhausted the attention of readers. So, rather than engaging in an extended discussion of Israel's turn to the question of whether guaranteeing religious freedom is itself a form of guaranteeing free play I will close with some questions. First, I wonder whether viewing religion through the lens of play imports a particular account of religion

as private, individualistic, and voluntary? While godless Jews may embrace the necessity of being free to practice a fluid, subtle, personal and idiosyncratic mode of life, I wonder how someone who feels commanded by God to obey rigid, explicit, universal dictates would respond to such a lens. Would such an individual be entitled to less protection because she is less playful in her religious activities? I also wonder how, as a practical matter, the First Amendment of the U.S. Constitution would be interpreted and applied in light of this play frame? Should the Free Exercise clause be amended to protect the free exercise of play and if so, how would we accommodate diverse forms of play? For example, should sexual harassers on an oil rig be given a pass because they were “just playing”? Would “all work and no play” worldviews be denied constitutional protection?

In a similar vein, I’m led to wonder what the fate would be of the No Establishment clause. Would it be rendered essentially meaningless or is the government prohibited from prescribing what kinds of play will be officially sanctioned (constitutionally preventing the government from officially declaring baseball as the national pastime rather than soccer or the UFC)?

In conclusion, I thank Israel for his essay and hope that my thoughts and questions can lead to many more lively and playful exchanges.

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