

# Will the Corona Crisis Make Us Better? Activating (Fragile) Hope for Justice

Law, Culture and the Humanities  
1–17

© The Author(s) 2020



Article reuse guidelines:  
sagepub.com/journals-permissions  
DOI: 10.1177/1743872120979996  
journals.sagepub.com/home/lch



**Katharina Bauer**

Erasmus University Rotterdam, The Netherlands

## Abstract

There are strong expressions of hope that the experience of the COVID-19 crisis might strengthen our sense of justice and inspire activities that bring about fundamental change for the better. What may we hope for during the crisis and how should we hope?

Based on a discussion of philosophical theories of hope and tragedy, I will develop an account of “activating fragile hope,” which is motivating contributions to structural change and resistance against injustice beyond and within the legal system and which remains aware of its own fragility and of the situation of those who have less to hope for.

## Keywords

COVID-19 crisis, hope, tragedy, catharsis, social movements, activism, injustice, changes within the legal system

“Hope is the thing with feathers.” (Emily Dickinson)

## I. Introduction

The first reactions of public intellectuals to the COVID-19 crisis were characterized by both fear and hope. There is fear of the immediate consequences for the health and survival of human beings and hope of getting a grip on the pandemic and finding a vaccine or treatment for the virus. Fears and concerns are also justifiable regarding the political, social, and economic consequences of the crisis and the way it is handled. Still, there are also strong expressions of hope.

---

### Corresponding author:

Katharina Bauer, Erasmus University Rotterdam, Erasmus School of Philosophy, P.O.Box 1738 / 3000 DR, Rotterdam, The Netherlands.

Email: [bauer@esphil.eur.nl](mailto:bauer@esphil.eur.nl)

The American writer and activist Rebecca Solnit has described the times of the current crisis “as akin to a spring thaw: it’s as if the pack ice has broken up, the water starts flowing again and boats can move through places they could not during winter.”<sup>1</sup> She hopes for a breaking of the ice of the status quo of power structures and behavior patterns in order to allow for change.

Solnit’s statement is only one example of numerous articulations of hope for a better “new normal,” for new solidarity—hope that we will learn how to cope with other crises or that we will gain a deeper understanding and appreciation of life and its details. Some expressions of hope imply the idea of a cathartic effect both for societies and individuals. On the individual level, it is a kind of truism that going through a crisis can make someone stronger or even better. Will the COVID-19 crisis make us better? Will it renew our idea of the good, strengthen our sense of justice, and activate our efforts to strive for a better world? What may we hope for during the corona crisis and how should we hope?

I will discuss Immanuel Kant’s conception of *reasonable hope*, Philip Pettit’s *rational hope*, and Jonathan Lear’s idea of *radical hope* regarding their specific function for human agency and moral motivation. I will argue that the three types of hope must go hand in hand to efficiently activate contributions to social movements and resistance against injustice. Furthermore, they should be enriched by a substantial practical hope that is based on our imagination of a phenomenological idea of the future (Cheshire Calhoun) and by stories of hope (Rebecca Solnit). Still, stories of hope will not cover the tragic side of the crisis. Based on Martha Nussbaum’s and Bernard Williams’s theories of tragedy, I will point out that the most relevant learning effect of the corona crisis is to make us aware of the difference between what we must accept as “tragic fate” and what not. Tragic experiences remind us of the fragility of hope—of the limits of our agency and of those who have less to hope for because they are suffering from the consequences of tragic fate or structural injustice. Concerning injustice, we ought to use the activating power of hope to change things for the better, accompanied by a responsive hope of care (Victoria McGeer). Against the background of my account of the activating power of hope as fragile hope, I will finally show what role hope for justice can play within the legal system.

## II. Expressions of Hope During the Corona Crisis

On April 15, 2020, the European Environmental Bureau, a network of important non-governmental organizations like Greenpeace and World Wildlife Fund, published an appeal to European governments and leaders under the title “Turning fear into hope.” It starts with the following passage:

With one third of humanity currently in lockdown, people all over the world are learning from the Coronavirus pandemic that we cannot take our lifestyles for granted. In the face of fear and

---

1. <https://www.theguardian.com/world/2020/apr/07/what-coronavirus-can-teach-us-about-hope-rebecca-solnit>, Rebecca Solnit, “‘The Impossible Has Already Happened’: What Coronavirus Can Teach Us about Hope” (accessed August 31, 2020).

suffering we need to have hope. With governments starting to think beyond the crisis, it is time to decide what we value the most, and to share a vision for a better future.<sup>2</sup>

The crisis is regarded as a chance to learn and to convince others that we must now take decisive steps to fight the climate crisis, to stabilize democracies, improve living conditions, and develop a common vision for the future. The authors do not only express the hope that these achievements will be possible, they also underline the need for hope as a condition of facing the respective challenges.

The position paper is based on the following implicit assumptions:

- The corona crisis makes us more sensitive to other problems and crises or more generally to our vulnerability, based on the experience that we cannot take our current living conditions for granted.
- This “we” addresses a privileged group of those who actually have a certain lifestyle that they can take for granted, who are not directly affected by severe negative consequences of the pandemic, and who have some room for maneuver to develop a vision of a better future and to act accordingly.<sup>3</sup>
- Human beings are, in principle, able to learn from a crisis.
- Hope is a strong motivational factor within that learning process—stronger or more reliable than the activating force of fear.

Similar assumptions are shared by many authors who underline the importance of hope during the crisis for bringing about the possibility of economic reforms (basic income, wealth taxes), or for overcoming the climate crisis.<sup>4</sup> Another assumption is that reactions to the crisis give us concrete positive examples of change: quicker political decisions, more respect for vital workers, “an explosion of altruism and cooperation,”<sup>5</sup> and art projects “as pillar of consolation and encouragement.”<sup>6</sup> Other very concrete “encouraging changes” during the corona crisis are potential improvements of the African food system, the creation of healthier buildings, or the start of a health care revolution based on progress in digital health care.<sup>7</sup> We see

- 
2. <https://eeb.org/library/turning-fear-into-hope-corona-crisis-measures-to-help-build-a-better-future/>, European Environmental Bureau, “Turning Fear into Hope: Corona Crisis Measures to Help Build a Better Future” (accessed August 31, 2020).
  3. I will discuss later how we should also consider the perspective of those who have less to hope for.
  4. For a differentiated reflection on the probability of learning for mastering the climate crisis, see: <https://www.nytimes.com/2020/03/27/opinion/sunday/coronavirus-climate-change.html>, Meehan Crist, “What the Coronacrisis Means for Climate Change” (accessed August 31, 2020).
  5. <https://time.com/5833427/coronavirus-hope/>, Rutger Bregman, “The Moment to Change the World Is Right Now” (accessed August 31, 2020).
  6. <https://dutchculture.nl/en/news/art-times-corona-comforting-distressed> Janne de Cock, “Art in Times of Corona, Comforting the Distressed” (accessed August 31, 2020). See also: <https://news.un.org/en/story/2020/04/1061792>, Ana Mazzeo, “First Person: The Power of Art in a Time of Coronavirus Crisis” (accessed August 31, 2020).
  7. <https://theconversation.com/coronavirus-weekly-the-grim-reality-and-hope-for-a-better-future-140620>, Yessar Rosendar, “Coronavirus Weekly: The Grim Reality and Hope for a Better Future” (accessed September 2, 2020).

that changes in policies, the economy, and our individual habits and lifestyle are possible. As the science-fiction writer Kim Stanley Robinson puts it: the corona crisis is rewriting our imaginations of ourselves, our individual lives and our societies. Robinson expresses the hope that “[w]hen later shocks strike global civilization, we’ll remember how we behaved this time, and how it worked.”<sup>8</sup>

Rebecca Solnit even goes a step further. She presupposes a more existential learning procedure:

When this storm clears, we may, as do people who have survived a serious illness or accident, see where we were and where we should go in a new light. We may feel free to pursue change in ways that seemed impossible while the ice of the status quo was locked up. We may have a profoundly different sense of ourselves, our communities, our systems of production and our future.<sup>9</sup>

Here, the outcome of the crisis is described as a kind of *catharsis*, a cleansing that allows for new clarity. Solnit is not the only one who suggests that the current pandemic can teach us a lesson in our own limitations and mortality and in what a life is worth living, a good life. There is strong hope for a deeper insight or a new enlightenment of our knowledge of the world and our sense of self, accompanied by the hope that a new depth of emotions and reflections and a focus on what really matters will increase our readiness to take risks, to fight for a good life, and for a better and more just world.<sup>10</sup> The hope to learn from the corona crisis is thus deeply connected to the hope that we will put the results of clearer insights into action.

### III. How to Hope in Times of Crisis?

How should we hope in times of crisis and what form of hope is most efficiently activating efforts to strive for a better and more just world?

My thesis is that hope—of individuals as well as of groups—works most efficiently as an activating force for major moral and social improvements and an effective commitment to justice, if different types of hope supplement each other:

- *Reasonable hope* for the compatibility of a morally right life and a happy life connected to the belief that one’s actions can be efficient contributions to the common good is an essential condition for striving for a better future.
- *Rational hope* for the efficiency of planning and the possibility of respectful interaction is essential for planning the necessary steps to achieve concrete goals of improvement.

---

8. <https://www.newyorker.com/culture/annals-of-inquiry/the-coronavirus-and-our-future?fbclid=IwAR0oW-S1g15EobG4ebEthpKOUrnuRmClj3OXuoMQJcyuPsZ5ocOVTiNExtg>, Kim Stanley Robinson, “The Coronavirus Is Rewriting Our Imaginations” (accessed August 31, 2020).

9. Solnit, “Impossible.”

10. <https://www.undp.org/content/undp/en/home/blog/2020/covid-19-a-reminder-of-the-power-of-hope-and-solidarity.html>, Ulrika Modéer and Anna Ryott, “Covid-19: A Reminder of the Power of Hope and Solidarity” (accessed September 2, 2020).

- *Radical hope* for new possibilities of the good in the face of devastation of former hopes is essential for redesigning ideas of the good life and for having the courage to throw oneself into a yet incomprehensible future.

Let me explain these different types of hope and their activating functions in more detail.

For Immanuel Kant, the question “For what may I hope?” is one of the main philosophical questions next to the questions “What can I know?” “What should I do?” and “What is man?” The importance of hope may be surprising for one of the great philosophers of rationality and reason, as the topic of hope was for a long time usually either discussed by philosophers within theories of affects or left to theologians or (later) to psychologists. Still, the centrality of hope could at the same time be regarded as self-evident for one of the main proponents of the project of enlightenment. Enlightenment is future oriented, progress oriented, and full of hope for the capacities of human beings to emerge from their self-incurred immaturity.<sup>11</sup> Kant’s political and moral philosophy contains hope for cosmopolitanism, perpetual peace, a just and reasonable republican state, as well as for moral improvement through the insight into one’s own reason, the exercise of one’s autonomy, and the correspondence to universal formalized procedures of finding out what is good, both on the individual level and as an overall improvement of humanity.<sup>12</sup> This hopeful enlightenment attitude is still present in many expressions of hope for a better world during the corona crisis.

Within the framework of his philosophical theory, Kant must give the question “for what may I hope” high priority for two reasons: first, because he wants to develop a philosophy of religion within the boundaries of mere reason, and in religion—at least in a Christian context—faith and hope are inseparable. Second, because he has dismissed basing moral philosophy on striving for happiness. Happiness is too unsteady and contingent to be the basis of a reasonable and universal moral law, and it can only be accessed empirically, which conflicts with Kant’s project of finding a priori moral principles. Still, it also seems unreasonable to neglect the motivating power of striving for happiness for moral agency and self-improvement as well as its status as a worthwhile goal. Kant thus introduces the idea of the highest good as the ultimate coincidence of morality and happiness and as the answer to the question “what may I hope.” Within the boundaries of mere reason, religious belief in compensation in the afterlife turns into the hope that the highest good of a happiness that is deserved is—at least in principle—achievable. Appeals to hope during the current crisis, instead of insisting on duty or appealing to our bad conscience, also seem to be inspired by the idea that a righteous, just, and morally good life that includes being ready to invest in the common good will ultimately be a happy life.

---

11. Immanuel Kant, “An Answer to the Question ‘What is Enlightenment’,” in *Kant: Political Writings*, 2nd ed. (Hans Reiss, ed.) (Cambridge, CUP: 1991), 54–60.

12. For Kant, the main objects of hope are “(1) One’s own happiness (as part of the highest good), (2) one’s own moral progress (in the *Religion*) and (3) the moral improvement of the human race as a whole.” Claudia Blöser and Titus Stahl, “Hope,” in *The Stanford Encyclopedia of Philosophy* (Edward N. Zalta, ed.) (Spring 2017 Edition), [https://plato.stanford.edu/archives/spr2017/entries/hope/ser & Stahl](https://plato.stanford.edu/archives/spr2017/entries/hope/ser&Stahl) (Stanf.) (accessed August 31, 2020).

In Kant's philosophy, moral progress, both on the individual and collective level, is driven by hope.<sup>13</sup> As Onora O'Neill points out, the question "what may I hope" turns into the question "what must I hope," insisting on a necessity "that whatever I may hope must incorporate a hope that human destiny leaves some room for action and specifically for the moral intention to be realised by acting in the world."<sup>14</sup> If we cannot know it, we must hope that our actions can be efficient and have influence on the real world and on the status quo. Otherwise, we would lose the fundamental motivation to act out of moral reasons. Hope is the antidote to fatalism.

Kant's answer to the question whether the current crisis will make us better could thus be: we *must* hope for it. Accordingly, the Kantian philosopher Susan Neiman has recently stated that in times of crisis hope is an obligation—not only in terms of hope for concrete solutions to the crisis, but for instance also as a hope for overcoming racial discrimination and structural injustices.<sup>15</sup>

In contemporary philosophical debates on hope, Kant's conception of reasonable hope is often substituted by a reduced idea of rational hope, for example by Phillip Pettit. Pettit's conception of hope is based on the contemporary standard account in analytic philosophy, which considers hope to be a desire with the potential to be realized, while this realization is neither certain nor completely impossible. He defends the rationality of hope within a planning model of action. Here, hope is regarded as an essential element of the capacity of action as such—thus also as an essential element of all actions that could bring about change for the better. Hope is described as the equivalent to precaution. While precaution helps us stay aware of rather improbable but possible dangers, hope allows us to keep track of plans and decisions despite uncertainty. It serves as a protection "against the danger of loss of heart," thus against losing self-efficiency and stability.<sup>16</sup> Beyond that, Pettit also argues for a hope that is necessary for the possibility of interaction: we hope for the reasonability and cooperativeness of the other. Whenever we decide to interact, we hope for mutual respect of each other as persons. Pettit thus underlines the function of hope for stability both in planning individual actions as well as in any kind of interaction with others. In the latter case, hope comes very close to trust.

---

13. Hope supports individual improvement (Immanuel Kant, *Groundwork of the Metaphysics of Morals* [Cambridge, CUP, 1997], 59) and is decisive for the motivation to strive for the common good: Immanuel Kant, *Religion Within the Limits of Reason Alone* (New York: Harper and Brothers, 1960), 51.

14. Onora O'Neill, "Kant on Reason and Religion," *The Tanner Lectures on Human Values* (Harvard: HUP, 1996), 283.

15. <https://www.zeit.de/kultur/2020-07/susan-neiman-black-lives-matter-coronavirus>. Susan Neiman, Ist Optimismus im Coronajahr nur Selbstbetrug? (accessed September 1, 2020). I agree with Neiman's claim that hope is an obligation. However, on an individual level, it can only be regarded as an imperfect duty toward oneself (in a Kantian sense) to foster one's hopes. One cannot be forced or necessitated to hope something. On a collective level, institutions have a stricter obligation to foster hope for justice and for finding solutions to common societal challenges.

16. Philip Pettit, "Hope and Its Place in Mind," *Annals of the American Academy of Political and Social Science* 1 (2004), 152–65, 158.

With regard to the current crisis, one could argue that rational hope is involved in all attempts at mastering the crisis, as decisions and planning surely have to face high uncertainty of the outcomes in a situation that is so new to everyone that we have difficulties in falling back on earlier experiences. The cooperativeness of individuals that is necessary to overcome the pandemic—in order to make measures such as social distancing or wearing face masks efficient—asks for a high amount of hope for (or trust in) the reasonability of others and for mutual respect on the level of immediate interaction as well as on the level of the institutional organization of societies.

While the Kantian account of hope is based on the ideal of moral improvement on the individual and global level and thus directed toward good or better agency, the conception of rational hope is fundamental for agency as such, as it plays a role in any kind of planning that has to face uncertainty. Its main function is allowing for a general stability and continuity of acting and interacting. A theory of rational hope therefore fails to capture the radical hope for change that has been expressed in reaction to the corona crisis.

Jonathan Lear's theory of radical hope is far more akin to the hope for fundamental change. The essence of radical hope consists in conceiving of the impossible (of what was regarded as impossible within a culture and its values, an unimaginable or inconceivable outcome that we lack the resources to fully understand) as becoming possible. It means to completely rethink one's own conception of the good, hopefully throwing oneself into an unknown future, trusting in its potential goodness, without fully understanding it or having adequate concepts for a new understanding of goodness.

Lear asks the question: "What would it be for such hope to be justified?"<sup>17</sup> Is radical hope justified in these times of the corona crisis? Will it lead to a Nietzschean reevaluation of all values? Even though some reactions to the crisis, like lockdowns and social distancing, clearly change the current way of life of many of us, it is still very unclear what impact on the lifestyle, self-understanding, value sets, and ethical life of societies and individuals these experiences will have in the long run. The question remains open, whether this crisis—which is, at least so far, not really devastating contemporary cultures completely—will enable us to develop new conceptions or interpretations of the good.

Still, in times of crisis, radical hope has to jump in where rational hope fails and reasonable hope is at least deeply challenged, because "tragic fate"—the experience that we lose control—prevents us from realizing our plans and makes it seem more unlikely to be able to reach the highest good. However, I think yet another element must be added to turn radical hope into activating hope. From a motivational point of view, it is important to enrich Kant's idea of the highest good with concrete scenarios in which we can project ourselves and which can become guiding ideas for our present comportment. Accordingly, Cheshire Calhoun develops an idea of *substantial practical hope* that cannot be explained through a mere planning idea of the future. It is based on inhabiting the future as a phenomenological idea and of projecting oneself into this future, also imagining one's own future self. We need lively scenarios to imagine a better future and to imagine how we as

---

17. Jonathan Lear, *Radical Hope: Ethics in the Face of Cultural Devastation* (Harvard: HUP, 2006), 103.

individuals can live in these future scenarios, “[a]nd if we are lucky, that becomes the idea of the future under which we live in the present.”<sup>18</sup> I think this also holds true for the imagination of future justice. It is one thing to think logically about fair distribution mechanisms, models of equitable participation, and to develop the most coherent and effective legislation possible—undoubtedly a necessity. But it is another thing to actively promote change toward a more just world.

Solnit makes a strong case that the stories that we tell can make a real difference and activate hope for change.<sup>19</sup> In “Hope in the Dark,” she collects stories of hope, from the fall of the Berlin Wall to the Occupy Wall Street movement. Instead of just watching “what is on stage [. . .], the tragedy of the inequitable distribution of power, the tragedy of the too common silence of those who settle for being audience and who pay the price of the drama,”<sup>20</sup> Solnit wants to change perspectives. She introduces the “Angel of Alternate History,” who is not looking back like Walter Benjamin’s famous angel, telling us what has happened, but who “tells that our acts count, that we are making history all the time.”<sup>21</sup> Solnit concludes that “they’re both right, but the latter angel gives us grounds to act.”<sup>22</sup> Still, Benjamin’s angel is facing the catastrophe; he sees the tragedy, the suffering, the limits of our control and agency. And, I would like to stress that it is most important that he does not close his eyes. He shall not be substituted, though it makes sense to let him be accompanied by an angel of hope.

#### IV. How to Learn from Tragic Experience? Hope for Catharsis

Apart from historical examples another source of inspiring hope can be found in literature—from ancient tragedy to modern virus novels, arts, and other sources of the collective imaginary. In particular, classic tragedies hint to us at the thin line between what has to be accepted as tragic fate that is beyond our control, giving room for grief and humbleness, and the sphere where there is and must be hope that we can actively work for change.

Can we regard the current crisis as a tragedy with a cathartic learning effect? Aristotle defines catharsis as an essential element of tragedy—a purification that is achieved by confrontation with the emotions of pity and fear. He is talking about a piece of literature, a play that is staged. While the spectator is confronted with emotions that lead to the cathartic effect, he keeps at a distance from the tragic events and is not directly affected by their consequences. Still, the specific position of the audience of a play is at

18. Cheshire Calhoun, *Doing Valuable Time: The Present, the Future, and Meaningful Life* (Oxford: OUP, 2018), 85.

19. The Obama Foundation has started collecting and publishing stories of hope in reaction to the corona crisis: <https://www.obama.org/stories-hope-coronavirus-response/> (accessed September 1, 2020).

20. Rebecca Solnit, *Hope in the Dark: Untold Histories, Wild Possibilities* (Edinburgh, London: Canongate, 2016), 25.

21. Op. cit., p. 71.

22. Op. cit., p. 72.

least partly comparable to the perspective of most people during the corona crisis in Western Europe. For many people (at this very moment for the majority, though this may change), the direct effect on their individual lives is not really “tragic.” They must self-isolate for a while, work in the home office, meet online, rearrange their social life, but are not seriously ill, do not lose relatives, do not lose their jobs. The crisis that they see is a rather abstract event that takes place in the news and on social media and like the spectator in the theatre, they are safely sitting on their seats, though they may be affected emotionally in a very strong sense. In view of the radical difference between this spectator position and the position of those who are far more deeply affected by direct consequences of the crisis, hope for change and improvement based on the ideal of catharsis is a very delicate issue. This would mean that the happier part of the world’s population would watch the suffering of the less happy as a spectacle and benefit from it, because it offers the chances of an emotional and ultimately moral purification. This idea seems to be quite cynical.

An interpretation of the learning procedure that can be initiated by the confrontation with tragedy that is more suitable to tragic experiences in real life has been developed by Martha Nussbaum. According to her, tragedy confronts us with an experience of the *fragility of goodness*.<sup>23</sup> It can lead us to a radical questioning of current ethical standards and of merely rational approaches to understanding the ethical life and, like radical hope, it can enable us to generate new conceptions or a deeper understanding of the good life. Dilemmatic situations confront us with the tragic question of whether there is any morally acceptable alternative, any choice that would come without moral costs. The paradigm example is Agamemnon who is confronted with the choice between sacrificing the life of his own daughter or the success of his expedition and the life of his men. Potentially tragic choices also occur during the current crisis: how can we weigh the value of health and survival against the value of individual freedom? How can we weigh life against life in triage cases if intensive care facilities are scarce?<sup>24</sup> How can parents choose whether to stay home because of having symptoms, but lose pay or risk to lose their job, or go to work sick so they can feed their children while knowing they might infect others? Such choices are tragic, if the answer to the question whether there is an alternative that comes without moral costs is “no.”

In real life, this answer is not always completely clear, as sometimes it is difficult to determine whether parts of the costs could be regarded as bearable or whether they are clearly moral costs. Still, Nussbaum argues, that it is first of all important to *ask* the tragic question in order to become aware of the ethical values that are at stake, of the potential guilt that we are faced with however we choose in such situations, and in order to be ready to think about potential reparations. Furthermore, Nussbaum introduces a Hegelian point according to which “the recognition of tragedy leads us to ask how the tragic situation

---

23. Martha, Nussbaum, *The Fragility of Goodness. Luck and Ethics in Greek Tragedy and Philosophy* (Cambridge: CUP, 2001).

24. For an ethical discussion of triage cases, see: Dominic Wilkinson (2020). “ICU Triage in an Impending Crisis: Uncertainty, Pre-emption and Preparation,” *Journal of Medical Ethics* 46(5) (2020), 287–88. Lynette Reid, “Triage of Critical Care Resources in COVID-19: A Stronger Role for Justice,” *Journal of Medical Ethics* 46(8) (2020), 526–30.

might have been avoided by better social planning.”<sup>25</sup> Hegel shows that, in many cases, tragic conflicts are conflicts of values, which are based on conflicting habits and traditions that can and should be put into question. Tragic moral dilemmas during the corona crisis could be regarded as a kind of laboratory for testing “a harmonious fostering”<sup>26</sup> of conflicting values in modern pluralist societies—for example, the values of life and of liberty, of health and of social contacts. Still, unfortunately the real-life situation that we face is as little a test laboratory as a play; it should not be regarded as “a dress rehearsal—it’s too deadly for that.”<sup>27</sup> And the tragic aspect of the crisis cannot fully be explained as a clash of different values. We have to refer back to an older idea of tragic fate.

As Bernard Williams has shown, the specific tension of ancient tragedies lies in the struggle of their characters with the discovery of being centers of agency, who have to make choices and to take responsibility—a rather new thought in antiquity—but who still feel bound by tragic necessity.<sup>28</sup> Whatever they choose, their fate is determined by the gods. In modernity, the idea of tragedy remains as the self-made misfortune of an action that aims precisely at avoiding the misfortune. The attempt to realize a successful life out of one’s own decisions fails because of circumstances that are beyond one’s control. This is the secularized desideratum of tragic fate.

I would like to stress that any kind of well-founded hope always integrates an awareness of “limitations of human agency” and control.<sup>29</sup> If these limitations do not exist, we would not hope for something, we would simply put it into action. One could thus say that hope is open to fate, without merely accepting tragic necessity. Integrating the idea of an acceptance of our limitations, the specific motivational structure of hope can be described as follows:

In spite of any acknowledged limitation of our agency, hope implies the mobilization of our energy toward the future [. . .] because it promotes both our *patience* to wait for any favoring conditions [. . .] and our *readiness* to take advantage of such opportunities.<sup>30</sup>

The aspects of investing ourselves in the future, of seeing possibilities—despite improbability (Pettit) and even in the seemingly impossible (Lear)—and of readiness to take advantage of realizing concrete opportunities—motivated by hope that our actions can efficiently contribute to the good (Kant)—are necessary conditions of active hope, which is mobilizing agency, in opposition to passive hope in terms of passively awaiting the fulfilment of a desire.<sup>31</sup>

25. Martha Nussbaum, “The Costs of Tragedy: Some Moral Limits of Cost-Benefit Analysis,” *The Journal of Legal Studies*, 29(S2) (June 2000), 1005–36, 1017.

26. Nussbaum, “Costs,” 1014.

27. Robinson, “Rewriting Imaginations.”

28. Bernard Williams, *Shame and Necessity* (Berkeley: University of California Press, 2008), 21–74.

29. Victoria McGeer, “The Art of Good Hope,” *Annals of the American Academy of Political and Social Science*, 1 (2004), 100–27, 103ff.

30. Maria Miceli and Cristiano Castelfranchi, “Hope: The Power of Wish and Possibility,” *Theory & Psychology*, 20(2) (2010), 251–76, 267.

31. Op.cit., pp. 266ff.

The current pandemic confronts us with a force of nature that is beyond our complete control, just like a vengeful goddess or a capricious god in ancient tragedies. Can we hope for any kind of catharsis or learning effect following from the confrontation with the corona crisis? I think we can, but in a very specific way, which I regard as the most concrete and realistic hope to learn from a crisis perceived as tragic: we can hope to learn how to distinguish precisely between the “tragic” elements of the situation, which confront us with the limits of our control, and the man-made problems that are not beyond but within our control and that should activate our agency. The potentially tragic choice between staying at home with symptoms of COVID-19 or going to work and risk to infect others for being able to feed one’s children can be avoided, if a good labor law and social system provides livelihood security and considers the responsibilities of parents. In a critical comment on Williams’s idea of tragic necessity, Nussbaum states that “If we can do more and don’t, then it isn’t chance or [tragic] necessity, it is us, and its name is injustice.”<sup>32</sup> Activating hope motivates us to do more, wherever we can.

## V. Activating Fragile Hope and Hope of Care

Generally, hope that the crisis could make us better is restricted, based on the experience that humans are creatures of habit, based on the broad variety and diversity of individual experiences during the current crisis, based on the risk of cheap talk about the crisis as a motor of human progress. More than that, I think that this hope also *ought* to be restricted, because of the risk of cheap hope in the face of the fears and the suffering of the most vulnerable. Therefore, I would like to argue for a fragile hope: a hope that remains aware of the fundamental fragility and limitations of any kind of hope, and that thereby is particularly aware of those who have less to hope for. Such awareness can prevent us from using those who are directly suffering from the tragic effects of a crisis merely as a means, for example as a poster child to achieve improvements or as tragic examples from which we can learn. Using the hope to overcome the corona crisis to activate high hopes for political and social change in other fields can lead to an exploitation of hope, similar to promises of new medications or political promises that aim at economic profit or winning elections,<sup>33</sup> and it can lose sight of the actual problems of those who directly suffer from the specific consequences of the pandemic and have to bear its costs. My answer to the question “*what* may we hope during the corona crisis” is thus: everything that is not *cheap hope* that instrumentally uses the hopes and needs in times of crisis or unrealistically reinforces them in order to achieve goals that are actually unrelated to the crisis itself—at the expense of others or using them as mere means to particular ends.

I agree with Victoria McGeer that hoping well is a sophisticated art and that good hope implies responsive hope—responsive not only to the circumstances regarding the achievability of expectations but also in terms of responsiveness toward others and their

---

32. Martha Nussbaum, “Bernard Williams: Tragedies, Hope, Justice,” in *Reading Bernard Williams* (Daniel Callcut, ed.) (New York: Routledge, 2009), 213–41.

33. See: <https://blog.oup.com/2020/08/the-ethics-of-exploiting-hope-during-a-pandemic/>, Jeremy Snyder, “The Ethics of Exploiting Hope During a Pandemic” (accessed September 1, 2020).

hopes. McGeer coins the term “hope of care”: a hope that implies respect toward the agency of others and their end setting capacities.<sup>34</sup> I would like to add that hope of care implies respect toward others’ capacities of hoping well and cares for the fragility of their hope.

If I put all my hope into an imagined future scenario of myself, my life or the world and it turns out that it is not achievable, I can lose my fundamental hope that my life is worth living and that anything that I plan or do is achievable at all. This can deeply affect my agential capacities. Here the idea of tragic fate comes into play again, as the fear that a crisis beyond individual or collective human control may destroy all the possibilities that I hoped for. And in such a crisis, I will need the care of others, their support, as well as inspiration through their hopes for building up my new hopes.

Calhoun adds to her picture of the motivational structure of hope, that the real motivational problem is not merely grounded in the uncertainty of the success of our efforts, but in the uncertainty as to whether we may regard our present actions as a waste of effort in the future. We can live with the fact that our hope has failed, if we have the impression that it was at least worth trying it. One reason why people are not changing their lifestyles or consumer habits toward sustainability or are not actively combatting structural inequalities and discrimination could be the belief that these efforts would just be a waste of time and energy. In order to change this, we as individuals must be able to establish a vision of our own future selves who think that it was worth the effort. In order to be able to do so, we need information and imaginative scenarios of how we and others will benefit from our efforts. Still, I would like to underline that it is also of high importance to be able to imagine that our efforts will be respected by ourselves, by others, ideally also by future generations, whether they have been successful or not. For this purpose, it is important to establish a culture of mutual respect for individual and collective hopes. That does not mean we must accept all potentially conflicting objects of hope that exist. The culture of respect surely ought to be accompanied by a culture of mutual critique. Still, we should respect that a substantial practical hope is essential for the practical identity and potential of agency of individuals as well as collectives and that it is at the same time very fragile.

Ernst Bloch, one of the greatest philosophical defendants of hope, has clearly seen that good hope includes an awareness of its potential disappointment:

Even a well-founded hope can be disappointed, otherwise it would not be hope. In fact, hope never guarantees anything. It is characteristically daring and points openly to possibilities that in part depend on chance for their fulfilment. Thus, hope can be frustrated and thwarted, and out of the frustration and disappointment it can learn to estimate the tendencies of processes that it had possibly estimated incorrectly. Hope can learn and become smarter through damaging experiences, but it can never be driven off course.<sup>35</sup>

Like tragedy, hope essentially confronts us with the limitations of our agency. If we could just do it, we would not need to hope for it. Accepting the fragility of hope means

34. McGeer, “Art of Hope,” p. 123.

35. Ernst Bloch, “Can Hope Be Disappointed?” in Ernst Bloch, *Literary Essays* (Andrew Joron, ed.) (Stanford: Stanford University Press, 1998), 339–45.

being aware of the limits of our control, but also of what is within the limits of our control. Some hopes must be frustrated and disappointed to allow for learning the art of good hope. A hope that cannot be driven off course is aware of the fragility of our conceptions of goodness and of potential changes or disruptions of our value systems, but also of our potential to learn from frustration, to care for each other, and to shape, reshape, and reinterpret our idea of the good and actively work on change for the better—in particular for justice.

## **VI. Before the Law and Within the Legal System: Activating Hope for Justice**

Maybe a global pandemic was unavoidable, and we must accept it as tragic fate that can teach us a lesson about our own fragility and about the limits of our control—a lesson in humility. Still, we should also learn a lesson of carefully detecting any kinds of consequences of the pandemic that are based on injustice. Where “we can do more and don’t,” we should do all that we can instead of just accepting fate or adapting to the new situation. The fact that “[t]he COVID-19 crisis and its impacts are disproportionately affecting certain marginalised racial, national or ethnic communities and population groups”<sup>36</sup> is not a tragic necessity but a consequence of racial discrimination and structural injustice, and there are concrete actions that can contribute to eliminating or at least reducing these injustices. As the United Nations Human Rights Office reports, there are promising legal and social measurements and practices that can help to guarantee the right to health for marginalized groups, from the use of mobile clinics or the distribution of health information in different languages to temporarily granting “residency rights to all migrants and asylum-seekers in an irregular situation to give them full access to the country’s healthcare” or the opening of a free of charge clinic for expatriated workers by Maldivian authorities.<sup>37</sup> There is hope for more concrete solutions during the crisis, but in the long run, hope for justice calls for stronger efforts and for global structural changes to overcome racial discrimination and health inequalities. It is no coincidence that Black Live Matters and similar movements gain strength in times of crisis, which makes the inequalities and injustices of discrimination and marginalization painfully visible.

Hope for justice can motivate resistance movements. Still, activism, against injustice is usually also motivated by the power of anger and ascriptions of guilt. Investigations into the motivational difference between climate activists have shown that the motivation through hope is far more decisive for activists in the Global North than for activists in the Global South. For the latter, anger about their suffering from climate-related problems and ascriptions of guilt to the polluters are much stronger motivational forces. Ascriptions of guilt and responsibility as well as the anger resulting from them serve as

---

36. [https://www.ohchr.org/Documents/Issues/Racism/COVID-19\\_and\\_Racial\\_Discrimination.pdf](https://www.ohchr.org/Documents/Issues/Racism/COVID-19_and_Racial_Discrimination.pdf) United Nations Human Right Office of the High Commissioner (OHCHR), “Racial Discrimination in the Context of the COVID 19 Crisis” (accessed August 31, 2020). For a collection of inequalities that become visible during the corona crisis, see: <https://www.ifs.org.uk/inequality/covid-19-and-inequality/> (accessed August 31, 2020).

37. OHCHR, “Racial Discrimination.”

a mitigation of “the potentially demobilizing effect of acute fear (powerlessness).”<sup>38</sup> Thereby the form of hope is changed from “hope as a choice to be pleurably and creatively enjoyed” into “hope as a necessity to sustain any action at all”<sup>39</sup>—the most fundamental form of hope.

In the motivational setting of activists in the Global South, the idea of investing in a better, more just, and sustainable future is inseparable from looking back into the past. Ascriptions of guilt motivate to repair damage and compensate for debt, while anger unleashes the “motivation to criticize and confront environmental sinners”—or more generally those responsible for grievances and injustice—and to execute punishments.<sup>40</sup>

Hope for justice must surely be directed to the future by imagining a more just society as a real possibility that can be brought about by human agency, based on reasonable hope, but at the same time justice is looking back. It is about finding out what exactly went wrong, acknowledging guilt, and making amends. The question “Is the law hopeful?” posed by Annelise Riles is a tricky question. Riles points out that law as a discipline is rather conservative and not progressive. Although there is a tradition of critique *inter alia* “of the way law, as an instrument of capitalism, embodies and perpetuates social inequality,” this never led to a deeper crisis of the discipline, comparable to motivational crises in other disciplines and social spheres that arise from perceptions of powerlessness in relation to a capitalist system.<sup>41</sup> The only equivalent crisis in law as a discipline is, according to Riles, “the boredom that some critical legal scholars have expressed about legal argumentation” and the ongoing repetition of its traditional structures.<sup>42</sup> The temporal structure of law as a discipline is mainly backwards looking, being focused on retribution, repetition, and continuity. A future orientation is included in terms of hope for individual rehabilitation or character improvement of criminals or for future prevention of crime. Still, the future orientation often seems to be restricted to the future restoration of a balance that existed before.

Law does not hope for social change, but rather *trusts* in institutional stability. In comparison to hope, trust implies greater confidence and involves commitment to expect that the object of expectation will be realized by another agent<sup>43</sup> or by institutions. The trust of the law is closely related to Pettit’s idea of rational hope for (or trust in) reasonability, cooperativeness, and mutual respect in social interaction. This trust does not exist from the outset in the sense that the preconditions for joint action and peaceful coexistence were regarded as self-evident. It is precisely a core task of the juridical system to sanction where these preconditions are violated. At the same time, it is assumed that mutual respect and reasonable interaction are guaranteed before the law and before the court.

38. Jochen Kleres and Åsa Wettergren, “Fear, Hope, Anger, and Guilt in Climate Activism,” *Social Movement Studies*, 16(5) (2017), 507–19, 516.

39. *Op. cit.*, p. 516.

40. Nicole Harth, Coline Leach and Thomas Kessler, “Guilt, Anger, and Pride About In-Group Environmental Behavior: Different Emotions Predict Distinct Intentions,” *Journal of Environmental Psychology*, 34 (2013), 18–26, 25.

41. Annelise Riles, “Is the Law Hopeful?” in *The Economy of Hope* (Hiroyasu Miyazaki, Richard Swedberg, eds.) (Philadelphia: University of Pennsylvania Press, 2016), 126–46, 127.

42. *Op. cit.*, p. 127.

43. Miceli and Castelfranchi, “Hope,” pp. 262ff.

Now, while hope activates one's own agency, trust in a system or institutions can rather hamper activism, as one has trust that these institutions will take over the task to act according to one's expectations. A crisis can deeply undermine confidence and trust in institutions in a bad sense, but sometimes also in a good sense, for example trust in the equity and justice of the health system. Ideally, this does not mean that trust turns into despair, but rather that it is transformed into an active hope of improving or radically renewing the system.

However, if institutions are successful in coping with a crisis and do that in a fair manner, that can also support the trust of the people in the institution. The position paper "Turning Fear into Hope" of the European Environmental Bureau inter alia pleads for a "better implementation and enforcement of laws to protect people and the natural world"<sup>44</sup>—based on the implicit assumption that the acceptance of measurements such as a lockdown makes people see that the enforcement of law can help to deal with a crisis.

Is law as a discipline the doorkeeper before the law? In Kafka's famous parable "Before the law," a man wants to gain insight into the law but is held back by a doorkeeper. He waits in front of the gate until the end of his life. When he wonders why nobody else asked to enter, the doorkeeper tells him: "No one but you could gain admittance through this door, since this door was intended for you. I am now going to shut it."<sup>45</sup> Kafka's parable seems to be a story of despair or of hope disappointed. The man who spent his life patiently waiting before the law obviously never completely gave up the hope of being let in. One could also reinterpret the parable as a story of hope in another sense: he was not let in, because he devoted himself entirely to a passive hope. Active hope, however, would have been accompanied by the courage to pass the doorkeeper. With a critical stance toward his authority and the motivation through anger about the rejection, it would have been possible to enter the law in order to achieve justice.<sup>46</sup>

A constructive relationship is crucial between the doorkeepers who must defend the stability of the law and those who actively demand entry, critical insight, and who radically and actively hope for justice. In view of societal changes and transforming values that become more visible during an acute crisis, the terms of justice, the conditions to enter the law, must be renegotiated and reoriented. That means that it is also a task of the doorkeepers to react to change. Based on the example of amendments to the law that no longer classify homosexuality as a crime or disease, Solnit points out, that "shifts in law" usually follow "shifts in thought that led to activism" and that "judges and lawmakers [do not] lead the culture in those theatres called courtrooms, but they only ratify change. They are almost never where change begins, only where it ends up."<sup>47</sup> Though Solnit sees this as a deficit in the legal system, I would like to underline that the task of ratifying change, bringing it to a successful end, is of high importance. The doorkeepers do not

---

44. European Environmental Bureau, "Turning Fear."

45. Franz Kafka, *The Trial* (New York: Vintage Books, 1969), 267–69

46. For another interesting interpretation of Kafka's parable, see: Victor A. Fleming, "Before the Law: An Analysis for the Legal Profession," *University of Arkansas at Little Rock Law Review* 1 (1978), 321–31. Fleming states that good preparation makes it possible to pass the doorkeeper. Hence, it is future orientation that is the key to the door.

47. Solnit, "Hope," p. 29.

have to lead the culture of change, but they must keep the doors open to allow for change and to guarantee stability to the new changed paradigms.

In place of being bored by repetitive structures, law as a discipline can be inspired by hope for justice that is expressed in social movements and by concrete examples and phenomenological ideas of the future. It can learn from successful reactions to the COVID-19 crisis that are inspired by hope and solidarity. Just as the declaration of the UN Human Rights Office seeks inspiration from good examples of legal and political reactions to the corona crisis, law as a discipline should in general be inspired by activities motivated by hope for change and hope for justice. It is fine if they interpret this hope as fragile, allowing only for small changes and adjustments in the system. Fragile hope can at the same time be radical in terms of rootedness: it can be grassroots movements that open the doors for change. It can be an awareness of the general fragility of the walls of the law that motivates keeping its doors open. And a lot of good examples such as the work of human right attorneys or the fact that traditionally many leaders of important progressive social movements have been lawyers show that law is not hopeless.

## **VII. Conclusion**

Expressions of hope during the corona crisis do not only appeal to perseverance or intend to help coping with its concrete consequences. Fundamental expressions of hope intend to activate the readiness to bring about major changes toward a better future. Some are based on the idea that the current crisis is a chance to gain clearer insights into existing problems and into what really matters and what a better and more just future could look like.

I have argued that we have to be cautious about hope for a cathartic learning effect but that decisive aspects of this are still valid: there is the fragile hope that we can learn from the current crisis how to cope with tragic events, supported by mutual care, how to accept limits of control, and how to support those who have less to hope for. There is the activating hope based on learning how to recognize consequences of the crisis that are within our control because they are problems of injustice where we can and should fight for change.

In order to use the activating power of hope efficiently, we need the Kantian reasonable hope for the compatibility of our normative ideals with happiness and for the effectiveness of moral agency and enrich it by imagining ideals of the (highest) good and phenomenological ideas of the future, which are not abstract or airy. We must add radical hope that remains open to re-evaluate and re-interpret those ideals, being aware of the vulnerability of our commitments and values, and a culture of responsive hope of care and respect, being aware of the vulnerability of the hopes of others, generating confidence, that activating hope is worth the effort. For bridging the gulf between normativity (our ideals of the good) and reality (the agency that brings about the good), we need this enriched reasonable hope, in combination with rational hope—the capacity to develop concrete planning models, evaluate the likelihood of their realization, and prevent us from a loss of heart.

While there are strong examples of civil activism for global justice, for health rights, against racial discrimination and structural inequity, the legal system as such often seems averse to change. However, I have pointed out that it has the important task of ratifying

social change. This presupposes that it remains open for seeing, understanding, and critically evaluating social change movements, being inspired by examples of the kind of hope that is activating efforts to change the world for the better.

When it comes to problems of injustice, we need a fine balance between activating hope for the general possibility of justice and rational hope for its institutional realization. The enthusiastic hope for a catharsis, for moral improvement, for fundamental change, should not cover the necessity of changing institutional structures in such a way that they can continue (or revive) functioning in a stable way. And in their rush into the future, the defendants of hope should not forget to look back, to see what went wrong, what demands reparation, where justice has to be restored, and where we can learn from the realized and disappointed hopes of the past.