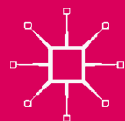


Subjectivation
in Political Theory
and Contemporary
Practices

Edited by
Andreas Oberprantacher,
Andrei Siclodi



Subjectivation in Political Theory and Contemporary Practices

Andreas Oberprantacher • Andrei Siclodi
Editors

Subjectivation in Political Theory and Contemporary Practices

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of Welcome' (Hospitality & Society, 2013); 'Of Other Spaces (of Memory)' (Social Research: An International Quarterly, 2016).

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1

Introducing a Contorted Subject Called 'Subjectivation'

Andreas Oberprantacher and Andrei Siclodi

The principal subject of this book is a term that is, philosophically speaking, dubious, and yet indubitably significant: 'subjectivation'. As a term that circulates with increasing frequency in a number of critical discourses ever since Michel Foucault discussed it in the early 1980s (see Foucault, 1990, pp. 28–32; compare Butler, 1997, pp. 83–105), and that is of theoretical and practical relevance for a variety of academic disciplines ranging from Sociology via Aesthetics to Psychoanalysis, 'subjectivation' appears ambiguous to the extent that it designates and mediates *tensions*. What becomes literally manifest as 'subjectivation' is most notably the tension between the promising 'idea' of autonomous *subjectivity* on the one hand and the discouraging 'reality' of heteronomous *subjection* on the other—two opposites that are amalgamated into a unique and confusing term.

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In consideration of this elementary tension, it may be argued that the currency of the expression ‘subjectivation’ is raising a number of crucial questions in the wider context of its repeated invocation: does it perhaps make sense to maintain that ‘subjectivity’ and ‘subjection’ are not belonging to separate traditions of reasoning, but instead intertwined in complex scenes—of ‘subjectivation’—that either suspend or cross the fictitious distinction between autonomy and heteronomy? Or is it rather reasonable to assume that ‘subjectivation’ is the monstrous progeny of an illicit crossbreed of conjectural extremes that should better be kept apart and not conflated? In short, how could we engage with the enigmatic subject called ‘subjectivation’ given that it confronts us with an apparent contradiction in terms that concerns the emergence of the subject itself?

A Subject at Risk

Such abstract questions do matter in a concrete sense if we consider that a plurality of scholars are suggesting that what is at risk in contemporary so-called *post*-modern society is the ‘subject’ itself—a subject that is risking its own exhaustion as much as it tends to ‘burn out’ on the threshold of subjectivity and subjection. Alain Ehrenberg, for example, argues in his study *The Weariness of the Self*, first published in 1998, that depression is not just a pathological state affecting single individuals, but—paradoxically—a collective sensation of subjective *inadequacy* prevalent in ‘a society whose norm is no longer based on guilt and discipline but on responsibility and initiative’ (Ehrenberg, 2010, p. 9). Whereas the society in which Sigmund Freud cultivated a psychoanalytic ‘metaphysics of the Subject’ (Ehrenberg, 2010, p. 216) reflecting his seminal thoughts on the conflicted, that is, *neurotic* structure of the human psyche, was a typically *modern* society defining itself with respect to laws (inhibition) and hierarchy (obedience), in

a culture of performance and individual action, in which energy breakdowns can cost dearly, and in which we always have to be running at top speed and efficiency, inhibition is pure dysfunction, an inadequacy. The individual has an institutional need to act at any cost by being able to count on his inner strengths. He inhabits initiative more than obedience; he is caught in the

question of what it is possible to do and not what it is permissible to do. That is why inadequacy is to the contemporary person what conflict was to the person of the first half of the twentieth century. (Ehrenberg, 2010, p. 217)

In brief, Ehrenberg argues that the 'yielding of neurosis to depression' corresponds to 'a sea change in the subjectivity of modern humanity' (Ehrenberg, 2010, p. 161)—and, as might be added in the context of Paolo Virno's study *The Grammar of the Multitude*, in its subjection too. For the 'post-Fordist regime'—which, as Virno writes, would be the proper name of this complex re-arrangement of both subjectivity and subjection under the auspices of postmodernity—incessantly demands 'virtuosic activity' (Virno, 2004, p. 68) from a growing number of people who are more often than not summoned to commercialize their '*intellectual labor-power*' (Virno, 2004, p. 107) in favor of the celebrated 'knowledge society'. This demand invested in Post-Fordism as a neo-capitalist matrix of socialization ultimately 'shows itself as universal *servile work*', argues Virno (2004, p. 68). In this sense then, the radical transformation of subjectivity, to which Ehrenberg primarily dedicates his investigation, involves also 'a viscous personalization of subjection' (Virno, 2004, p. 68). It is even the case, emphasizes Virno (2004, p. 63), that '[n]obody is as poor as those ["virtuous" post-Fordist workers] who see their own relation to the presence of others, that is to say, their own communicative faculty, their own possession of a language, reduced to wage labor'.

In similar terms, also Maurizio Lazzarato stresses in recent publications that the rampant economy of *debt*, which regulates local as well as global interdependencies in terms of a devastating financialization of all sorts of transaction, is cruelly 'creative' in a double sense: it valorizes subjectivity—what Lazzarato (2012, p. 34) calls 'the primary and most important form of production, the "commodity" that goes into the production of all other commodities' in his essay *The Making of Indebted Man* from the year 2011—and, parallel to that, it experiments with 'new forms of subjection' (Lazzarato, 2012, p. 86) too. The novelty of this debt economy, which disrupts the everyday life of people as much as it interferes in the balance of states, consists in a set of imperatives that paradoxically require the subject to permanently invest in its own subjection in the name of a 'managerial' subjectivity, as Lazzarato claims in *Governing by Debt* (2013):

The order and command must appear to issue from the subject, because ‘you’re in control!’ because ‘you’re your own boss!’ because ‘you’re your own manager!’ Contemporary subjection subjects the individual to ‘infinite’ evaluation and makes the subject his own primary judge. The injunction to be a subject, to give oneself orders, to negotiate permanently with oneself, is the fulfillment of individualism. (Lazzarato, 2015, pp. 186–7)

It is against the background of such diagnoses that Luc and Christian Boltanski initiated a joint project—involving poetry, photography, and discourse—that explores the contemporary situation as an ordinary ‘limbo’ (see Boltanski/Boltanski, 2006). In a short reflection at the end of what may be called a paradigmatic ‘cantata for plural voices’ (*cantate à plusieurs voix*), Luc Boltanski notes that contemporary societies resemble a limbo (in the plural), since countless people are nowadays living a marginalized life on permanent ‘stand-by’: people who are waiting to be selected (after a unfavorable job interview), people who are expecting a verdict that hardly ever comes (in an strenuous asylum procedure), people who are forced to adapt to niches (as they have no valid permits at hand), people who are abandoned to misery (in fragile shadow economies)—people, in short, who are treated as if they were ‘unbaptized infants’ trapped in a nebulous zone besides ‘heaven’ and ‘hell’. As Luc Boltanski further comments, such limbos, in which people are enduring life at the margins of society, are ‘unfortunate’ zones disjoined from modernity with its utopias and dystopias, with its teleological transition from the past to the future, and also with its emblematic confidence in the subject.

In a short essay entitled *What Is an Apparatus?* from the year 2006, Giorgio Agamben too comes to the conclusion that ‘in the current phase of capitalism’ (2009, p. 20) the—typically modern—tension between subjectivity and subjection, which resulted in the generation of a range of subjects, is irrevocably severed. Whereas ‘in a disciplinary society’ (Agamben, 2009, p. 19), such as the one repeatedly investigated by Foucault (see, e.g., 1978, 1995), the apparatus (*dispositif*) is ‘first of all a machine that produces subjectifications’¹ in the sense that it ‘produces,

¹The current English translation of Agamben’s short essay *Che cos’è un dispositivo?* (‘What is an Apparatus?’) is problematic as it misses to terminologically differentiate between the Italian terms

as a more or less unforeseen consequence, the constitution of a subject', current apparatuses are rather corresponding to what Agamben refers to as 'processes of [...] desubjectification' (Agamben, 2009, p. 20). In other words, they are void of subjects. As much as contemporary societies are not anymore capable of evoking particular subjects, 'except in a larval or, as it were, spectral form' (Agamben, 2009, p. 21), also an entire tradition of politics is at risk of falling apart, concludes Agamben:

Hence the eclipse of politics, which used to presuppose the existence of subjects and real identities (the workers' movement, the bourgeoisie, etc.), and the triumph of the *oikonomia*, that is to say, of a pure activity of government that aims at nothing other than its own replication. The Right and the Left, which today alternate in the management of power, have for this reason very little to do with the political sphere in which they originated. They are simply the names of two poles—the first pointing without scruple to desubjectification, the second wanting instead to hide behind the hypocritical mask of the good democratic citizen—of the same governmental machine. (Agamben, 2009, p. 22)

Such concerns, shared by others more (e.g., Crouch, 2004; Michelsen/Walter, 2013), are disturbing insofar as the various critiques of an impending exhaustion of the subject inevitably call into question the traditional inventory and institution of politics (see, in this respect, especially Virno, 2004, p. 51), and, with it, subjective chances of communicating, negotiating, and disputing political interests. If it is truly the case, as scholars like Ehrenberg, Virno, Lazzarato, Boltanski, or Agamben are respectively contending, that it is more than ever dubious what a subject is or could be, given that contemporary economic conditions are so depressing, then we can no longer assume that politics is what it—supposedly—once was: a privileged domain of inter-subjective agreements.

'*assoggettamento*' and '*desoggettivazione*', which are both translated as 'desubjectification'. A close reading of the Italian version evidences, however, that whenever Agamben speaks of '*assoggettamento*', he is acknowledging Foucault's '*assujettissement*' (usually translated as 'subjection'; a more proper translation would be 'subjectification'), and when he talks of '*desoggettivazione*', he refers—in negative terms—to Foucault's '*subjectivation*' ('subjectivation'). In other words, the English translation repeatedly confuses 'subjection' with 'de-subjectivation', which, in this case, is not contributing to making sense of this complex issue.

In consideration of said risks that need to be taken seriously, we shall thus return to our initial questions regarding the enigmatic subject called ‘subjectivation’ and explore responses that challenge current discourses of de-politicization, but without favoring an uncritical narrative of the survival of ‘the’ subject after its demise. Perhaps an alternative discussion of contemporary struggles that are globally interconnected vis-à-vis the declared crisis of the subject will allow us to provide a more nuanced comprehension of the theoretical and practical significance of the term ‘subjectivation’.

Unruly Subjects

Following a magnitude of recent events—exemplified by, but not limited to the *San Precario*-movement in a number of Italian cities, the *Arabellions* throughout the Arab world, the *Movimiento 15-M* in major cities of Spain, the *Occupy Wall Street* demonstrations all over the USA, the *Cost of Living Protests* on the Rothschild Boulevard in Tel Aviv, the various *Refugee Strikes* and *Refugee Tent Actions*, be it in Austria or in Germany, the *Gezi Park Protests* in Istanbul, the assemblies on *Syntagma Square* in Athens, or the *Hong Kong Protests*—that have gained momentum and eventually also challenged the assumption of a general trend toward a state of post-democratic resignation, it is imperative to recall with Foucault that ‘[w]here there is power, there is resistance’ (1978, p. 95). Or, as Lila Abu-Lughod reformulated Foucault’s famous dictum by means of a programmatic inversion: ‘where there is resistance, there is power’ (1990, p. 42) too. An appreciation of contemporary events of unrest does indeed matter in our context, for an attentive critique of all the risks that the subject faces in postmodern (or post-Fordist) societies does not suffice to comprehend how traditional terms like ‘subjectivity’ or ‘subjection’ are equally being interrogated, contested, but also altered in situations of resistance that differ from a definition of politics limited to previously *affirmed* subjects.

In a lecture that was first held in Venice in the year 2011, Judith Butler asserts—in contrast to Agamben’s comparatively reductive notion of ‘bare life’, that is, of life at the limits of its legal recognition—that within

a political 'vocabulary' which focuses unilaterally on subjective destitution, one cannot

describe the modes of agency and action undertaken by the stateless, the occupied, and the disenfranchised, since even the life stripped of rights is still within the sphere of the political, and is thus not reduced to mere being, but is, more often than not, angered, indignant, rising up and resisting. To be outside established and legitimate political structures is still to be saturated in power relations, and this saturation is the point of departure for a theory of the political that includes dominant and subjugated forms, modes of inclusion and legitimation as well as modes of delegitimation and effacement. (Butler, 2011)

It is for this reason that Butler draws the attention to unruly public demonstrations on the part of people who are discriminated and marginalized, but still able to interrupt the assumption that they are powerless and that all politics is destined to 'eclipse'. What matters according to Butler when people are amassing or, better, *assembling* who do not have the right to do so, because they are considered to be legally *abject* ('delinquents' or 'illegals'), is to question first of all the predominant definition of politics that regulates and even 'monopolize[s] the terms of reality' (Butler, 2011). We should be critically aware, says Butler, that politics is not just an issue of existing polities that guarantee and distribute civil rights to conforming subjects (compare Butler, 2015, p. 59). In commemoration of Arendt's discussion of the 'right to have rights' (see Arendt, 1949), Butler states that such a—we may say: *hyperbolic*—right 'predates and precedes any political institution that might codify or seek to guarantee that right; at the same time, it is derived from no natural set of laws. The right comes into being when it is exercised, and exercised by those who act in concert, in alliance' (Butler, 2011). This is to say that the very formation of legal structures and political infra-structures corresponds—even if in *precarious* terms—with the emergence of subjects that are able to re-define the environment by acting in concert and re-generating critical publicity.

In similar terms also Jacques Rancière stresses in his seminal essay 'Who Is the Subject of the Rights of Man?' (2004) that contrary to efforts of 'depoliticizing matters of power and repression and setting them in a sphere of exceptionality that is no longer political' (Rancière, 2004,

p. 299), which results in ‘new figures of the Inhuman’ (Rancière, 2004, p. 297), we should rather assert that a ‘political subject [...] is a capacity for staging [...] scenes of dissensus’ (Rancière, 2004, p. 304). When Rancière solicits us to return to the question of the subject in the context of a discussion whether or not the Rights of Wo/Man do politically matter, he does so not by conjuring or glorifying an obsolete term. Instead, he maintains—along the lines of Butler’s subsequent argument—that ‘the question of the Rights of Man’ (as the question of the subject of politics) needs to be ‘reset’ in order to avoid the ‘ontological trap’ (Rancière, 2004, p. 302) of apprehending life as apolitical (if not abject). Resetting that question requires us to realize ‘that *man* is’, as Rancière writes, ‘not the void term opposed to the actual rights of the citizen’ (2004, p. 304; compare Balibar, 2014, p. 50). The distinctions that are repeatedly being made between wo/man on the one hand and citizens on the other in favor of a limited definition and exercise of politics are also prime chances for a radical politicization, that is, re-definition of the very question who eventually counts as political subject (see also Rancière, 1999, pp. 6–11). In this sense, the generic term wo/man is, as Rancière puts it,

the opening of an interval for political subjectivization. Political names are litigious names, names whose extension and comprehension are uncertain and which open for that reason the space of a test or verification. Political subjects build such cases of verification. They put to test the power of political names, their extension and comprehension. They not only confront the inscriptions of rights to situations of denial; they put together the world where those rights are valid and the world where they are not. They put together a relation of inclusion and a relation of exclusion. (Rancière, 2004, p. 304)

This argument, which is being proposed in more detail in Rancière’s book *Dis-Agreement: Politics and Philosophy* from the year 1995 (see, especially, Rancière, 1999, pp. 35–7), resonates, at least in parts, with Alain Badiou’s treatise *Being and Event* (1988; see Badiou, 2007) according to which a ‘subject is not a result—any more than it is an origin. It is the *local* status of a procedure, a configuration in excess of the situation’ (Badiou, 2007, p. 392; compare Rancière, 1999, pp. 35–42). Or, as Badiou puts it in his atheist homage to Saint Paul as ‘the militant figure’ (Badiou, 2003, p. 2)

of universalism: 'In the guise of the event, the subject *is* subjectivation' (Badiou, 2003, p. 81). What is being called 'subject', writes Badiou, has to do with an *event*—in the sense of an *inter-vention* that interrupts the complacency of a situation (see Badiou, 2007, p. 24)—which does not occur per se, that is, objectively, but only insofar as a subjective fidelity confers a certain consistency to what has occurred, and, eventually, attests the event's 'truth'. In other words, Badiou calls the 'universal power of subjectivation an evental fidelity, and it is correct to say that fidelity is the law of a truth' (Badiou, 2007, p. 90).

What may sound abstract becomes concrete in the context of Badiou's political militancy on the side of all the *sans-papiers* demanding equal rights in francophone countries. Ever since their first political rallies in the late 1970s and the successive strikes at Flins, at Citroën, or at Talbot in the early 1980s, which evidenced the ideological efforts to turn 'workers' into 'immigrants' and finally into 'clandestines' (see Badiou, 2001, pp. 102–3), Badiou committed himself to the cause of the *sans-papiers* by arguing that their unruly demonstrations constitute an event in the sense that it concerns 'a right without Right, a political prescription inaudible for absolutely any form of state right' (Badiou, 2008, p. 167). To the extent that (mainstream) political philosophers remain indebted to the vision of a local *polis*, which in modernity is superseded and represented by

the State of Right, they have no way of taking stock of the right without right by which a political consciousness *is declared*. These philosophers speak of an institutional figure, and place philosophy, not under the condition of politics, but under the condition of the parliamentary state. Political philosophy as a philosophy of the state of right, grounds its own possibility in tying it to the existence of a particular form of State, and commits itself to opposing other states. (Badiou, 2008, p. 167)

Contrary to such a limited (philosophical) definition of politics that tacitly favors a *polis* or state as the sole legitimate basis for political interactions between affirmed subjects (*polítēs*, *citizens*), also Badiou addresses the importance to think differently about subjectivity and subjection in the context of a radical philosophy of politics that appreciates multiple 'subjectivations'. In other words, Badiou suggests, as much as Butler and

Rancière or thinkers like Ernesto Laclau (compare 2007), Slavoj Žižek (compare 2012), or Chantal Mouffe (compare 2013) do, that contemporary discourses regarding the ‘eclipse of politics’ reveal, in truth, the inadequacy of philosophy as a tradition of reasoning that tacitly presupposes a subject that behaves in accordance with predominant conditions.

A Matter of Origins

With respect to these tensions that circumscribe the controversial situation of the subject in contemporary discourses, it is critical to be aware, as Étienne Balibar argues in his essay ‘Subjection and Subjectivation’, that in principle the problem can be traced back to the word ‘subject’ itself, for ‘the whole history of the philosophical category of the “subject” in Western thought is governed by an *objective* “play on words”, rooted in the very history of language and institutions’ (1996, p. 8). What we are being used to call ‘subject’, not least when resorting to philosophical treatises, remains indebted to a twisted etymology inasmuch as the word does not reflect a single, but rather a double tradition of reasoning, and, apart from that, it denotes also a difficulty of translation.

While the ‘impersonal notion of a *subjectum*’ (Balibar, 1996, p. 8) condenses a tradition of reasoning that, according to Balibar’s elaboration, can be characterized as ‘a line of logico-grammatical and ontologico-transcendental meanings’ (Balibar, 2003, p. 9) that are all part of the complex history of the word ‘subject’, the comparatively ‘personal notion of a *subjectus*’ (Balibar, 1994, p. 6) stands rather for a ‘juristic, political, and theological semantic tradition’ (Balibar, 2003, p. 9) that is also part of the word’s history. It is not just a matter of language, however, that is, of Latin terms shifting between a neutral (*subjectum*) and a gendered (*subjectus*) position in grammar and eventually becoming pervasive as well as persuasive denominations following the global spread of Romance languages. The ‘play on words’, to which Balibar directs our attention, involves also the history of institutions insofar as the term ‘subject’ refers to all the variable *submissions* (aka ‘subjection’) to the authority of a power that is considered to be superior, be this power human or supra-human, immanent, or transcendent, besides referring

to an invariable *substance* (aka 'subjectivity'), capable of transporting specific properties.

In the wider context of this double tradition of reasoning invested in the term 'subject', which, in the end, reflects its genealogical ambivalence, it would be too reductive to assume that this key word is nothing else than the *literal* translation of the Greek *ὑποκείμενον* (*hypokeímenon*) into the Latin *substratum* and, eventually, *subjectum*. The 'subject' is split from its very origin, since it is a term that appeals both to autonomy (freedom) and to heteronomy (necessity) while adapting to changing discourses and situations over time. The problem in this respect, continues Balibar, is primarily not one of insufficient or inadequate knowledge of these intertwined etymological roots. For we '*know*', claims Balibar (1996, p. 8), the historical play on words, which informs also our contemporary world, 'but we *deny* it, at least as philosophers and historians of philosophy' (Balibar, 1996, p. 8). In the end, it is this denial that constitutes the prime difficulty to unfold and comprise the ambiguity of the term 'subject' as the denial tends to repress, what, according to Balibar, is an enigma that should be consciously addressed:

Why is it that the very name which allows modern philosophy to think and designate the *originary freedom* of the human being—the name of 'subject'—is precisely the name which *historically* meant suppression of freedom, or at least an intrinsic limitation of freedom, i.e. *subjection*? (Balibar, 1996, p. 8)

In other words, we might ask, how are the history of the subject as an expression of 'subjectivity' (*subjectum*) and that of it as an expression of 'subjection' (*subjectus*) connected with one another, and how are these expressions prompting and supporting each other with respect to complex scenes of subjectivation?

In an essay that explores 'The Origin of the Work of Art' (1938) and whose final version reflects three lectures delivered between November and December 1936 in Frankfurt on the Main, Martin Heidegger notoriously argues that the 'translation of Greek names into Latin'—such as *ὑποκείμενον* into *subjectum*—'is by no means without consequences' (Heidegger, 2002a, p. 6). For any translation, according to Heidegger,

amounts to ‘a translation [*Übersetzen*]’ (Heidegger, 2002a, p. 6) in the sense that, at least in this case, ‘Roman thinking takes over the Greek words without the corresponding and equiprimordial experience of what they say, without the Greek word. The rootlessness of Western thinking begins with this translation’ (Heidegger, 2002a, p. 6). It is indeed plausible to argue, as Heidegger does in a related essay, that in the context of Greek philosophy ‘[e]very subjectivism is impossible’ (Heidegger, 2002b, 80) and that, ultimately, ‘the’ modern subject is the effect of an improper or, rather, ‘impure’ translation. But whereas Heidegger is suggesting—in somewhat nostalgic terms—that Roman (Western) thinking is essentially *up*-rooted as it lacks the ontological sensibility of ‘the Greek words’, and that philosophical thinking is a matter of returning to the primordial origins of thinking itself, it is critical to consider, as Balibar insists, that the historical emergence of the subject reflects the (impersonal) *subiectum* as much as it reflects also the (personal) *subjectus*.

Heidegger’s biased discussion of the ‘birth’ of the modern subject (from the spirit of a philosophical ‘mistranslation’) is dubious to the extent that his focus on the subject as *subiectum* results in the failure to acknowledge that semantic tradition, which addresses the subject as *subjectus*. In other words, for Heidegger Western thinking is *essentially* the articulation of a (Latin) forgetfulness of (Greek) Being (*Seinvergessenheit*) that culminates in a situation where the subject reigns amid surrounding beings, which become objects at his subjective disposition. ‘From this objectification, however,’ writes Heidegger in a related essay,

which is at the same time the decision as to what may count as an object, nothing can escape. To the essence of the subjectivity of the *subiectum*, and of man as subject, belongs the unconditional delimiting forth [*Entschränkung*] of the sphere of possible objectification and the right to determine this objectification. [...] Man is no longer the μέτρον in the sense of restraining his apprehension to the sphere of the unconcealment of what presences at this time—the sphere toward which man then presences. As *subiectum* man is the *co-agitatio* of the *ego*. Man establishes himself as the measure of all measures with which whatever can count as certain, i.e., true, i.e., in being, is measured of and measured out. Freedom is new as the freedom of the *subiectum*. (Heidegger, 2002b, p. 83)

Balibar contradicts or, better, corrects the shortcomings of such an etymology fixated on the subject as subjectivity by stressing 'that Heidegger will not even suspect the originary unity of ontology, politics and anthropology, except in so far as he denounces it as a particularly blind form of forgetting the sense of Being' (Balibar, 1996, p. 8). Apart from the fact that it amounts to a 'striking mistake' (Balibar, 1996, p. 5) to assume, as Heidegger does, that it was René Descartes who provided the first authoritative 'interpretation of man as *subiectum*' (Heidegger, 2002b, p. 75)²—while, in truth, it was Immanuel Kant who 'invented' (Balibar, 1996, p. 6) the subject in the context of his three famous *Critiques* (*Critique of Pure Reason* 1781–87, *Critique of Practical Reason* 1788, *Critique of Judgment* 1790)—Balibar also argues that an ontological (and anthropological) reading of the subject's history does not suffice to comprehend its changing significance. This is to say that according to Balibar, the subject's history needs to be read in *political* terms too, which requires us to discern between two major 'irreversible thresholds' (Balibar, 1996, p. 9) with respect to how the varying tensions between subjectivity and subjection are modulated in the name of the subject (as the 'problem of Man').

While a first threshold was passed when the classical *polis*-politics dissolved and 'a *unified* category of subjection' (Balibar, 1996, p. 9) gradually surfaced under the auspices of medieval political theology, which provided the metaphysical context for an *inner voice* (Balibar, 1996, p. 10) demanding a subject that subjected itself to the transcendent Law (of God) while remaining simultaneously loyal to a sovereign, a second threshold was crossed when, in the context of secular movements and revolutionary events—in the eighteenth and nineteenth centuries, a subject was interpellated that struggled with its subjection while assuming

²For Heidegger, Descartes is that paradigmatic thinker with whom 'the completion of Western metaphysics [begins]' (Heidegger, 2002b, p. 75). This is to say that in Heidegger's own terms the overcoming of modern (Western) metaphysics amounts to the overcoming of Descartes as the preeminent advocate of a philosophy of subjectivity that objectifies the world as (technological) set-up [*Ge-Stell*]. According to Balibar, Heidegger's reading of Descartes reflects a symptomatic mis-reading, that is, 'retrospective illusion' (Balibar, 1996, p. 6), since the Cartesian discourse of the *ego* cannot be equated with the only known 'subject' at that time: the substantialist expression '*subiectum*' in the context of scholasticism. Quite to the contrary, writes Balibar, the more Descartes and others alike 'rejected the substantialist ontology, the less they spoke of the 'subject' (Balibar, 1996, p. 6).

responsibility for the making of laws. Against the background of these historical thresholds that mark the repeated and paradoxical becoming of the subject, Balibar writes that the idea of (autonomous) subjectivity became popular in philosophy at the very moment when the reality of (heteronomous) subjection was challenged—at least in principle. In this sense, Balibar convincingly evidences that underneath the surface of speculations about the subjectivity of the subject (*subjectum*) we find a supplementary subject, that is, a subject contradicting its own subjection (*subjectus*). It is this supplementary part of the subject's history—the agitated history of subjection—that received comparatively little attention by philosophers and especially by historians of philosophy.

Subjectivation in Translation(s)

Keeping in mind that already the apparently unequivocal subject is, in effect, equivocal as it stands for a double tradition of reasoning that blends, in varying constellations, the notion of 'subjectivity' (*subjectum*) and that of 'subjection' (*subjectus*), we may one more time return to our initial question and ask how the—comparatively recent—term 'subjectivation' fits then into this historically changing *ménage à trois*. What sense does it make to speak of 'subjectivation' considering the twisted etymology of the subject in the context of current controversies regarding its potential disappearance and actual re-appearance?

Even though Foucault was not the first who explicitly used the term 'subjectivation' to make sense of the polyvalent complexity of the subject's formative occasion,³ his lectures on the history of governmentality

³ It is indeed important to note that apart from Foucault, also other French thinkers spoke of '*subjectivation*' in the context of a subject's formative occasion. Alain Badiou discussed it already intensively in his book *Théorie du sujet* (1982), which collects journal entries made between 7 January 1975 and 9 June 1979 that are repeatedly exploring the significance of a '*subjectivation*' with regard to a '*procès subjectif*' (see, in this respect, Badiou, 1982, pp. 257–90; for the English translation, consult Badiou, 2009, pp. 241–74). And by doing so, Badiou follows in turn Jacques 'Lacan's lead' (Badiou, 2009, p. 149) who in a number of his texts published in the *Écrits* (1966) refers to a '*subjectivation*' (see, e.g., Lacan, 1966, p. 205, p. 208; in the English translation, an additional distinction between 'subjectification' and 'subjectivation' was made, even though Lacan does not strictly differentiate: Lacan, 2006, p. 167, p. 170; for the terminology, see: Fink, 2006, p. 765).

and the hermeneutics of the self next to his studies on the history of sexuality are benchmarks for the scholarly discussions that followed. The term itself is first introduced in the *oeuvre* of Foucault at the end of a lecture that he held on 22 February 1978⁴ at the *Collège de France* and that was intended to explore the Christian 'pastorate' in the context of his course entitled *Security, Territory, Population* (1977–78). According to Foucault's discussion of the pastorate embodied by the Christian Church, this strange 'art' (Foucault, 2009, p. 165) of subjecting people as if they were a flock of sheep conducted by a shepherd should not be 'confused with the methods used to subject men to a law or to a sovereign' (Foucault, 2009, p. 165). As 'the embryonic point of the governmentality whose entry into politics [...] marks the threshold of the modern state' (Foucault, 2009, p. 165), the pastorate resorts to 'an absolutely new form of power' (Foucault, 2009, p. 183), which, as Foucault puts it, comprises three modes of *individualization*: an individualization by 'analytical identification' (Foucault, 2009, p. 184) (referring to the differentiation between a Christian individual's merits and faults), an 'individualization by subjection (*assujettissement*)' (Foucault, 2009, p. 184) (referring to Christianity's culture of altruistic servitude), and, third, an individualization as 'subjectivation (*subjectivation*)' (Foucault, 2009, p. 184) (referring to a Christian individual's intimate relation with a regime of truth). To the extent that the Christian pastorate is identified as a 'prelude' (Foucault, 2009, p. 184) to the modern governmentality, Foucault is ready to conclude:

Analytical identification, subjection [*assujettissement*], and subjectivation (*subjectivation*) are the characteristic procedures of individualization that will in fact be implemented by the Christian pastorate and its institutions. What the history of the pastorate involves, therefore, is the entire history of

⁴Before the (English) publication of Foucault's course on *Security, Territory, Population* in 2009 (2004 for the French version), it was generally assumed that he introduced the term 'subjectivation' in the early 1980s (see, e.g., Milchman/Rosenberg, 2009, p. 67; Kelly, 2009, p. 87). A reading of the lecture notes of said course is suggesting, however, that he was changing his terminological 'toolbox' a couple of years before the course *The Hermeneutics of the Subject* (1981–82) was held and the second and third volume of *The History of Sexuality*, engaging with *The Use of Pleasure* (1984; see Foucault, 1990) and the *Care of the Self* (1984; see Foucault, 1990), were published.

procedures of human individualization in the West. Let's say also that it involves the history of the subject. (Foucault, 2009, p. 184)

Even though Foucault's conclusions are known to be subject to various changes, since he shifted the course of his research more than once, this passage is nonetheless relevant, for it precludes also a major transition in his fields of study. Compared to his previous course entitled *Society Must Be Defended* (1975–76)⁵ that was focusing on the transformation of power (from the power of sovereignty to the power over life), the course on governmentality was—at least in some parts—concerned with the question how both *power* and *truth* are part of the formative occasion of subjects, *and* how subjects may respond to such an occasion. While Foucault's previous course was much more dwelling on the question 'how relations of subjugation can manufacture subjects' (2003, p. 265), his successive course reveals a changing sensibility in this respect. What matters to Foucault more than before is discussing the 'art of government' (based on principles of conduct) vis-à-vis 'the art of not being governed or better, the art of not being governed like that and at that cost' (Foucault, 1997, p. 29) (based on principles of counter-conduct). In other words, Foucault notices that becoming a subject in the modern sense comprises differing moments that cannot be subsumed solely under the term *assujettissement*, as it does not terminologically take into account how subjects refer to or, better, take care of themselves. An additional term is needed for expressing such an intricate and intimate process: *subjectivation*.

As a variety of scholars and commentators have argued, Foucault's distinction between *assujettissement* and *subjectivation* in the context of his repeated efforts to come to terms with the constitutive ambiguity and polysemy of the subject's formative occasion has stirred quite some (terminological) confusion, particularly in English translations. In fact, most translations of Foucault's lectures and studies resort to the English word 'subjection' when referring to the French word *assujettissement*. As Alan Milchman and Alan Rosenberg maintain, however, '*assujettissement* clearly entails subjugation and "subjection" [...], but that meaning focuses on the passivity of the subject, whereas Foucault sees *assujettissement* as

⁵Between this and the next course on governmentality, Foucault took a year of sabbatical leave.

entailing more than just relations of domination or control, as also involving the autonomy, and the possibility of resistance, of the one who is *assujetti*' (Milchman/Rosenberg, 2009, p. 64; compare also Chambers, 2013, pp. 98–101). It would be more appropriate, write Milchman and Rosenberg (2009, pp. 64–5), to adopt Nikolas Rose's term 'subjectification' (see Rose, 2004) for that matter, as it is more adaptable, instead of continuing to insist on 'subjection'.

One notable exception that is mentioned in this respect is Judith Butler, who in her book *The Psychic Life of Power* proposes a reading of Foucault's discussion of *assujettissement* that is powerful to the extent that it does not repress the complex logic of this term. In fact, Butler states repeatedly in the context of her review of 'Foucault's formulation of the problem of *assujettissement* [sic!]' (Butler, 1997, p. 16) that it is plausible to assume that 'the subject cannot quell the ambivalence by which it is constituted. Painful, dynamic, and promising, this vacillation between the already-there and the yet-to-come is a crossroads that rejoins every step by which it is traversed, a reiterated ambivalence at the heart of agency' (Butler, 1997, pp. 17–8). But at the same time, Butler also complicates the matter of translation when she speaks of *assujettissement* both in terms of 'subjectivation' (Butler, 1997, p. 11) and in terms of 'subjection' (Butler, 1997, p. 32). In this sense, one may indeed object, as Milchman and Rosenberg (2009, p. 64; compare also Kelly, 2009, pp. 88–9) are doing, that to equate *assujettissement* with 'subjectivation'—without considering how Foucault introduced the term *subjectivation*—amounts to an *elision* (Chambers, 2013, p. 100) of semantic nuances.⁶

In consideration of Foucault's second and third volume of *The History of Sexuality* (both published in 1984) and, apart from that, his prior course on *The Hermeneutics of the Subject* (1981–1982), it is indeed reasonable to argue that he made significant 'modifications' (Foucault, 1990, pp. 3–13) to his 'original' research project named *governmentality*. These modifications concern the term 'subjectivation' insofar as Foucault shifts his attention to 'modes' or 'forms' of subjectivation (Foucault, 1990, pp. 28–30) in order to study in detail how in classical antiquity

⁶ This elision can also be found in a number of other texts that translate '*assujettissement*' with 'subjectivation' (see, e.g., Revel, 2014, p. 116).

and in medieval Christianity differing subjects emerged that exemplify the diversity of how one may refer to or care for oneself (as a subject of desire). Even though, at least on the surface of Foucault's texts, it may seem as if he shifted his attention from politics (and economy) to ethics (and desire), a closer reading of the research he carried out in the 1980s suggests rather the opposite: Foucault studies in historical details chances how to un-do subjection by performing one's subjectivity otherwise. This subliminal tendency of Foucault's late studies becomes also evident in his discussion of the 'Cynic *parrhesia* as a public activity' (Foucault, 2001, p. 116) and 'scandalous practice or technique' (Foucault, 2001, p. 122) that basically contested established norms, habits, opinions, rules in the name of a courageous life-form that 'borders on transgression' (Foucault, 2001, p. 127).

If Foucault's discussion of *subjectivation* as a (self-)performance on the thresholds of subjection and subjectivity, power and truth, intimacy and company, politics and ethics, economy and desire, has left traces—among others in Rancière's book *Dis-Agreement* (e.g., 1999, p. 59)⁷—and inspired thinkers to unfold it further (see Deleuze, 2006, pp. 78–101; Butler, 1997, pp. 83–105; Braidotti, 2011, pp. 114–8), then the reasons for such 'adoptions' have presumably less to do with the novelty or even rigor of said term. Rather, it makes sense to argue that Foucault's efforts to comprehend *subjectivation* as a seminal moment in the subject's formative occasion, which cannot be separated from its *assujettissement*, remained *torso*, that is, fragmentary, suggestive, enigmatic. One may even say that any effort to come to terms with the twisted etymology of the subject is required to remain torso, for it would amount to a problematic distortion

⁷ In his chapter on the 'rationality of disagreement', Rancière writes that there 'are political subjects or rather modes of subjectification only in the set of relationships that the *we* and its *name* maintain with the set of "persons," the complete play of identities and alterities implicated in the demonstration and the worlds—common or separate—where these are defined' (Rancière, 1999, p. 59). Apart from the fact, that the English translation (provided by Julie Rose) of Rancière's book *Dis-Agreement* is rather confusing, since he speaks of '*subjectivation*' in the French version (e.g., Rancière, 1990, pp. 59–60) and not of '*assujettissement*' (for which the English 'subjectification' would be more appropriate), this passage is also illustrating how Rancière ties in with Foucault while insisting on 'the gap between political subjectification [...] and any kind of identification' (Rancière, 1999, p. 59; see Chambers, 2013, p. 101; compare Žižek, 2005, p. 242).

of the polyvalent complexity of the subject's historical emergence if a final verdict was provided, since 'subjectivation' is, as this very introduction is exemplifying, a truly contorted subject.

The Torsions of This Book

At the end of his aforementioned essay, Balibar writes that apart from the two 'irreversible' historical thresholds that he cites and that correspond with two notable moments of subjectivation (summarized as 'unilateral speech' and as 'inner voice' by Balibar, 1996, p. 13), there could be other—past and future—thresholds too, on which further moments of subjectivation might eventually be unfolded: 'Probably there are more than simply two ways of displaying the dialectics of subjection and subjectivation. Maybe there is no "end of history", no "end of the story"' (Balibar, 1996, p.14).

In a sense, this book is precisely the result of a multiplicity of efforts of coming to terms with a contemporary threshold that presents considerable—theoretical and practical—difficulties, not least with regard to the discourse of 'subjectivation'. As editors of this anthological book, we share the anxiety (also with the authors of the single chapters) that we are indeed living in 'interesting times' (see Žižek, 2011, pp. 403–82). These times are perhaps not (yet) the anticipated 'end times', but remarkably troubled times that cast serious doubts on a number of terms that inform our globalized world so far: from 'democracy' via 'accountability' to 'human rights'. These doubts gravitate around the question of the 'subject' inasmuch as it remains doubtful *who* the subject of democracy, of accountability, of human rights, and so on is or could be.

To the extent that 'subjectivation' is a truly contorted term that spans from subjectivity to subjection while complicating submission, suppression, or subjugation, and even stretching across 'subjectification' (*assujettissement*) or 'subjectivization', it is also the most suited term for discussing contemporary situations that concern the subject as being torn apart between contradicting impositions and expectations. In consideration of our own anxiety, we thus ventured into a joint project—which may

be traced back to a symposium entitled *Political Abilities* (2014)⁸—that basically consists in articulating the discourse of ‘subjectivation’ further. In other words, the project that is now available as book does not content itself with debating a strange term in the context of French Theory. Even though chapters of this book are addressing questions of definition in this respect, the publication project refrains deliberately from giving definite answers. What turned out to be more promising instead is testing, but also contesting the term ‘subjectivation’ at the limits of its applicability. This is to say that this book collects a number of essays that engage with scenes of subjectivation in a variety of contexts and situations that are relevant for assessing its current sense.

Beginning with essays in the field of Political Theory (in the widest sense), the scope of the book was successively extended so as to include also texts on current political events, on the genealogy of the regime of debt, on the precarious mobility of people who are living at the limits of civil law, as well as on socially engaged contemporary art practices, and on animal activism. The entire book is structured into four interdependent sections: the first section provides both comprehensive and detailed overviews of ‘subjectivation’ in differing theoretical contexts; the second section systematically combines theory with practices; the third section explores polyvalences and limitations of the term ‘subjectivation’ in contested situations; and the fourth section finally addresses scenes of other subjectivations. While the first section may be read as a theoretical and methodological aperture, the other three sections involve—to various degrees—practical considerations as well as empirical research.

The first section of the book—entitled *Re-Tracing Subjectivation*—combines contributions that illustrate and expose in what historical, philosophical, psychoanalytical, and political contexts the term ‘subjectivation’ was introduced, how it changed over time, and how it is being applied in current fields of research. By drawing on the works of Michel Foucault, Jacques Derrida, Ulrich Bröckling, Philippe Lacoue-Labarthe, Jean-Luc Nancy, Jacques Rancière as well as Giorgio Agamben, Judith

⁸The Symposium *Political Abilities* (<http://politicalabilities.net>) took place between 27 and 29 March 2014 and was organized by Andreas Oberprantacher and Andrei Siclodi in cooperation with the Department of Philosophy at the University of Innsbruck and the International Fellowship Program for Art and Theory at Künstlerhaus Büchsenhausen.

Butler, Antonio Gramsci, Jacques Lacan, Emmanuel Levinas, Maurice Merleau-Ponty, Slavoj Žižek, and others more, the authors of this section argue that 'subjectivation' is both an overdetermined and an oscillating term that is making sense of (political) practices of the subject without essentializing any given practice.

The second section is dedicated to the exploration of *Subjectivation* in practice, more precisely: *in a Variety of Contemporary Practices*, from performative contradictions via the more general practices of life and of presentist democracy to the particular practice of institutional critique in contemporary art. As the authors illustrate, subjectivation does not simply 'occur', it is performed as an expression of the manifold abilities to get engaged with others, and to disconcert and subvert established regimes of power and truth. In this sense, the contributions offer on the one hand a critique of neoliberal governmentality along with its tendency to indebt people and to generate a vicious atmosphere of fear. On the other hand, they also address various chances of becoming subjects of a democracy-to-come, even in situations of precarization.

The next section is questioning—under the title *At the Limits of Subjectivation*—(possible) limits and limitations of subjectivation in conflicted situations, while simultaneously debating the current de-regulation of statehood and the increasing proliferation of dubious populist passions. In consideration of the polyvalence of political mobilization and radical politics in different areas, such as the civil resistances in Greece and Turkey against new forms of capitalist subjection, but also the revolts of non-human animals who escape from their cages, the authors are calling for a careful critique of violence and considering also alternatives to the populist phantasy of a 'pure' and unequivocal subjectivation.

The fourth and final section of the book—named *For an Other Subjectivation*—concludes our discussion of 'subjectivation' as a seminal expression by evidencing how 'deportable aliens' are not just subjected to politics, but that they are also paradigmatic political subjects. Be it the case of the US-American Border Regime or the Integrated Border Management of the European Union, 'illegal travelers' are indeed traversing a plurality of commonplaces while displacing conventional visions of political practice and by staging a radical democratic dissensus. In this sense too, it is crucial to deliberate what may be learned from

such scenes of (illegitimate) subjectivation for a possible reformulation of some of the theoretical propositions and practical implications in contemporary Political Theory.

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Part I

Re-Tracing Subjectivation

2

After the Subject is Before the Subject: On the Political Meaning of Subjectivation in Nancy and Lacoue-Labarthe

Artur R. Boelderl

Preliminary Considerations

Given the challenges that political theory (as different from politics) has been facing lately, it might be worth considering the following question: Is there any feature of the subject that opens up its ability to act politically in the first place, once the supposed modern foundation of this very ability has been irreversibly shattered?

As far as the concepts of (national) statehood and democracy are concerned, political theory is indeed in a state of calamity, and this is not only since the so-called retreat of the political, which Jean-Luc Nancy and Philippe Lacoue-Labarthe have diagnosed already in 1981. But what exactly is the nature of this calamity? If political theory desires to present itself also as political philosophy and is not satisfied with being merely descriptive, may it be in (factual) historical or conceptual-historical terms, it cannot completely evade normative questions without losing any practical-political, not to say empirical, relevance. If, on the other

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hand, it enters the realm of those discursive and agonal processes dealing with the conflicted search for or creation of common good or even just social systems, it runs the risk of losing its crucial advantage to routine everyday politics. Basically, such an advantage would consist in not being subject to pragmatic implementation constraints in accordance with the logic of decision-making, which by tendency is an obstacle to any careful and deliberate weighing of pros and cons, if, indeed, it does not prevent such weighing outright.

With their multi-layered concept of the ‘retreat’ of the political, Lacoue-Labarthe and Nancy attempted to react to this aporia—if it even is an aporia, after all. At the focus of their joint efforts, which they continued separately later on, is a vehement rejection of the idea that—eventually, or right from the beginning—everything is political, that politics as such has a comprehensive grasp on life, circumscribing and determining it. Against this background, ‘retreat’ is meant both in an affirmative manner, that is, as a demand in the sense of the necessity of reducing the range of politics in order to counteract the massive tendency toward extension, and indeed universalization, and in a negative manner, that is, as a statement of the decline of actual political thought in the sense of Hannah Arendt’s distinction between genuine political activity on the one hand and work and production on the other (compare Arendt, 1998, pp. 79–174). Third, the term ‘retreat’ is of a privative, even volatile, nature, which is inherent within politics as Arendt conceives it. As such it derives from being connected to the plural and differential nature of a public consisting of heterogeneous individuals, a public which does not fit into any kind of politics and thus cannot not be ‘sublated’ by it.

Lacoue-Labarthe and Nancy approach, jointly and separately, this complex topical field by attempting a ‘translation’ of the political from practical philosophy into what traditionally—since antiquity, and especially in the twentieth century, following Martin Heidegger—has been called ‘ontology’. For both authors, the political cannot be separated from the ontological question *in the traditional sense*, insofar as it is concerned with a being, which at the same time cannot be otherwise. But for both authors, it belongs also to the realm of the ontological *in Heidegger’s sense*, insofar as the question of the political can only be raised against the

horizon of the question of the meaning of Being, that is, by taking the ontic-ontological difference into consideration. In the case of Lacoue-Labarthe, addressing this topical field occurs in the form of an ‘onto-typology’ (see Lacoue-Labarthe, 1989a, p. 58), whereas Nancy works out a very specific kind of ‘social ontology’ (see Nancy, 2000, pp. 37–8). In both cases, however, the aspect of presenting the political (or, rather, the very fact that it *cannot* be presented)¹ is crucial, resulting in, among others, the fact that the aesthetic dimension of the political, seen in the widest sense, plays an important role for both of them, although in different ways (while Lacoue-Labarthe’s focus is on the theory of literature, Nancy engages with art-historical and art-theoretical considerations).

The Mimetic Character of the Political

Lacoue-Labarthe describes the logic of onto-typology—that is, the type of movement by means of which Being gains its form or develops as a shape (type)—as the logic of mimesis: this logic is based on the assumption of an *original* imitation, due to which existing things—or the world itself—come into being, while this imitation remains an unperceivable and inef-fable image of the possible depiction of what is (see Lacoue-Labarthe, 1989b; Martis, 2005, p. 141). This logic of mimesis governs the register of the ontological. But at the same time it becomes manifest through art—and perhaps there more than anywhere else. Lacoue-Labarthe attempts to exemplify this argument in a passage, which at first sight is not primarily relevant to questions of political theory, that is, an essay on Arnold Schönberg’s *Moses und Aron*. In this essay Lacoue-Labarthe refers to Theodor W. Adorno’s discussion of Schönberg’s work, which, in another sense, illustrates also Maurice Blanchot’s concept of *désœuvrement*—unworking—that is crucial for both Lacoue-Labarthe and Nancy: ‘[Art] is only itself in the impossibility of effecting that which founds its authenticity’ (Lacoue-Labarthe, 1989c, p. 53). Similarly, it is also true for politics that it will be political only where and in how far politics finds

¹ The question of the relationship between presentation and representation is being developed by both thinkers in the context of Jacques Derrida’s so-called deconstruction.

it impossible to put into work, that is, represent that on which it is itself grounded: the plural existence of singularities. In the realm of music, says Lacoue-Labarthe, Schönberg is ‘for Adorno what Schiller, for example, is for Hegel, Wagner for the early Nietzsche, and Hölderlin for Heidegger: the offering of a work which explicitly thematizes the question of its own possibility as a work’ (Lacoue-Labarthe, 1989c, p. 55). Against the horizon of this question, the ‘final dereliction’ (*désœuvrement*) (Lacoue-Labarthe, 1989c, p. 55) appears as both the ontological and aesthetic impossibility of presentation per se, the political implications of which are delineated by Lacoue-Labarthe and Nancy. What, however, is meant by ‘dereliction’, and what does it concern?

Dereliction: The ‘Loss’ of Subjective Capabilities?

On these premises, the question at stake might be articulated as follows: ‘In what sense(s) are those who are living in, or are exposed to, precarious conditions capable of presenting themselves as political subjects? How could we actually make sense of subjectivation considering the risks posed in contemporary situations?’² The main interest of this question is located in the context of a diagnosis according to which, ‘in contemporary situations practices of subjectivation tend to become diffuse, if not incapacitated’—a kind of incapacity, and thus inability, which one might be tempted to counter by providing proof of the existence of political abilities.

Notwithstanding my wholehearted support of this diagnosis of our era, under the impression of the arguments put forward by Nancy and Lacoue-Labarthe in the early 1980s in the wider context of their slogan of the ‘retreat of the political’, I believe that some marginal addition to such diagnosis is needed. In consideration of some doubts regarding the diagnosis’ chronological restriction or, so to speak, its pointed emphasis on our time, the following extended thesis might make more sense: ‘In

² See the programmatic outline of the symposium *Political Abilities* held in Innsbruck, Austria, on 27–29 March 2014.

contemporary situations practices of subjectivation tend to become diffuse, if not incapacitated—as *they have always done*. In other words, it is in the nature of any practice of subjectivation that such practices tend to become diffuse or even incapacitated'. Indeed, I would go one step further and add: 'It is this very tendency which makes these practices inherently political in the first place'. To make myself (more or less) plain: practices of subjectivation are prone to phenomena of diffusion; and if it were to be different, they would lack political momentum. Thus, there is a dynamic connection between the latent incapacity of subjects on the one hand and their manifest political ability on the other. This connection must be pursued.

To anticipate the point of my explanation by referring to Nancy: it seems crucial, given the possibilities and impossibilities of politically acting subjects, to change our current perspective and move away from the slogan 'Become what you are!', which has been predominant at least in the modern age. Instead, I propose that we move toward the slogan—which is perhaps no less precarious, although in a different sense—'Be what you are becoming!' (I hesitate to call this slogan 'deconstructive').

The Historical Perspective: Critique of the Subject

Such a change of perspective has always been at stake, in philosophy after 1945, and in French philosophy particularly, under the—not actually wrong, but blurred or at least misguided—slogan 'death of the subject'. The title of my contribution 'After the Subject is Before the Subject' refers to this philosophical–historical background, because in my opinion, without knowledge of this, we cannot gain any understanding of the political dimension, in particular, of the more recent French critique of the subject. Strictly speaking, the latter is not really a critique of the 'subject', insofar as such a critique would have to presuppose an entity, at least formally, whose unquestionable existence and identity are subsequently denied. Rather, this critique—and a critique it is after all—has to do exactly with this proposed shift from the question of the subject to the issue of subjectivation in a variety of senses.

One of the many ways in which this shift appears is the transition from the question of *What*—such as ‘What is a subject?’ or ‘What comes after the subject?’—to the question of *Who*—such as ‘Who is the subject?’ or ‘Who comes after the subject?’—a transition to which not least the enlightening conversation between Derrida and Nancy bears testimony, bearing the telling title *Après le sujet qui vient* (Derrida, 1991). This title is indeed revealing because on the one hand it is basically a question in the grammatical sense, even though it does not reflect a question’s natural word order (*Qui vient après le sujet?*). But on the other hand, by omitting the question mark, it allows for, or indeed suggests, a reading of it as if it were a statement: after the subject, there follows *who* (‘who’ referring to ‘someone’ or, rather, to ‘some one’—not least in terms of Arendt’s (1998, pp. 179–80) question of who—not what—one is). Nothing gives us the right to assume that whoever comes after the subject could not be a subject (again) only because of the very fact that this ‘someone’/‘some one’ does come after the subject.

Pas de sujet: The Nature–Culture Transition

We are all the less justified in assuming this, as we have all been ‘not someone’, that is, *not a subject* before. When speaking of the death of the subject, the question of the birth of the subject is also instantly raised. Within this relation, at the threshold between birth and death (themselves serving as ciphers for nature and culture, position and negation), we encounter the political.

There will have been a time when we were *not a subject*, a time which is immemorial in the most literal sense, into which our constitution as a subject will have come and will keep on coming time and again. Edmund Husserl’s disciple Roman Ingarden has described this time—not at all coincidentally, in the context of a discourse on responsibility—as a situation

when man—despite his/her personal being—will no longer be provided with any sphere of ‘his/her own’ decision-making and activity, thus being completely dependent, when everything in his/her life will be enforced

from the outside. And even if the I resists or only tries to resist, it is completely powerless and helpless, everything goes without being influenced by him/her. (Ingarden, 1970, p. 20–1)

This situation when man, without already being a subject, is nevertheless the addressee of appeals by others ('from the outside'),³ this diffuse situation before and after the subject opens up the realm of the political. It is the space where man as a living being, as a survivor, has always already existed; it constitutes the '*naître à presence*' (see Nancy, 1993) by way of which Nancy attempts to grasp the moment of the political—an in-between, a *caesura* between nature and culture at whose interstices the subject appears.

What is philosophically and politically at stake, after all, might be outlined as follows: the basic problem of modern (if not all) philosophy is the question of the transition from nature to culture. Obviously, this did not happen without a break, as there is no continuous line of development from a pre- or non-symbolic, preverbal state to a symbolic, logos-organized verbal state, neither at the supra-individual (human) historical level nor at the individual-development-psychological level. Now, as Derrida has impressively demonstrated in his great study 'Nature, Culture, Writing' (1997) on Jean-Jacques Rousseau, 'nature' and 'culture' are ideal-typical constructs, which cannot be identified without mutually referring to each other. The reference, the relation, precedes the meaning of the elements it proposes to relate to each other. Thus, *per definitionem* this reference belongs neither to nature nor to culture, but must be something 'that, although it is also no longer nature, is not yet *logos*, and has to be "repressed" by *logos*' (Žižek, 2000, p. 36). Thus, the history of the subject—which is what we are talking about when speaking of the 'death' or 'birth' of the subject—tells the story of this replacement, a story whose point is precisely in the subject being this 'disappearing mediator' (as Žižek refers to it, in connection with Hegel and Fichte) between nature and culture, whose disappearance—'death'—is of the same origin as its constitution—its 'birth':

³ Man is thus a person in the sense of the possibility of addressing or being addressed, but man is still no *I*, insofar as the *I* refers to a reaction to the act of addressing or, as Freud (1960, p. 20) put it, a surface-*I* (as a response) to the act of addressing.

[The] philosophical narratives of the ‘birth of man’ are always compelled to presuppose such a moment in human (pre)history when (what will become) man is no longer a mere animal and simultaneously not yet a ‘being of language’, bound by symbolic Law; a moment of thoroughly ‘perverted’, ‘denaturalized’, ‘derailed’ nature which is not yet culture. (Žižek, 2000, p. 36)

It is this ‘perverse’ moment in the history of the subject that renders it political, and it is not a coincidence that in both Georges Bataille’s and Jacques Lacan’s body of works as well as in Michel Foucault’s and Jacques Derrida’s as well as others (such as Philippe Lacoue-Labarthe’s and Friedrich Hölderlin’s), this moment is connected to reflections on the ‘madness’ of the subject.⁴ For what develops from this insight is ‘the “mad” gesture of radical withdrawal from reality’ (Žižek, 2000, p. 35) in terms of the transition from nature to culture, primarily opening up the possibility of constituting the latter by way of the symbolic—that is to say political—reconstitution of the former. The difference between ‘culture’ and ‘nature’ is nature-inherent, very much like the difference between ‘normality’ (or rationality) and ‘madness’ is madness-inherent (Žižek 2000, p. 35), and the subject is the symbol of this difference. According to Derrida’s logic of supplementarity, the subject is that *nothing* which must add to the entirety of the nature–culture complex to make it complete. It does not belong to the nature–culture complex. Instead, the subject transgresses this complex to the extent that the subject is at first due to it. Insofar, the ‘death’ of the subject, that ‘mad’ gesture of shrinking back from reality, is indeed an ‘ontological necessity’ (Žižek, 2000, p. 35) or, rather, a ‘pre-ontological’ (Žižek, 2000, p. 65) condition for its ‘birth’.

In other words, the most radical dimension of subjectivity—its original scene and not its nullification or destruction⁵—is the subject’s self-revocation, to which its life remains at the same time connected: an incapacity presenting itself as an ability. In this sense, as Derrida has

⁴As far as Derrida is concerned, at first sight this seems to be less obvious than for Freud, Lacan, and Foucault. However, apart from the relevant ‘Cogito and the History of Madness’ (Derrida, 2005a), see also Derrida (1991, 1995).

⁵This scene announced itself within the classical philosophy of the subject by terms such as ‘monstrous’, ‘savageness’, and (tellingly) ‘stepmotherly nature’ (Kant, 2012, p. 10) or the ‘night of the world’ (Hegel, 1983, p. 87).

shown, life has precisely always been *sur-vival*, over-life, or more-than-living, *life-death*.⁶

After the Subject ...

Thus, the period of *Dasein* is more than being-there, if being-there, as in Heidegger, is taken to mean running ahead into death. One—the—reason for the failure of Heidegger's project of 'exchanging' subject and 'existence' is the failure of his aspiration—in several passages of *Being and Time*—to bring 'the whole of *Dasein* [...] into the fore-having of our existential analysis' (Heidegger, 2001, p. 424). In other words, his ignoring the fact of the natality of existence, by which the above-explained phenomenological differentiation of the transition from nature to culture or—in Heidegger's own terms—between thrownness (*Geworfenheit*) and projection (*Entwurf*) repeats itself, is typical for traditional subject-philosophical positions. What makes Heidegger's project a failure therefore, not least in political terms—and inevitably so, as Lacoue-Labarthe has shown—is indeed his premature omission of the subject, that is, his relegation of the authority of the subject as a mere surface (as recognized already by Sigmund Freud) and thus at the same time, however, as a necessary surplus in comparison to 'existence' (for the benefit of the latter). In other words, Heidegger misconceives the abysmal identity of death instinct and life instincts. The envisaged projection, as a dimension of the authenticity of existence, is possible⁷ only under the condition of accepting its insoluble rootedness in thrownness in the sense of a 'forced choice' (Lacan, 1979, p. 212). The nature of such choice—being a 'free decision'—remains *eo ipso* connected to the death of the subject, whose adoption of said choice constitutes that affirmative moment which guarantees

⁶On the expressions 'survival', 'over-life', and 'more than life', which remind to Georg Simmel in his late period and suggest a certain filiation of classical philosophy of life and Derrida's deconstruction; see, for example, Derrida (2010). However, survival plays an important role already in 1964 for Derrida, that is, in his earliest period and even then in the context of the question of birth (see in this respect Derrida, 2005b).

⁷This marks both the point of connection and at the same time the point of criticism of Heidegger from the point of view of the 'post-structuralist' readers.

its *sur-vival*. The political subject is thus a *doppelgänger* or, rather, a revenant in the truest sense of the word, its free spirit being indeed a ghost, impossible but necessary, to use a subtle expression from Derrida.⁸

As much as a perspective on the subject requires an evacuation of the first person, a suspension of the 'I' in the interests of an analysis of subject formation, so a reassumption of that first person perspective is compelled by the question of agency. The analysis of subjection is always double, tracing the conditions of subject formation and tracking the turn against those conditions for the subject—and its perspective—to emerge. (Butler, 1997, p. 29)

Applied to the discourse of the transition from nature to culture, as the symbol of which or, alternatively, as the symbol of the difference between the two we have taken the subject, the conditions addressed here appear as quasi-'natural', even though they do not appear as such anywhere else than in the cultural mode of a subjectivity already established. Thus, does the message of the 'death of the subject' advise us that we must lose ourselves as subjects in order to regain ourselves—as what, after all? As new subjects perhaps, as subjects of a new kind? As 'humans'? Or even as gods, as Friedrich Nietzsche (1974, p. 181) believed—the loss of the self, transgression, and madness as conditions of the possibility of subjective existence?

... Is Before the Subject?

Here we must distinguish between two ways of interpreting the logic of the subject losing and regaining itself. What makes us sensitive with respect to the necessity of such a distinction are especially the writings of Lacoue-Labarthe and Nancy. The first way of interpreting, undertaken, so to speak, across the times and vicissitudes of philosophy and politics,

⁸On this motif of the double nature of the subject in Derrida and the former's derivation in terms of the history of ideas, see also my lecture, 'Das Ende des Buches ist der Anfang der Schrift—Überlegungen zum Verhältnis von (christlichem) Neuplatonismus und "heidnischer" Hermetik', given on 1 October 2004 at the University of Siegen by invitation of the research project *Mystik und Moderne*, organized by Klaus Vondung and K. Ludwig Pfeiffer (as yet unpublished).

brings together Ancient Greek philosophy with at least Nietzsche, and, to a certain degree, probably also Heidegger. It culminates in Pindar's aphorism, taken up and popularized by Nietzsche, from the former's Second Pythian Ode: 'Become who you are!' (Γένοιτο οἷός ἔσσι / *Genoi'hoios essi*), which is also quoted by Heidegger in his *Introduction to Metaphysics* (2014, p. 111). This aphorism implies and insinuates an inner, intrinsic togetherness of self-awareness and self-empowerment. This togetherness corresponds, due to the subject's asserted capability of self-formation, with that metaphysical gesture of concluding and concludability on which every totalitarian or, in Nancy's (1991, p. 56) terms: 'immanentist' ways of thought and community are based, notwithstanding all professed openness. In the sense of this slogan, Nancy and Lacoue-Labarthe—at least at the time of writing *Le retrait du politique* together—are comprehending what they call *la clôture du politique*: politics (*la politique*) diffuses into the social or, rather, it becomes co-existent with it, and at the same time, this diffusion gains the shape of fulfillment or completion, that is, politics becomes *total* (Lacoue-Labarthe/Nancy, 1997, pp. 143–7). Being such a figure of self-fulfillment or self-completion, politics following its retreat refers to a self, in other words: to a subject that becomes itself within it and by it—it becomes what it is. This subject is that instance—or, rather, it reiterates through all these differing instances—which included into itself everything external and which has incorporated every way of being different during the course of history (see Morin, 2012, p. 98). The problem is not really this subject or politics—no matter which kind of politics—as such, but rather their relationship of mutually grounding one another. Instead of keeping the realm of the political open to unpredictable processes and practices of subjectivation, politics—no matter which type—has a tendency of making politics subject to another authority, that is, of subjecting. Politics suggests the possibility of achieving its goal—as a *work*—by forming a certain subject, whether imagined as an individual or in the collective sense (everyone shall become like ... / all subjects together shall become like ...). This is how Lacoue-Labarthe, in *The Fiction of Politics*, reads the conclusion reached by Nancy, in *The Inoperative Community* (1991, p. 31), drawn from what the two had produced in their earlier study on *Absolu littéraire* (see Lacoue-Labarthe/Nancy, 1988):

The infinitization or absolutization of the subject, which is at the heart of the metaphysics of the Moderns [although not only in modern metaphysics, Artur R. Boelderl], here [with the immanentism of people or nation, Artur R. Boelderl] finds its strictly operational outcome: the community creating, the community at work [...] works itself, so to speak, thereby accomplishing the subjective process par excellence, the process of self-formation and self-production. (Lacoue-Labarthe, 1990, p. 70)

By what, however, or, rather, by whom will this subject be followed? Lacoue-Labarthe confronts the immanentistic subject of this ‘Become who you are!’ with what he calls the *subject of mimesis*. In our outline, this is the second way of interpreting the logic of the subject losing and regaining the self, not without previously having demonstrated the indefensibility of the classical concept of the subject. It is an indefensibility in the literal sense (which Bataille would have liked), since in the long run this subject is unable to maintain itself, since the speculative dialectic of the same and the other, to which the subject is due, is ‘destabilized’ by mimetology: ‘no subject, potentially identical to himself or related to himself, can pre-exist the mimetic process, except to render it impossible’ (Lacoue-Labarthe, 1990, p. 81). In other words, the various practices of subjectivation to which subjects are due, that is, the processes of subject formation undermine the *eidōs*, the image of a subject which is identical with itself—an auto-deconstructive process which is fought by ‘an entire tradition (the one that culminates in Nazism)’ (Lacoue-Labarthe, 1990, p. 82) whose representatives ‘thought that the political is the sphere of the *fictioning* of beings and communities’ (Lacoue-Labarthe, 1990, p. 82).

It is precisely this kind of ‘political fictioning’ or this ‘fictioning of the political’ [*la “politique-fiction”*] causing the subject to be subjected to a certain predetermined meaning of itself, which, as Lacoue-Labarthe goes on to say, must ‘come to an end’ in the sense that he provides ‘at least two’ conditions under which a subject of imitation might replace the subject of identification:

1. The subject of the imitation [...] has to be nothing in and of itself [...] It therefore must not already be a subject. This supposes an inherent impropriety (*impropriété*) [...] on condition, however, that this

impropriety or this aptitude should not in turn be considered as subject or support [...].

2. The 'subject of the imitation' therefore must be a 'being' [...] originally *open to (ouvert à)* or originally 'outside itself', ek-static [...]. But this ecstatic (de)constitution has itself to be thought as lack or as insufficiency [...] The subject is originally the infirmity of the subject [...] (Lacoue-Labarthe, 1990, p. 82).

Already in *Inoperative Community*, but also in *The Truth of Democracy*, Nancy (e.g., 2010, pp. 31–2) supports these explanations by Lacoue-Labarthe in his own way. He is doing so for example when, in view of the first condition, he makes clear that this is not met by totalitarianism. But it is also not met by democracy, insofar as democracy presents itself in the shape of a politics without foundation, without being grounded (externally), but then democracy interprets this very lack of being grounded as truth. In accordance with Bataille, Nancy confronts this subject of the political as well as the idea of a subject of the political with an, in this sense, 'unpolitical' shape—or the shape of the 'unpolitical' as such—that is, the sovereign subject. Sovereignty, as stated in *The Creation of the World, or Globalization* (Nancy, 2007, pp. 99–109), is not the secularized means of theological rule but rather its vanishing point and terminal point, that is, the moment when the theological foundation of political rule starts shaking (see Morin, 2012, pp. 106–7). Sovereignty, Nancy states, names that figure which is grounded only in itself, insofar as this sense of self neither precedes it nor gives reason to it, but is nothingness, that of which it comes off by the act of giving reason to itself. Lacoue-Labarthe's subject of imitation and Nancy's (as well as Bataille's) sovereign subject are figures not of a weak, but of a shaken subject—'shaken' because of an, if not desperate at least embittered, attempt to be grounded in nothing but itself.

Politics: Giving Sense a Life

But how are we to understand this? Is this still an identifiable practice of subjectivation, not only in the metaphorical sense? Nancy has a slogan ready for his and Lacoue-Labarthe's reading of the logic of the subject

losing and regaining itself. This slogan complements the focusing of the political interest on an ideal sense of subjectivation by addressing also the chance of subjectivating the sense, to employ Nancy's own term. In the chapter entitled 'Changing of the World' of the volume *La pensée dérobée* (Nancy, 2003; originally published as an essay in *Lignes* 1998), Nancy writes in view of the question if now, in the present time, we are witnessing a crisis of our epoch or the transition to another 'age':

It is a matter of the retreat of accomplishment, its model, its horizon, its normativity. It is a matter of thinking otherwise, elsewhere [...] not in terms of a dissatisfaction and a lack, but in terms of a displacement as regards the opposition between what is lacking and what is accomplished.

Accomplishment has started to retreat from its values of completeness, of fulfillment and satisfied identification. The subject of accomplishment—although it would probably be more accurate to say the subject of practice, of carrying out or effectuation—is no longer the subject (of history, of knowledge, of humanity) that accomplishes itself in a return to itself. This subject has begun to shift, eroding its return-to-itself (its propriety, its authenticity, its purity) with a strangeness that is far closer to it than any being-self or any being-to-itself. The age-old saying 'become what you are' has changed: 'be what you are becoming,' and be so the very infinity of your possibilities, without any final consecration. (Nancy, 2003, p. 302)

The impossibility of this slogan—(already) to be what one is (only) becoming—corresponds to the impossibility of making the process of subjectivation subject to a sense that is different from the sense within itself. The political opens up as a sovereign, that is, unfounded subject at the point where politics presents the transition from nature to culture either as itself being 'natural' (from the right-wing political point of view) or as 'artificially' controllable and, in another sense, technologically possible (from the left-wing political point of view), including all intermediate forms. A political subject, in the sense of Lacoue-Labarthe and Nancy, on the other hand, cannot be (anymore) interested in providing life with meaning or giving it a sense. Rather, it will strive for making the meaning live, for giving sense a life. It does not ask about the (final, total, or absolute) meaning of subjectivation but understands itself as the temporary subjectivation of a fragmentary and insofar radically finite meaning. Understanding itself in this way and in this sense, the mimetic or sovereign subject is nothing

other than the fragile but still uncircumventable subject of a promise. ‘Be what you are becoming!’ proves to be the slogan of a subject *in statu nascendi*, and the reference to birth is not at all a coincidence. Is not any birth a promise? Granted, it is not necessarily already, as Arendt believed, a new beginning, but rather the promise of a new beginning. Particularly, it is not already the promise of a subject, at least not, if one understands this genitive as being exclusively subjective.

Or, to put it differently: if it is true that any birth⁹ means (has been meaning) the promise of a subject, it will nevertheless always be (have been) incorrect to understand this *promise* of a subject (*genitivus objectivus*) as a promise of a *subject* (*genitivus subjectivus*). It is indeed incorrect to reduce it to the latter, to identify it with it, or to positivize it, to make the subject the originator—‘author’—of the promise, whereas vice versa it is itself due to this preceding promise. In this sense, as it is the case with democracy, the promise is always the promise of the other, just as a birth is always the birth of the other and not (already) ‘mine’.

The Aftermath of Subjectivation: The Subject in the State of Dereliction

‘What are we aiming at in the deconstructions of the “subject”’ (Derrida, 1991, p. 100)?, Derrida asks in the already mentioned, insightful interview with Nancy, under the title ‘Après le sujet qui vient’ (see also Nancy, 1993, 1997, 2013). What are we out for ‘when we ask ourselves what, in the structure of the classical subject, continues to be required by the question “Who?”’ (Derrida, 1991, p. 100)

[T]he ‘who’ might be there before, as the power to ask questions (this, in the end, is how Heidegger identifies the *Dasein* and comes to choose it as the exemplary guiding thread in the question of Being) or else it might be, and this comes down to the same thing, what is made possible by its power, by its being able to ask questions about itself (Who is who? Who is it?). But there is another possibility that interests me more at this point: it overwhelms the question itself, re-inscribes it in the experience of an

⁹This is the case at least since a period which has been called the period of Enlightenment and which not coincidentally comes along with the discovery or invention of the political subject.

‘affirmation’, of a ‘yes’ or of an ‘en-gage’ [...], that ‘yes, yes’ that answers before even being able to formulate a question, that is responsible without autonomy, before and in view of all possible autonomy of the who-subject, etc. The relation to self, in this situation, can only be *différance*, that is to say alterity, or trace. Not only is the obligation not lessened in this situation, but, on the contrary, it finds in it its only possibility, which is neither subjective nor human. Which doesn’t mean that it is inhuman or without subject, but that it is out of this dislocated *affirmation* (thus without ‘firmness’ or ‘closedness’) that something like the subject, man, or whoever it might be can take shape [...]. (Derrida, 1991, p. 100)

After having expressed his irritation about the fact why *Geworfenheit*, Heidegger’s paradigmatic expression in *Time and Being*, which is metonymically connected to birth, ‘while never put into question, [is] subsequently given to marginalization in Heidegger’s thinking’ (Derrida, 1991, pp. 106–7), Derrida admits that he approaches the question of ‘Who comes after the subject?’ in reversed terms: ‘Who comes before the subject?’ (Derrida, 1991, p. 107). And immediately afterwards he adds the reservation: ‘but “before” no longer retains any chronological, logical, nor even ontologico-transcendental meaning’ (Derrida, 1991, p. 107) and, strictly speaking, not even any meaning, insofar as *chronos*, *logos*, and *eo ipso onto-*(and theo-)logy, and with them also subject and meaning, come ‘*after*’ (see Derrida, 1991, p. 108): after the original affirmation which will have taken the form of a promise and obligation. ‘In order to recast, if not rigorously re-found [!] a discourse on the “subject,”’ writes Derrida, ‘one has to go through the experience of a deconstruction’, and he quickly adds: ‘This deconstruction (we should once again remind those who do not want to read) is neither negative nor nihilistic; it is not even a pious nihilism, as I have heard said’ (Derrida, 1991, pp. 107–8).

Already in 1966, in ‘Structure, Sign and Play in the Discourse of the Human Sciences’, Derrida had in fact written that there were two interpretations of interpretation, thus of the ‘insurmountable gap’ (Derrida, 1995, p. 340)—between I and ‘me’, between nature and culture, life and death—whose name is ‘birth’:¹⁰

¹⁰ ‘One ought to be able to formalize the law of this insurmountable gap. This is a little what I am always doing. Identification is a difference to itself, a difference with/of itself [...]. The circle of the

The one seeks to decipher, dreams of deciphering a truth or an origin which escapes play and the order of the sign [...] The other [...] affirms play and tries to pass beyond man and humanism, the name of man being the name of that being who, throughout the history of metaphysics or of ontotheology—in other words, throughout his entire history—has dreamed of full presence, the reassuring foundation, the origin and the end of play. (Derrida, 2005c, pp. 369–70)

Indeed, he says, both interpretations, as readings of man's anthropological self-understanding, are subjects of choice or decision-making, and probably always have been, longer than at first suggested by the comparably short history of the discourse of the 'end of man' or the 'death of the subject' under these specific headlines. What matters, however, is not so much deciding between these two—always possible—interpretations, which are mutually irreducible, but first of all attempting to 'conceive of the common, and the *différance* of this irreducible difference' (Derrida, 2005c, p. 370). And in view of the particularity, environment, and intention of this new 'kind of question, let us still call it historical', which right from the beginning has been envisaged by, together with, and by way of deconstruction, 'whose *conception, formation, gestation, and labor* we are only catching a glimpse of today' (Derrida, 2005c, p. 370), already in this early text Derrida leaves no doubt:

I employ these words, I admit, with a glance toward the operations of childbearing—but also with a glance toward those who, in a society from which I do not exclude myself, turn their eyes away when faced by the as yet unnameable which is proclaiming itself and which can do so, as is necessary whenever a birth is in the offing, only under the species of the non-species, in the formless, mute, infant, and terrifying form of monstrosity. (Derrida, 2005c, p. 370)

Thus, what the deconstruction of the subject concerns is precisely the birth of the subject, the 'time' when there are already signs but not yet

return to birth can only remain open, but this is at once a chance, a sign of life, and a wound. If it closed in on birth, on a plenitude of the utterance or the knowledge that says "I am born," that would be death' (Derrida, 1995, p. 340).

any subject, already features but not yet any ‘me’, appeals but not yet any answers: ‘a certain mark that, coming from others and submitted to in absolute passivity’ (Derrida, 1995, p. 341), that *by definition* political ‘moment of the signature (the other’s as well as one’s own) by which one lets oneself be inscribed in a community or in an ineffaceable alliance’ (Derrida, 1995, p. 341)—the moment of the ‘birth of the subject [...] rather than [that of] “biological” birth, but there has to be some body and some indestructible mark’ (Derrida, 1995, p. 341).

It is certainly no coincidence that, in the book *Le toucher* (see Derrida, 2005d), which is dedicated to Nancy, Derrida mentions Maurice Merleau-Ponty’s reformulation of phenomenology, starting out from the body. It is the same Merleau-Ponty who, in *Phenomenology of Perception*, stated: ‘Our birth, or, as Husserl puts it [...], our “generativity,” simultaneously establishes our activity or our individuality and our passivity or our generality—that internal weakness that forever prevents us from achieving the density of an absolute individual’ (Merleau-Ponty, 2012, p. 452).

Could it be just this ‘our permanent inner weakness’ or infirmity, to employ Lacoue-Labarthe’s term, this incapacity of the subject, which, even if it does not found, perhaps at least opens up the necessity and reality (which is not to be confused with the efficacy) of our political abilities?

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3

The Excruciating Work of Love: On Foucault's Kehre Towards the Subject

Andrea Mubi Brighenti

Declaration of Love

Michel Foucault's thought was an always evolving one.¹ In my view, such a trait represents one of his highest intellectual merits, which testifies to the generous nature of his genius. Simultaneously, it explains the complexities of his theoretical heritage. The transformative power of his work is such that it has been constantly evolving not only during his lifetimes but also in the by-now full 30 years that have followed his premature death. Consequently, we are forced to recognize that Foucault's oeuvre can hardly be reduced to few simple formulas or simplified schemas—as, unfortunately, we have grown accustomed to see. This fact is particularly striking when one considers his courses at the Collège de France, where the endless meticulous analytical

¹ Special thanks to the Editors of this Volume for their welcoming attitude, their patience, and attention. This chapter is dedicated to Mari, my everyday encounter with truth.

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enumerations never turn to any ossification of reasoning and categories. Foucault claimed that, not only his courses, but his books, too, were in fact *tâtonnements*, ‘incertitudes’. He conceived of himself as an experimenter, and truly was one of the most exquisite kind. The very fact that the titles of his courses do not always match their actual content, that a course shifts to a different topic during the exposition, that approached topics seem to resurface over and over again from slightly changing angles until an almost complete reversal of the original viewpoint is attained and a completely novel ground is laid out—all these elements conjure up Foucault’s courses as a grandiose instance of territorial exploration. Michel Foucault, a territorialogist—and, inherently, a trajectologist ...

What I have said so far will certainly sound established, if not utterly trivial, to most Foucault scholars. So, what is the use of this clumsy preamble, apart from a pathetic declaration of love for Foucault as an intellectual model? The fact is that, by placing Foucault’s work under the aegis of an experimental attitude, I also dare positioning the present text under a similar heading. For only within such a context, perhaps, can I hope to develop a set of arguments that, all things considered, might sound preposterous to the most established and respectable Foucault experts around. Foucault has been hailed, and is routinely presented, as a historian (or archaeologist, or genealogist) of rationalities and discourses, as a theorist of power and resistance, as the scholar of governmentality, disciplination, and biopolitics. More rarely, if ever, has he been discussed a philosopher of love as essential ingredient of subjectivity. More specifically, this chapter focuses on that sort of *Kehre* in Foucault’s production that occurred during the year 1979. It is the crucial passage between the two courses *Naissance de la biopolitique* (1978–1979) and *Du gouvernement des vivants* (1979–1980). Reconstructing the context in which the latter course was given, Michel Senellart (2012, p. 324) writes that the title *On the Government of the Living* was deposited by Foucault in spring 1979, but that, ultimately, the course delivered in the months from January to March of 1980 had a ‘completely different focus’: not really the government of the living, but the government of humans by truth.

Truth Matters

Certainly, from this moment on, truth acquires an increasing crucial position in Foucault's research. In his previous studies on discipline and governmentality, it was not so prominent. True, he had already touched upon the notion of confession and admission (*aveu*) on sexual matters in 1975, during the course on *Les anormaux*. At that time, though, the stress was still essentially on admission as a ritual of submission. The admission of truth was described as grounded in the most legalistic aspects of Christian religion. In particular, Foucault (1999, pp. 161–4) recalled that during the thirteenth century, penitence became a sacrament, the sacrament of penance, and this transformation was intertwined with the logic of law, giving way to a *tarifage quasi juridique de la pénitence* [almost-judicial taximeter of penitence] and a stern obligation to 'admit everything'. Also, during the 1970s, at various moments and on the occasions of various interviews—even in the famous television exchange with Noam Chomsky—Foucault remarked that both the modern judge and the psychiatrist do not content themselves with establishing that people are, respectively, criminal, or crazy: they also need to have the condemned and the madman *admit*, recognize and openly declare their own condition.²

At that stage, the context in which truth made sense was the modern elaboration of a positive power, one that inherently calls for collaboration on the part of its subjects. Consent to power necessarily stretches beyond mere extortion—or at least, extortion is performed in disguise (Foucault, 1976). Such a modern type of domination is, in any case, not merely repressive or coercive for it does not aim at simply crushing subjects; rather, it takes their whole life in charge, creating a strategic grid around it, a grid of intelligibility within which its expression can make sense. Everything the subject does is preliminarily placed inside such pre-existing grid. This fact enables power to distinguish itself from

² See, for instance, in the conference 'Sexuality and solitude', the anecdote about how a certain nineteenth-century psychiatrist doctor Leuret extorted from his patient the admission of being a madman by torturing him with cold water showers (Foucault, 2001b, §II, pp. 987–97).

both a straightforward function of consent, and a simple function of violence. Specifically, whereas violence acts upon bodies and things, power acts upon actions and conducts. Thus, for power to exist, it requires an acting subject who remains ‘other’ and positions herself in various ways inside a predetermined field of responses. The subject is, yes, subject to power, but never wholly subsumed by it; it never vanishes into it. The core of these ideas will, of course, also be retained later by Foucault (e.g. Foucault, 1982); but it is interesting to observe how, during the 1970s, the context in which truth appeared was the shaping of a rationality that established a punctual correspondence between a political anatomy of the body and a physiological morality of the flesh. The terrain of truth was thus defined with reference to two disciplines, anatomy and morality, which conveyed a typical top-down, objectivizing approach.

Since 1980, on the other hand, truth seems to take on new significations for Foucault. It first features prominently in the analysis of *alethourgy* developed in the opening pages of *Du gouvernement des vivants* (1979–1980).³ Subsequently, it extends and expands into the reconstruction of *parrhesia* during the latter courses *Subjectivité et vérité* (1980–1981), *L’herméneutique du sujet* (1981–1982), *Le Gouvernement de soi et des autres* (1982–1983), and *Le courage de la vérité* (1983–1984).⁴ As Foucault turned to the early Christian era and, soon after, to the Greek classical and Hellenistic antiquity, he proceeded to excavate the theme of *epimeleia heautou*, or *cura sui*, the practice of ‘taking care of oneself’ in its farthest cultural significance. He underlined how a whole culture of the self and a series of empirical technologies of the self deployed into a *tekhne tou biou*, a full-blown art of living accompanying the practice of taking care of oneself. In other words, from January 1980, Foucault’s inquiry is set within the wide and complex horizon of the relationships between the self and the others, the procedures through which one becomes a

³ The term is coined by Foucault drawing from what is, to my knowledge, an *hapax* to be found in the little-known grammarian and allegorist Heraclides, alias Heraclitus the grammarian or Pseudo-Heraclitus, author of the *Allegoriae Homericae*. At §67 of *Allegoriae*, the adjective ἀληθουργέστερον can be found, the superlative form of ἀληθουργής, which, joining the words for ‘work’ and ‘truth’, means ‘someone who operates with truth’.

⁴ Specifically, *Subjectivité et vérité* (1980–1981) is the course that inaugurates the study of *epimeleia*, analysing the Hellenistic discourse on the *aphrodisia*—especially in Artemidorus, Xenophon, and Plutarch—as an instance of *gouvernement de soi par soi même*.

subject—that is, someone who can say ‘I’ of oneself—and the order of problems associated with this phenomenon.

As a consequence, a much more active subject appears on stage than the one whose voice was ‘interdicted’ and ‘excluded’ by modern *savoirs*—a position Foucault had famously elaborated on 2 December 1970 during his inaugural speech at the Collège, *L'ordre du discours* (1971). At that time, as the reader remembers, the will to know and the will to truth were described as merely ‘implacable’ anonymous disciplinary and institutional devices. It was the logical continuation of a thread of research laid out since his doctoral thesis about those psycho-social figures, such as the madman, who had been dispossessed of their own voice (Foucault 1972). For how much Foucault always strived to disaffiliate himself from the label ‘structuralism’ in order to affirm the originality of his own approach, it is undeniable that in the second half of the 1960s, his name had been routinely associated with those of Lacan, Braudel, Lévi-Strauss, Benveniste, Barthes, and Althusser. In various ways, all these diverse thinkers were seen as part of a new wave of thought cast against Sartre’s existentialism. Not by chance, *éliminer le sujet* (do away with the subject) was the expression used by Jules Vuillemin in 1969 when he announced the creation of the Chair in *Histoire des système de pensée* at the Collège de France, to which Foucault would have been elected the following year.⁵ On the contrary, in 1980, it is the hard work and the spiritual tribulations of the subject in pursuit of her own truth that come to the foreground. If, from 1979 to 1980 onward, ‘telling the truth about oneself’ increasingly turns into a central analytical point in Foucault’s work, perhaps one critical ‘point of reversal’ is marked by the passage in which Foucault (2012, pp. 8–9) concludes that that scientific knowledge itself is but *one among the many* possible types of *alethourgy*. In other words, while during the 1970s, most of his interpretive efforts went into explaining how power is actively productive of knowledge and, specifically, scientific knowledge, now scientific knowledge itself is repositioned inside a larger field of truth production practices, leaving room to additional epistemic formations.

⁵ More precisely, the Chair in *Histoire de la pensée philosophique*, which had been held by Jean Hyppolite until his death in 1968, was renamed for Foucault. Simultaneously, a new Chair in *Sociologie de la civilisation moderne* was created, soon to be assigned to Raymond Aron.

This way, the whole *savoir-pouvoir* approach is superseded and pushed towards a new stage, provisionally called by Foucault *gouvernement par la vérité*, governance by truth.

An Analytics of Power

In *Du gouvernement des vivants*, the initial barycentre of analysis still pivots around the exercise of power. In this context, taking truth seriously into account gives, in the first place, a specifically non-utilitarian twist to the issue of the exercise of power. From this perspective, Foucault (2012, p. 10) establishes that ‘the force of power is not independent from something like the manifestation of truth, well beyond what is merely useful or necessary for good governance’. This statement contains one precious insight, insofar as it underlines that truth or, more precisely, truth production and truth requirements necessarily stretch beyond utility. Arguably, Foucault’s *Kehre* wouldn’t make much sense if truth were just another name for ideology, or a somehow functionalized set of beliefs. Thus, to begin with, Foucault marks out the territory of truth as something that is related to power, and even indispensable to power, yet irreducible to its economic and strategic side. The term *supplément* (a term which, incidentally, has encountered broader success in Derrida’s deconstructionist philosophy) is employed here to highlight such an anti-reductionist stance: truth is provisionally portrayed as a dimension of power that exceeds, and perhaps even escapes, practical efficacy. However, in my view, this realization is not yet enough to capture in full the most innovative side of Foucault’s later reflection.

Broadly speaking, it is common to outline the existence of four technologies of power in Foucault. Certainly, similar efforts at systematization read schematic and unable to capture this author’s evolving thinking and deeper lines; yet, we can provisionally accept them as sketchy usable maps to venture into a much more complex and metamorphic terrain. Most importantly, the four-fold distinction is not meant as a historical–developmental sequence, rather, as an array of distinct rationalities or *analytic forms of power* (Foucault, 1976, p. 109), which are certainly grounded in specific cultural histories yet do not form subsequent linear stages.

The four categories of *sovereignty*, *discipline* (or anatomopolitics), *biopolitics*, and *the self* can be employed to single out four different ways in which the governance of humans can be carried out. These headings correspond to different regimes and different forms of knowledge, namely the legal, the normative, the normalizing, and—albeit more tentatively—the ethical.

Following various passages from *Surveiller et punir* (1975, *passim*), *La volonté de savoir* (1976, p. 117 *et passim*), *Sécurité, territoire et population* (2004a, p. 22 *et passim*), *Naissance de la biopolitique* (2004b, p. 297), *Subjectivité et vérité* (2014, p. 77–98), *L'herméneutique du sujet* (2001a, p. 279–81), and *Le Gouvernement de soi et des autres* (2008, p. 332), it is possible to summarize as follows: sovereignty operates according to a legal code, with prohibition at its foundation. Sovereignty is a relation between a king and an inhabitant of the kingdom who accepts voluntary subjection; fictively at least, the inhabitant possesses free will and subscribes to a special bond. Accordingly, sovereignty raises the issue of the political and legal ‘contract’ of subjection. With its institutional forms, sovereign power defines a capital or political centre, which owns a territory and rules over it. Also, a whole array of symbols and symbolisms (emblems, heralds, coats of arms, etc.) is inherent in the display of sovereignty, as especially embodied in the great rituals of punishment. In European history, the monarchical form of sovereignty has provided the most powerful blueprint for conceiving power, to the point that it has hampered a conceptual understanding of the set of new modern power formation (‘Dans la pensée et l’analyse politique, on n’a toujours pas coupé la tête du roi’). By and large, sovereignty represented a *pars destruens* for Foucault, who repeatedly argued for the need to shift from a formal–juridical conception of power towards a technological one.

Discipline, on the other hand, operates in a molecular, capillary way, at the infra-legal level, through the meticulous and ‘orthopedic’ power of the norm. Discipline is a sort of ‘counter-law’, also in the sense that instead of merely imposed from the outside, it inherently looks for collaboration on the part of those who are subjected to it. It is a much more modest-looking form of power, a ‘grey’ power which operates inside enclosed spaces, non-symbolic institutions (prisons, barracks, asylums, schools, etc.) where elements—including persons—can be arranged hierarchically according to a pre-programmed diagram of visibility. In this type of space,

discipline operates on individual bodies thanks to training, surveillance, and inspection, aiming at generating in single individuals specific dispositions to act and react, thus eliciting specific performances. In the measure in which discipline improves, punishment becomes less and less necessary; in any case, discipline shuns expressive punishment. Also, disciplinary examination turns humans into 'cases' to be assessed and ordered into a repertoire, which eventually precipitates into the handbook, the kernel, and *liber magistri* of a given discipline. In sum, despite the fact that Foucault will later refer to discipline as anatomopolitics, it should be clear that it addresses not only (to speak Husserl-wise) the body as *Körper*, as anatomical body, but simultaneously the body as *Leib*, as living body.

Third, biopolitics, or biopower, designates a whole ensemble of techniques and devices of security through which a whole population is taken in charge. Biopolitics thus operates over mobile ensembles populating open spaces, ensembles, which cannot be broken down into single individuals. Biopolitics addresses the milieu, the environment, and calculates the possible events inherent to a biological population; its regulation consists in a tactical 'disposition' of things and humans to cope with phenomena of circulation and diffusion, ranging from street traffic to infectious diseases. Statistical rates, trends, and thresholds are thus the epistemic notions that pertain to this type of governance. Notably, biopolitics is crossed by a tension between, on the one hand, a dream of total control, best embodied by the eighteenth-century 'sciences of police' and, on the other, a series of counterpoints introduced by political economy as a liberal science whose attempt is to govern precisely through the self-limitation of governance, accepting all the fluctuations that are inherent in the economic transactions carried out by free actors.

Fourthly, the culture of the self comprises the practices of taking care of oneself (*epimeleia heautou*) and telling the truth about oneself (*parrhesia*). It points towards a dimension, which, while grounded in the individual as a point of application, is irreducible to discipline. In this case, we face a subject who actively explores, interprets, and constitutes itself thanks to a series of practical exercises (*askeseis*) of self-management and self-governance, which are developed via the development and rehearsal of a dual relationship with an authoritative other. Here, codification is just an illusion. The central function is not

pedagogy, as in disciplinary rationality, but rather *psychagogy*: in other words, the aim is not to endow the subject with a set of predefined attitudes, but to transform its ethical mode of existence. In Socrates and Plato, in particular, we find the definition of *psychagogy* as a *tekhne tou biou*, a technique (technology or art) of living. In this sense, the practice of *askesis*, which appears in the classical Greek antiquity, does not really entail a renouncement to the self. Rather, it is a technique for constituting the self: it does not represent an attempt to subject individuals to the law, but rather an attempt to free them so that they can shape themselves in a truthful relation.

Points of Reversal

Now, at first sight, the four technologies of power just enumerated seem a broad enough terrain to map the largest share of Foucault's preoccupations. Except that, in a 1982 short text, Foucault makes an important claim which marks a veritable point of reversal with respect to the above four-fold analytics of power: his real object of analysis, he declares, is not power, but the subject: 'the goal of my work during the last twenty years [...] has not been to analyze the phenomena of power, nor to elaborate the foundations of such an analysis. My objective, instead, has been to create a history of the different modes by which, in our culture, human beings are made subjects' (Foucault, 1982, p. 208). Here, the process of becoming-subject is presented as something that potentially exceeds power and its manifestations or which, in any case, calls for further interpretive categories not limited to those of power. Retrospectively, one can infer that the forms of power known as sovereignty, discipline, and biopolitics were only some of the many possible ways of subject-making. In the course given at the Collège on that same academic year, Foucault (2008) specifies the nature of his 'real objective' as residing in the study of the *foyers d'expérience*, which include simultaneously the elements of knowledge, government, and the subject.

The phrase *foyers d'expérience* ('nuclei', 'centres', 'focuses', or 'cores' of experience) certainly deserves more extensive investigation. However, for now let us just content ourselves with establishing that the courses from

the 1980s devoted to the in-depth analysis of *parrhesia* in Greek culture find a precise ground, or counterpart, in such a theoretical re-orientation. In particular, with Socrates and Plato, the specific object of philosophy appears to be, not any substantive knowledge about a specific discipline or technique as such, but the way the subject experiences that discipline or technique. For instance, when philosophy questions the life of the polis, the object of inquiry is not politics but rather political *subjectivity*, that is, the role played by the subject in political life (Foucault, 2008, p. 295). In other words, the task of philosophy—and here is perhaps where the topic of investigation joins most closely Foucault's own philosophy—is to accompany the life of the subject (which, importantly, is not the life of the individual). This is an extremely innovative turn. It opened up a whole research programme which unfortunately Foucault could never tackle and develop to its fullest. Because of such major point of reversal in his work, we are left with an impelling question: is the self still to be regarded as a technology of power, or is it perhaps better to conceive of it as a whole new lens through which the issue of power, and more generally the issue of social existence, can be observed?

In the later courses by Foucault, subject-making is described as the production of a *sujet* who is simultaneously a *sujet dans une relation de pouvoir* and a *sujet dans une manifestation de vérité* (Foucault, 2012, p. 79). Subjection and subjectivation, in other words, might reveal very different aspects of what it means to be a subject, but they occupy the same place and occur simultaneously. It is quite important, I think, to stress the non-reductionist take Foucault proposes here. Because truth and power are so close to each other, one might be tempted to conclude that truth is simply a power tool, or, a posteriori, an effect of power. After all, a not very dissimilar approach was taken in 1971 in *L'ordre du discours*, where, behind truth, Foucault detected the presence of a precise 'will to truth' (which would later be investigated as 'will to knowledge'). So, after all, why should truth be different from subjection? Since 1980, in my view, Foucault attempts to distance himself from the various critical analyses *à la* Adorno and Horkheimer that denounce reason as an allied of oppression, an idea that is somehow still looming in the notion of 'will to truth', and which dominated the 1970s epistemological debate (in respect of this, one can also recall the post-Popperian scene in the

philosophy of science and, in particular, the works by Paul K. Feyerabend and Imre Lakatos).

From Alethourgy to Parrhesia: The Peril of Speaking (About Oneself)

Exploring subjectivation, Foucault is far from renegading his lineage deriving from authors such as Nietzsche, Artaud, and Bataille, along with their quest for a *pensée du dehors* (thought of the outside). Yet, a new necessity seems to motivate him in his later years: on the one hand, to distance himself from the relativistic idea of reason as but another tool for oppression, or as a mere technical ally of power; and, on the other, doing so without ending up endorsing any absolutist claim about the universality of any single truth. By exploring truth as a relational device that is intimately connected with the shaping of subjectivity via inter-subjective formative practices, Foucault seems to suggest that what is really essential about truth is the fact that it produces specific *modes of existence* for subjects. Truth matters to the extent that it transforms the way in which the subject lives, and the fundamental formative experience consists in facing the ethical imperative ‘you must change your life!’. Foucault (2014, p. 15) claims that it is impossible to develop a theory of subjectivity without a study of the relationship to truth, given that subjectivity is ‘something that constitutes itself and transform itself in the relationship which it entertains with its own truth’. There is a clear consonance here with the works by the scholars of the classical antiquity Jean-Pierre Vernant and Marcel Detienne, and in particular with Detienne’s (1967) first book on *les maîtres de vérité* in the ancient Greece. Not by chance, Foucault exposes the phenomenon of *parrhesia*, *franc-parler*, or truth-telling, by setting up an opposition with the pragmatic dimension of language. In contrast with the speech acts described by the British language philosopher John L. Austin and followers, where the fact of uttering something creates specific practical effects, Foucault depicts *parrhesia* as a *dramatic* form of language. In a ‘dramatics of discourse’, the fact of saying something transforms, not the object (as it was the case in *pragmatics*), but the subject, who is inherently called to explore,

determine, and make explicit her mode of existence. The issue, in other words, is one of *témoignage*, of testimony.

In *Du gouvernement des vivants*, particularly with the notion of *alethourgy*, Foucault still insists on the binding nature of truth. A regime of truth is defined by a set of obligations and constraints to tell the truth. The exploration of early Christian authors is a strategic choice. For instance, the notion of *metánoia*, or conversion, in Philo of Alexandria (c. 20 BC–c. 50 AD) and the notion of *probatio animae* in Tertullian (160–c. 225 AD) can be understood as strategies of self-visibility, whereby an extensive survey of one's own spiritual and psychic territories is elicited from the subject. Similarly, the notions of *exomologesis* and *exagoreusis* in Saint John Cassian (360–435 AD) corresponding, respectively, to the exposure of oneself as a sinner and the full confession of one's deeds to a spiritual father to whom one entrusts oneself, are functional to the requirements of the examination of conscience.⁶ Therefore, as said above, Foucault establishes that there can be no exercise of power without an *alethourgy*. Somehow, we are still close to an idea of self-surveillance or self-discipline, where the subjected person is called to collaborate to her own subjection. In this respect, it is interesting to remark that the course is concluded by the analysis of the procedure of *subditio*, which Foucault (2012, pp. 265–9) describes as *la soumission, le fait d'être sujet*. Perhaps inadvertently, Foucault employs a word that does not exist in the sources and cannot be found in any dictionary. Indeed, as the editors Ewald, Fontana, and Gros scrupulously inform us, Cassian speaks of *subjectio*, not *subditio*. Surprisingly, however, the inexistent word *subditio* turns out to be extremely insightful, for it precludes to the existence of a *subditus*, a subjected subject, a subordinate. In synthesis, one can find here various meaningful interwoven threads that bounce forth and back between *alethourgy*, subjection, and subjectivation.

Nonetheless, it is also interesting to notice that the definition of *alethourgy* is nearly the opposite of what ten years earlier Foucault had called 'the order of discourse'. *Alethourgy* is presented as 'the ensemble of verbal and non-verbal procedures through which we bring into light

⁶ These practices are also examined in the later, more famous seminar on the technologies of the self (Foucault, 1988).

what is posed as true as opposed to false, hidden, unsayable, unpredictable, forgotten' (Foucault, 2012, p. 8). The theme of the 'limits of what can be said' is still clearly present; but here we also discover that veridictional procedures can be of *non-verbal* nature, too. The function of such non-verbal provision might sound odd, considering Foucault's subsequent focus on the practice of truth-telling. However, in my view, it has a precise rationale. If we read the definition of *alethourgy* closely, we can find in it the seeds for a radical overcoming of the disciplinary framework of power. Indeed, the phrase 'non-verbal procedures' hints at the fact that these practices contain an 'I'-element whose nature cannot be reduced to the verbal dimension of a prescription. In other words, these are procedures that can only work *in the first person* and for a *single living person*: every *alethourgy* is an *auto-alethourgy* (Foucault, 2012, p. 49), and, as such, is unique.

Here is where we begin to appreciate palpably the difference that exists between such practices of the self and the analytical technology of discipline: an *alethourgy* cannot make reference to definite external, objective, previously established knowledge. True, Christian *alethourgy* is full of prescriptions and endlessly recommends total obedience. Yet, in the exploration of *psychagogy* and *parrhesia*, a different facet appears. Discipline subjects bodies to the norm in order to engender in them dispositions to act and react; *psychagogy*, on the contrary, does not envisage any pre-established norm: there is no a priori right way of being, no prepackaged recipe. Already with *exagoreusis*, the direction of conscience must be separated from a mere command–obedience scheme of power. Whereas discipline proceeds by conquest, from the outside towards the inside of the individual, *parrhesia* is no game of conquest; it is an exercise (*askesis*) of thoroughly personal nature. As such, it can only begin from the inside, as a self-initiated move. It couldn't make sense without a personal urge, as it is not about engendering a disposition: the right disposition must already be there before the exercise can start. So, *psychagogy* is a subtle issue, irreducible to the procedures of 'normation' and 'normalisation'. Radically understood, *psychagogy* is not even a procedure. We tend to imagine an exercise as something that follows a set of existing rules, and certainly ascetics contains a number of such guidelines; but these are best understood as technical rules (if you want x, then

do y), not imperative norms, and they can only hope to function once the correct attitude towards them is already established. In the following courses given by Foucault, the emphasis shifts from *alethourgy* to *parrhesia* and the historical frame moves backward from the early Christian era, through the Hellenic period, to classical Greek culture. As such shift occurs, reference to an absolute external bond to truth is likewise overcome. Since truth is an exercise a soul entertains with itself, there can be no external (transcendent) obligation towards it. The obligation, if ever, can only be an internal (immanent) one. In this sense, *parrhesia* can be more neatly distinguished from discipline than could be done in the case of *alethourgy*. As in James P. Carse's (1986, p. 4) 'infinite games', 'whoever *must* play, cannot *play*'.

It is also curious—as well as, I would add, rewarding—to observe how the exploration of *parrhesia* finally gives an answer to the question Foucault had asked more than a decade before, in the opening page of *L'ordre du discours* (1971, p. 9): 'What is so perilous in the fact that people speak [...]?' Such a 'peril', we see now, corresponds quite fittingly to the element of *courage* entailed by *parrhesia*. Telling the truth always requires courage, for it entails specific risks. The subject runs a risk by practising the frankness of *parrhesia*: not only an external risk which consists in 'speaking truth to power'—certainly, this dimension is quite present, as Plato's bad experience with the tyrant of Syracuse Dionysius the Elder reminds us—but an internal risk as well, whereby, by entering the dynamics of truth, the subject accepts the potential consequences that descend from exploring, transforming, reshaping, and even undoing itself. My guess is that here is also where love comes into play. We will deal more extensively with this insight in the next sections. For now, let us just observe how the element of potentiality places the parrhesiast in an open field of risks. Such an openness towards potential events to come shares resemblances with the third technology of power examined above, that is, biopolitics, and in particular with the notion of security. Indeed, modern security devices operate on the possible or probable events that might affect a *demos*, a living population. To take an instance, in prophylactic medicine, the practices of variolation (inoculation) and vaccination make sense only once we accept the premise that individuals will circulate, meet with each other, and potentially infect each other, and

once we admit that, at present, we do not know when and where exactly these events will occur. But, just as it is irreducible to the procedures of *normation disciplinaire*, *parrhesia* is likewise irreducible to *normalisation sécuritaire*—for, truly, *parrhesia* cannot be defined exhaustively in procedural terms: it is an open undertaking also in this sense.⁷

The Neoliberal Subject

To better appreciate what is at stake in the ‘openness’ that is inherent in *parrhesia*, let us retrace the original question of governance: what is its specific object? On various occasions, Foucault identified this object as the *conduite* of humans, the conduct of conducts. From this perspective, to govern means to act on someone’s action, to operate on something that is already spontaneously operating on its own. Not only is the target movable and moving, but it is also reacting. The existence of margins of manoeuvre is thus essential to governance. These ‘margins’ are what we also call *freedom*. Therefore, freedom is not simply not the opposite of government but, technically speaking, governance can only be exercised on someone who is free. In this way, freedom represents a presupposition and a de facto material precondition of governance, perhaps even its best ally. Foucault seems to have fleshed out most of these realizations during his 1979 course on liberalism, particularly as he ventured into exploring the tensions between the physiocrats’ view concerning the primacy of the *raison d’état* vis-à-vis the liberals’ call for a completely new type of governance, soon to be formalized as *état de droit* (Foucault, 2004b, pp. 288–9). The notion of society *qua* civil society makes its appearance in this context, which in turn explains its major conceptual characteristics.

In contrast to the set of modern State governmental *savoirs*, liberalism ascertains the absence and the impossibility of one ‘economic sovereign’.

⁷ Incidentally, the idea that there is no ready-made recipe to become a subject, and that nobody can substitute your own personal quest, is also strongly present in Jewish thinking, particularly in the twentieth-century philosophers Martin Buber and Emmanuel Lévinas (see Buber, 1948; Lévinas, 1961). Buber, in particular, stresses that there is no universal law to reach God: every human being—he writes—can have access to God, but each one of them has a different access. Encountering God can never be assured by just following any set of rules.

It proposes a vision for a type of governance that does not reject freedom but rather intrinsically operates with it. So, the governmental self-restraint preached by liberals (*l'art de gouverner le moins que possible*) does not constitute a limit to governance but its most effective tool. Restraining governmental action means leaving freedom to play. Yet freedom is not to be imagined as a Rousseau-like primordial state of nature; quite on the contrary, it is something that must be created, predisposed, and supported. Incidentally, the Italian philosopher of praxis, Antonio Gramsci, had already understood that economic liberalism is a political, not an economic, project—to the point that he had qualified it as a form of 'State regulation'. On the other hand, Foucault's (2004b) analysis of the rise of liberal governmentality frames the latter as the most important challenge to the dream of total government harboured by the modern state reason. With neoliberalism, we might say, the *homo œconomicus* replaces the *homo juridicus* and turns into principle of intelligibility of social action at large. The perspective of the *homo œconomicus* asserts that governance must be *functional* to the market and consistently oriented towards it. A new measure of the social appears here. And incidentally, one cannot fail to observe that Foucault taught his 1979 course just at the time when the new big wave of neoliberalism was turning governmental with Margaret Thatcher's Premiership of the UK (1979–1990) and Ronald Reagan's US Presidency (1981–1989).

Rather than a movement generically aimed at 'deregulation', neoliberalism entails a whole range of new, active interventions on society by the government. The commonsensical depiction of neoliberalism as merely allergic towards society (e.g. Thatcher's *dictum* 'society does not exist') is simplistic and misleading. Since its original German formulation in the 1940s, Foucault remarked, neoliberalism called for a whole *Gesellschaftspolitik*, a 'politics of society'. Simply, the nature of these interventions did not run in the direction of redress and redistribution. Neoliberal interventionism does not aim at redressing the inequalities that are produced by the market; on the contrary, it aims at creating conditions that facilitate the functioning of the market dynamics, concurrently removing the obstacles that may hamper their full deployment. Neoliberal governance can be imagined as an attempt at, so to speak, 'marketing society', that is, at imagining the whole society as marketplace.

The market, with its ‘natural’ mechanisms of concurrence among enterprises, comes to stand as the ultimate model for the social at large. The political ontology of neoliberalism is so much premised upon firms in competition that individuals themselves are conceptualized as firms—as *per* the theory of human capital. But how could such a vision hope to work? Where did it draw its success from? Both Gramsci and Foucault indicate that hegemony, or *positive power*, works by cooptation, it requires collaboration on the part of free individuals. How to ensure that individuals would be willing to take part in a game that after all proves so little attractive to most of them?⁸

Besides the problem of external attractiveness, neoliberal governance also faces the problem that the principle of market maximization is at risk of internal self-destruction. For the market is an ambiguous institution, both creative and destructive of social ties. It creates interactions in terms of transactions and exchanges, but simultaneously the egoism intrinsic in economic actors carries with it the constant tendency to undo social relations and, with them, ultimately, the market itself. In order to cope with the two problems of external attractiveness and internal self-destructiveness, liberal governmentality needs supplementing the institution of the market. Here precisely civil society reveals itself as crucial. Civil society is the type of collective formation that enables to install economic relationships, let them play and prosper in order to maximize concurrence, without having to artificially touch market dynamics. So, if the *homo æconomicus*, the free individual understood as competing firm, is an essential gear of neoliberal governance, the civil society is no less one. In this sense, Foucault (2004b, p. 290) claims that the actual object of liberal governmentality is, properly, civil society. Certainly, the egoism that is intrinsic in economic relations ultimately tends to constantly undermine society, yet between economic concurrence and civil society, it becomes possible to provisionally institute a new type of workable barycentre. Also, the variables upon which liberal governmentality intervenes are not the variables of the market, rather, the social environmental variables that are beyond the direct interests of the *homo æconomicus*. In this sense, the

⁸ Such a research question has been subsequently excavated by Boltanski and Chiapello (1999).

homo œconomicus proves to be ‘governable through the environment’⁹: the human environment is civil society. With Gramsci, civil society provides the needed ethical–political supplement to the economical–corporative logics of the market.¹⁰ But, as soon as civil society, or what Arendt called *the social realm*, enters the governmental equation, new measures and a new composition of subjectivity also make their appearance.

In his lecture of 4 April 1979, Foucault reconstructs the *Essay on the History of Civil Society* by the Scottish moral philosopher Adam Ferguson (1767). Much of Ferguson’s treaty could also go under the rubric of ‘Comparative history of civilizations’, or ‘Political passions and virtues’ (along with Montesquieu and other authors of that period). But it certainly also represents a foundational moment in the modern liberal conceptualization of the social realm, and it is in this light that Foucault’s analysis proceeds. Notably, Ferguson crystallizes the tripartite image of savagery, barbarism, and civility, understood as three major developmental stages of humankind: savages are said to live in a condition of primitive equality, barbarians (‘rude nations’) in a stern hierarchy of rank and distinction, and the civilized—the humans who possess a civil society—are characterized by ‘national union’ and a ‘concerted plan of political force’ that ensure the development of the ‘commercial arts’ (Ferguson, 1767, III, §II). Ferguson argues that the civilized are superior to the other human stages because of the division of labor, which produces unprecedented levels of wealth (IV, §I). Yet Ferguson, as Foucault remarks, also presents the civil society as more than a utilitarian association of economic actors. The superiority of the civilized, he writes, lies in fact that they have managed to balance ‘politeness’ and ‘the use of the sword’ (IV, §IV). Ferguson realizes that commerce is a mixed blessing for, while producing wealth, it also breeds great ‘inequalities of fortune’ (V, §III). From this perspective, the civil society represents a redressing institution, whose balancing power is based on an array of

⁹ ‘l’homo œconomicus va devoir le caractère positif de son calcul à tout ce qui, précisément, échappe à son calcul. [the *homo œconomicus* owes the positive character of his own calculations precisely to all that exceeds his own calculation]’ (Foucault, 2004b, p. 281).

¹⁰ While there is no space to elaborate on it here, let us just remark that the idea of a link between economy and ethics is, of course, also at the root of Max Weber’s inquiry into the spirit of capitalism.

non-egoistic ‘instincts’. Certainly, these instincts may include positive feelings, such as benevolence, as well as negative ones, such as envy. In any case, Ferguson says, ‘it is in conducting the affairs of civil society that mankind find the exercise of their best talents, as well as the object of their best affections’ (III, §VI).

The first liberal thinkers observed that the market contains an inherent vector of deterritorialization, insofar as it pushes actors towards always new and further transactions which lie beyond local sociality. Facing the centrifugal, expansionist (as well as, we may add, colonizing) and disembedding dynamic of the market, civil society is conceptualized as a form of reterritorialization that reintegrates people and creates local communities based on affections of non-economic nature. Ferguson indicates feelings such as politeness, benevolence, sympathy, and consideration as the foundational passions of the social realm.¹¹ Civil society is a territory of talents and affections, and the cradle of the liberal subject.

The Loving Subject

In this context, the passage from *Naissance de la biopolitique* (1978–1979) to *Du gouvernement des vivants* (1979–1980) in Foucault’s production can be read as a radical reframing of the issue of the neoliberal subject. Whereas the former course introduces civil society as the principal referent of liberal governmentality and as its principal point of application, the latter turns to truth and subjectivity as two concerns that are intimately connected to the way in which people can govern themselves. In other words, we could say, a crucial shift occurs from *the bland benevolence* of the civil society to *the burning love* of the subjective experience. Turning to classical Greece, the Hellenistic period, and the early Christian era, Foucault (2014, p. 35) proceeds to rethink subjectivation as something that takes place inside a triangular space defined by three vectors: first, a personal relationship with an authoritative other (a master, a spiritual guide, a *directeur de conscience*, ultimately, a psychoanalyst); second, an engaging and demanding relationship to truth and truth-telling; third,

¹¹Note how the issue of consideration precludes to the Hegelian theme of recognition.

an ongoing, protracted individual work upon oneself to interrogate one's real desires, apprehend them, and master them. To some extent, these three vectors seem to correspond to the triad of direction (*mathesis*), meditation (*melete*), and exercise (*askesis*).

At this point, love should be carefully distinguished from the analysis of sexuality, despite the fact that it is a reflection on sexuality that provides Foucault with an entry point into the puzzle of the loving subject. To begin with, the corpus known to the Greeks as 'erotics', or the knowledge of the *aphrodisia*, introduces Foucault (1984a, 2014) to the topic of the uses of sexual pleasure. The *aphrodisia* posed to the ancients the issue of sexual measure. It raised questions such as, how to apprehend one's demand for sex and sexual pleasure? How to measure that desire? How to take pleasure, and within which limits? How to deal with the people who are involved in one's erotic act? The complex task of mastering oneself in one's use of pleasure is a pursuit of the 'correct' pleasure as 'measured' pleasure. In the cultural space of the Western world, Foucault (2014, p. 95) remarks, the *aphrodisia* correspond to an auroral experience where the subject can, for the first time, 'take into account the other who is in the process of becoming a subject'. What most interested Foucault is probably the fact that, once again, in this process no external (disciplinary) measure is conceivable and yet the whole reflection constantly revolves around a specific need of measure.¹² In Western culture, such a call for measure provides the original mould where the nuclei or foyers of experience emerge. What is important of carnal desire is that, in its intimate consubstantial inter-subjective and social aspects, it makes explicit the two dimensions of *intensity* and *measure* that are inherent in subject formation at large. Here, it is particularly important to distinguish measure from any objective external rule or regulation.

Love is certainly muddled with carnality and the sexual experience. However, the latter dimension has received so much attention that it risks obscuring the peculiar status of love. Rather than looking at Foucault's major works on sexuality, another reference could be helpful. It can be found in a short interview from 1981, *De l'amitié comme*

¹²Max Weber termed *Bedürfnisse* such needs-requirements for measure.

mode de vie ('Of friendship as a way of life'). In this interview released to a gay journal, Foucault interestingly observes that what mainstream morality finds difficult to accept in homosexuality is not actually sex, but precisely *love*: 'I think this is precisely what makes homosexuality "troubling": a homosexual living style, rather than a homosexual act in itself. What really troubles people is not imagining a homosexual act as something against law or nature. The real problem is when people start loving each other' (Foucault, 2001b, §II, p. 983). Here, the unsettling nature of love appears stronger than that of sexuality. Sexuality is, after all, and despite its ongoing interrogation about measure, definitely more stable than love. Really, love unsettles sexuality. In a sense, the relation between sexuality and love is akin to the relation between the two types of truth recalled above, that is, respectively, impersonal and personal, or the two facets of subjectivity, subjection, and subjectivation. With love, we are dealing with a personal, subjectivating, transformational foyer of experience. It is the discovery of a terrain of unsettling mobility inside both individual subjects and collective subjectivities, a whole terrain of 'diavolution.'¹³ The movement of love runs along a brink of aperture which potentially also brings fracture and trauma with it. It is probably in the work of Pierre Janet (1929) on subjectivity as a social undertaking that a hidden source of inspiration for the investigation of the later Foucault can be found. In Janet, the development of personality is described as an ongoing work towards, simultaneously, unification and distinction. The subject is an ensemble of operations, of small and large acts that enable the individual to set up, keep, and perfect its own unity while simultaneously establishing its own distinction from the others. That is why, for Janet, personality—better, subject-hood—is a social collective accomplishment. Similarly, in the 1930s, the experience of the *Collège de sociologie* would bring authors such as Bataille, Caillois, and Leiris to interrogate those social manifestations of excess (the feast, the unproductive expenditure, etc.) that are consubstantial to the transformational side of the social relation.

¹³I have introduced the notion of 'diavolution' in Brighenti (2008).

Experiences of Intensity and Measure

In Western culture—and likely, in all human cultures—the geometry of sentiments and passions is never thoroughly stabilized. For instance, in Greek culture, the word *philia* designated a type of relation that spanned friendship and love. But, as we have seen, something happens at some undefined point in the range from benevolence, through affection, to unrest. The span of love is the same span of subjectivity in its inter-subjective, social constitution: it contains in itself a crucial point of reversal between the impersonal and the personal, between the objective and the subjective. Love occupies a crucial location between subjectivity, sexuality, and society. In this sense, it might help us digging deeper into the shifting barycentre of the social equation, into the freedom–desire–subjectivity nexus.

At the personal level, love is always a risky business. This element of risk is intrinsic to the fact that love necessarily happens ‘in the first person’, affecting deeply the structure of the subject. Something similar takes place at the societal level. Beyond personal feeling, love is a societal passion—it is simultaneously ‘within me’ and ‘between us’. Love as a *personal measure of the psychic* and, simultaneously, a *political measure of the social*. Its sociability spreads across all social formations, building ties of the utmost intensity. Such ties are not always of a positive type, *bien sûr*. For love knows well how to be obsessive, aggressive, possessive. Understood as societal phenomenon, love best embodies the non-economic and even anti-economical element of the social passions enumerated by Ferguson. Simultaneously, however, it pushes those passions farther, towards the highest degree of intensity. Love provides us with the prototype of intensive experience—for his part, Jung (1952, p. 64) described it as an ‘extreme example of anthropomorphism and, together with hunger, the immemorial psychic driving-force of humanity’. In this sense, love is not simply a generically pro-social feeling. On the contrary, it can untie at least as much as it binds. Love is excruciating, excoriating. Understood in its personal character, love entails the *prise de risque* that is inherent in all radical first-person experiences. In this sense, it shapes subjectivity just as much as truth does.

Conceptualizing truth as *témoignage*, as subjective first-person testimony, the late Foucault implicitly distinguished it from the abstract and

impersonal disciplinary knowledge he had studied during the 1960s and in 1970s (see, e.g., the 1975 course on *Les anormaux*, where the link between truth discourse and scientific discourse seems inescapable). Such exercise of truth is necessarily placed in a non-juridical dimension of risk and courage, an *experimental* dimension, which no disciplinary textbook can guarantee. Love represents at best this second type of truth: it is the looming presence in the parrhesiastic discourse of truth, which remains thoroughly alien to disciplinary truth. At the individual level, the importance of practices like *exagoreusis*, the in-depth investigation of one's conscience, lies in the fact that they push the subject to probe the mobility of her or his own soul—in other words, they bring one to face one's love as a basic dimension of psychic and relational unrest. Just as with *parrhesia*, there can be no a priori reassurance about when this *askesis* will be accomplished, and where it will have led the subject in the meanwhile. No love comes without the experience of the point of reversal, the *metanoia*.

Once we reread the impersonal requirements of biopolitics in the light of the personal experience of subjectivity in its dynamic unfolding, we realize that an encompassing reconceptualization of the modern notion of the social realm might be called for. Considering love as a pivotal element in the psycho-social nexus enables us to radically transform the standard sociological imagination of the social domain itself. There has been a tendency, especially on the part of political philosophers, to view the social as a merely conservative or reproductive domain.¹⁴ Certainly, in the social sciences, the emphasis on reproduction and conservation has been functional in the search for social laws, naturalistically understood. The disciplinary development of the social sciences in the last century and a half has understandably had a penchant for fixity. It is only after Foucault's theorization of biopolitics that several other reflections have sought to bring back into the social equation an array of more dynamic notions such as mobility, associability, fluidity, and reflexivity. And still, it turns out that the subject exceeds all these requirements. Actually, the subject is not only circulatory, not only in motion and engaged in subsequent associations. It is also *in transition* (inner transformation), as a variable geometry of intensive tribulation, an *askesis* of inter- and

¹⁴ See, for example, Mouffe (2005).

intra-psychic probing and responding accompanies it at all time. If we call this immanent domain of responsiveness ‘the ethical’, then we should say that, at both the personal and the societal level, love asserts such an ethical—with Gramsci, ethical–political—dimension of subjectivity, with all its farthest-reaching consequences. Love: atmospheric, meteoric, climacteric.

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4

On Theories of Subjectivity and the Practices of Political Subjectivation: Responsiveness, Dissent, and the Precarious Livability of Human Life

Burkhard Liebsch

Taksim Square, Gezi Park, Maidan, Lampedusa—these are the most recent ciphers of the visible, public appearance of anonymous others, born of the layers of suffering which intolerable political conditions have produced, yet offering a new, though troubled, hope for a Europe-wide and global *sympathy*, which demands that the question of what is a *subject* be assessed anew. This is not the Cartesian subject of an abstract episteme driven by radical doubt but the practical subjectivity of social *com-passion*. It must learn from the negativity of what can only be tolerated with difficulty, or not at all: how to step forward visibly, raise its voice, and politicize itself in order to take up the struggle without succumbing to paralyzing impotence and fear. This it must do without working itself up into a new obsession with power, one which assumes that its only purpose is to triumph over others.

As necessary as the victories of the past were, one has to agree with Reinhart Koselleck (1988) when he expresses the hope that future history

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may spare mankind victories, especially those victories which come at a disastrous price for others. Taking this background into account, it is essential to redefine the concept of the subject from a historical perspective in the hope of generating something other than an unimaginative, endless prolongation of a collective struggle to establish hegemony, even by the use of excessive and radical violence.

This is the direction I shall pursue here, by reconstructing the development of socio-philosophical thought, from the alleged ‘Death of the Subject’ to Foucault’s thoughts on the processes of becoming a human subject, which take place through a number of practices of subjectivation. (1) Among these are economic forms of subjectivation whose pre-eminence and overbearing strength are criticized from all sides. This is where the opportunities and perils of a critical subjectivation, still awaiting commensurate understanding, become discernible as the originary politicization of human subjects. (2) With this background in mind, my contribution examines what it means, with reference to the political philosophy of Jacques Rancière, to become visible as a political subject that has not hitherto been present as a subject. This subject’s political existence must therefore be proven through the *com-passion* of social responsiveness that has to be placed at risk through dissent when the livability of human life with and among others is at stake. (3) These thoughts require a thorough revision of the conception of the subject inherited from the modern era, one more thorough than its currently popular replacement with the rhetoric of subjectivation would have us believe in.

From Theories of the Subject to Practices of Subjectivation

That (and how) humans are to be understood as subjects is undoubtedly a modern idea. Ironically, this modern idea is also currently going through a revival of sorts, one advanced by those who allowed Foucault to convince them, for a time, that the concept of the subject no longer had a future. And this is despite the fact that Foucault himself was in no way satisfied with such a rough diagnosis. This can be seen in his *Collège de France* lectures (1981–83), the publication of which cast new light on the

question of the subject and the question of the extent to which human life can, or must, be understood as 'subjective' in view of a genealogy of subjectivation practices. Foucault did not focus directly on the issue of whether we (humans) *are* subjects. Instead of approaching the matter by way of an ahistorical ontology, the last phases of his work put much greater stress on asking if humans are 'subjected' at a practical level under certain circumstances. His emphasis was on examining whether humans are driven by practical reasons to understand themselves as subjects that have become but have not always been subjects. For Foucault, this was to understand subjects through processes of *subjectivation* (and therefore beings who might lose this status should the situation change). Hence, Foucault presupposed that there are beings that are *subjectivated* and who feel *ex post* called upon to understand themselves as subjects—as a result of a preceding subjectivation in which they do not flourish, but which they rather experience as negative, or more or less refutable, or find completely unacceptable. From this perspective, we have not always been subjects; we *become* subjects, at best (and never in the complete, integral, sense). This occurs through the process of ontogeny, which embroils us in the manifold steps of subjectivation through the course of historical processes that make the subjectivation of our self-understanding seem appropriate, or which may even have imposed such steps upon us.

Foucault gave a new twist to the discussions surrounding the concept of the subject, which he rightly viewed with great skepticism in light of his far-reaching 'archaeology' of human sciences (the topic of human subjectivity could not be found in any of these fields of science, see Canguilhem, 2005). He did this by clearly separating the issue of the object status of the subject in the human sciences from the problem of whether we should understand ourselves (still under historical circumstances, although these may have undergone significant changes) as *practical* subjects (see Liebsch, 2005a). The lectures published under the title *Hermeneutics of the Subject* (1981–82) offer a clear answer to this question. We have not always been practical subjects. Instead, we behave as subjects as a result of processes of subjectivation under specific and contingent circumstances. This is also the case in regard to a form of subjectivation that we perceive as an imposition that should be rejected in order to *become others* (as Foucault often expressed in crypto-normative

diction, as if it were already the sense of being a human subject that we must aim to be others or to become another; compare Liebsch, 2014a).

With regard to the question of what is *subjectivated* in this way, Foucault answers: the life of somebody subjectivated is one who exists in order to *become another* instead of being set within a rigid *idem*-identity. Despite obvious references to Kierkegaard and Heidegger in his work, Foucault does not offer us a fully reasoned ontology demonstrating that the concern to become another exists in human life or that its livability depends upon the ability to evade any reduction to a given identity. Instead, it seems that Foucault's thinking was dominated by *negative objection* to any subjectivation of human life in terms of mere similitude, that is, *idem-identity*. Understood in this way, human life is not an unmotivated and aimless process of willingly becoming another, but rather a process, via a negativity, that leads to a search for possibilities of *another* living or even *another* life that is not doomed to reproduce the sameness of a basically unaltered identity.¹

In this light, Foucault's point of departure is a negativistic one, which, in a manner of speaking, is triggered by subjectivation practices that are experienced as more or less incompatible with a *self* which strives after its own way of living—beyond the reproduction of the same. In negative terms, being a subject means to be subjectivated in terms of a life that does not allow one to *be oneself in order to become another*—and to Foucault that means being *not free*. To *become* free consequently means to stand against any imposed form of subjectivation.

Subjectivation takes place in manifold contexts in which what is at stake is the praxis of subjective life and one's understanding as a self-subject based on one's relationship to oneself, as well as one's relationship to

¹ I leave the question aside as to what extent these basic assumptions should be considered outdated, for example, the 'apathy' with which masses are charged and the indifference or saturation with regard to any motive for the search for 'another' or even 'completely different' life. It would be worth a separate study to see whether such saturation explains where political concerns are particularly acute in Europe, which was only reminded of its own political vitality as it observed the protests in Israel on Rothschild Boulevard in Tel Aviv because of the so-called 'arabellions'. Europe also cast its eye in the direction of Egypt and Tunisia after the goings-on at Taksim Square in Istanbul, as well as Brazil. The popularity of an appeal by a wise old man like Stéphane Hessel to the 'young people of today' to finally show their indignation over various grievances, and which only required them to open their eyes, could also be a symptom of such a saturation—as if the widespread potential for indignation were not enough to explain the often diagnosed political paralysis.

others and the world (Foucault, 2010, p. 242). The history of such practices was the theme of the aforementioned lectures, although Foucault had already addressed them in *The History of Sexuality* Vols. 1–3 (1976–84), in which he mocked our civilization’s ‘formidable injunction to tell what one is and what one does, what one recollects and what one has forgotten, what one is thinking and what one thinks he is not thinking’ (Foucault, 1978, p. 60). Paradoxically, it was mainly during the course of the nineteenth century that individuals learned to practice a very limited form of liberty while submitting to this dictate. Hence, the allegedly free subjects of this period were at the same time the object of a far-reaching ‘subjection: their constitution as subjects in both senses of the word’, in Foucault’s (1978, p. 60) eyes. The concept of subjection clearly has a pejorative connotation here.

For Foucault, it is clear that for ‘us’ the main thing should be to *not submit to* others (see Gros in Foucault, 2005, p. 511). It is precisely this criterion that the specific form of *submissive subjectivation* (by way of subjection)² does not fulfill, which is why Foucault rejects it. In turn, Foucault finds himself forced to consider the concept of self-subjectivation (*auto-subjectivation*), which he sees described in Hellenic and Roman literature on the human self. Thus, the re-interpretation of the concept of the subject with the aid of the concept of subjectivation brings the question of the subject back into play after this possibility is taken into account.

For Foucault, it is clear that we are not always subjects. We only *become* subjects in *subjectivation* processes (social, political, legal, economic, etc.)³ containing forms of work within themselves, which should lead to new,

²To speak of a specific form of subjection here means that non-submissive forms of subjectivation are also imaginable. For Foucault, it is not in any way about branding every form of subjection as a form of submission. In the literature on Foucault, ‘subjectification’ (French: *assujettissement*) and ‘subjectivation’ (French: *subjectivation*) are occasionally contaminated to the extent that makes differentiation impossible. Analytically, in my opinion, one has to ask what the starting point of subjectivation is, and one has to separate it from the question of whether, how, and in which respect it assumes a submissive form. In situations in which these issues are not differentiated, it is often suggested that submission is something that ‘we’ cannot possibly want, *eo ipso*, and therefore it should ultimately be criticized and repudiated for the sake of a ‘de-submissive’ de-subjectivation which would cancel out both the submission and being a subject in its course.

³These processes ultimately lead to what the German translation of Foucault calls ‘practices of subjectivity’ (*Subjektivitätspraktiken*; Foucault, 2005, p. 11).

promising, more livable forms of being a subject, if it is true that it is in 'our' interest to be subjects in the mode of *becoming* others, or *becoming another*. Foucault implies that human life is always in this 'condition' of a subjective self that strives to become another.⁴ There is no doubt here: Foucault reconstructs the literature mentioned before from the presentist perspective of the question: how, despite 'all present struggles', this might help give us an understanding of *who we are*—we who do not want to be reduced to one rigid self (*idem-identité*)?⁵

Most of all, Foucault wanted to know what history of the care of the self, from antiquity to early Christendom to modern avowal practices, which the modern state assumed from those prior to it, could teach us in terms of the following concern. How to become another, instead of remaining fixed in one identity of the self? This was, for Foucault in his own time, the central challenge that human subjectivity faced. Hence, Foucault makes plain his own interest in becoming an *other*, a form of rule for being oneself, which (Foucault here is clearly thinking in line with Kierkegaard), however, may only be valid with regard to one's self. With this, a rigid perception of identity as sameness (in the sense of *idem-identité* instead of *ipséité*) comes to the surface and must be broken in order to become another, which, however, does not already bear the other within it (unless it be the *will* to become another).⁶ However, the subject is also described as something that can be subjected by others, in that it can be appealed to and made use of. How this may happen can only be determined by a diagnosis of specific culturally and historically different

⁴ In this way, Foucault puts a type of ontology in play that explains what human life has always been about, as long as it is a subjective life. What Foucault calls a 'historical ontology' (Foucault, 1983) would then examine the practical, historically variable, and contingent forms that define the 'meaning' of subjective life.

⁵ At a practical level, this could mean that change to another identity could perhaps cast doubt on the possibility of being recognized by others. If this does not only affect *ipséité* (distinct identity) but also an *idem*-identity (through sameness), those concerned could not even be re-identified based on their exterior.

⁶ But can this be traced back to a (modern) form of subjectivation? Where does it stem from? Does it come from a somehow inherent drive in human life? Or are we persuaded not to insist on sameness or selfness under any circumstances? How can it be that we believe Foucault's will to become another without much ado (and thereby assume that sameness and selfness cannot be dialectically conveyed with change and change to another identity)?

and distinct forms of subjectivation that compel us to exercise our being subjects (and becoming subjects) according to such forms.

Others have tried to relate the deep changes of our political present to the concept of subjectivation by linking it to this line of thought in a way that has borne fruit, and which soon overtook Foucault's own analyses once these were interrupted by his death in 1984. The work he had published until that point did not concern itself with the processes of the virtual technification of human subjectivation. The now omnipresent discussion of the various processes of globalization was only beginning to develop at the time, the reckless economization of the self had not yet become recognizable on the horizon of a globalized world (see Menzel, 2004),⁷ which later writers tried to make comprehensible with the help of Foucault's terminology. An example of this is Ulrich Bröckling's research on the sociology of a subjectivation form, entitled *Das unternehmerische Selbst* (*The Entrepreneurial Self*, Bröckling, 2007). I will continue with an examination of this research, showing how it might put us on the trail of a critical distancing from the prevailing economic forms of subjectivation. This distancing, I shall argue below, should be subject to a separate methodological-negativistic analysis, which supports a negativistic social philosophy as a sociological theme.

On the Overpowering Superiority of an Economical Form of Subjectivation

Bröckling situates his studies at the twilight of the social-democratic era, a period which began under Reagan and Thatcher and led to an unbounded economization of the self, compelling everyone to make themselves marketable products through constant work. 'Become what you are to be useful', has been the motto since then (Bröckling, 2007, p. 165). A constantly growing force of more or less superfluous manpower that survives in various forms of precariousness became convinced that this is what

⁷ However, a criticism of the economization of self-being (not yet specifically in the direction of the horizon of globalization), as in the case of the so-called Frankfurt School had undoubtedly long since become common.

globalization required. The truth is that the rhetoric of self-responsibility was employed in the pursuit of an uncompromising policy of dismantling the social welfare state, for which the widespread claim of the inescapable pressure of globalization was merely a pretext. This rhetoric was responsible for compelling the model of constant work on one's self, in the form of a permanent effort to make oneself a product of the self, to penetrate all aspects of life. In this way, 'economic imperialism' led to an incessant, compulsive self-mobilization that permitted no pause. Any attempt to refrain from such self-mobilization would seemingly represent, as modern teachings on competitive life have already shown, a step backwards and place one in danger of falling back among the conjured global competition. To counter this danger, people were to understand themselves as the owners of their selves, especially of their abilities to stay fit as manpower at any price through permanent effort and their own or assisted empowerments.⁸ This fitness would be achieved through an enforced differentiation, a marked individualization ensuring that one is noticed and appreciated as an unmistakable 'brand'. After all, the frequently left-for-dead subject still lives this way—as a trademark that should be sold with the help of continuous 'identity work' and market-adequate 'impression management'.⁹ The undisguised technicism of such work removes the pressure from questions concerning its truth or meaning, and only serves the market, 'whose will be done', since there obviously seems to be 'nothing' beyond the economic now.¹⁰ In the end, everybody must understand that the market is the world court that passes judgment on the destiny of economic systems, states, and every individual.

⁸ This rhetoric generally assumes the helplessness that should be corrected (Bröckling, 2007, pp. 17, 186–90), as we are told here. And nobody can escape this power. But the point lies in its no longer being experienced as external disciplining, although its imperative tone is noticeable (Bröckling, 2007, pp. 219).

⁹ Though we ask ourselves whether self-optimization efforts under the conditions of comparative existence do not amount to the opposite of the work that Foucault had in mind (compare Bröckling, 2007, pp. 239, 242; Liebsch, 2013). But can the person who follows the laws of self-optimization and of the constant economic testing of one's worth in a comparative society of life, even live their 'own' life? This issue is *not* settled by trying to present one's life as being optimized in constant comparison to others, as if it were about the same in both cases (Bröckling, 2007, pp. 15, 42).

¹⁰ The question of whether the author is merely aiming at a political rhetoric of economization and to which extent this has actually *become effective* shall be left aside here (see Alkemeyer/Budde/Freist 2013).

Anyone who believes this credo surrenders themselves to an ‘eminent governability’, which is defined by the fact that it does not require authoritarian domination, dictates, or threats. Everyone understands themselves to be human capital which must be made productive via an entrepreneurial self, obliged only to themselves and owned by themselves; their entire lives (but also those of their children, see Bröckling, 2007, pp. 91–5, p. 123¹¹) thus staked in a game that constantly tests them under production conditions that are barely predictable. This is the only way to escape early discontinuation.

What is described in these terms is a new type of (economic) subjectivation, which shows clearly how subjectivity is practically exercised and how it depends upon contingent political–historical circumstances. These latter, under the predominance of the example given by this unbounded entrepreneurship, can seemingly reach so deeply into our selves as beings that they can change the self until it is completely unrecognizable (as an ‘own’, subjective self). This is because the described transformations of a ruthlessly economized subjectivation do not by any measure have to do with mere discourse effects. Rather, these transformations pertain to interventions in reality and in productions of reality, which have set in motion new forms of self-government through ‘real fictions’ that can hardly be considered any longer as free forms of behavior to one’s self (as Foucault largely saw them described in Kierkegaard). Does the economic-subjectivated sense of self-being not reveal the most far-reaching rhetoric of work, raising the frightening specter of a constant feeling of being overtaken and left behind, for which each individual carries sole responsibility? Does this rhetoric of market suitability—a suitability that must be constantly maintained, and if possible increased—not reveal a deeper submission under the alleged ‘laws’ of the market to an imperative to constantly remain up-to-date and creative (although these can barely be recognized as such if one internalizes them completely)? Is this not a clear ideology, disallowing any other telos than that of incessant self-mobilization? Yet, if indeed nothing else is important for the contemporary entrepreneurial

¹¹ Following this thought, we also have children with the expectation that they will have to make something of themselves in the manner of competence machines who optimize their human capital and, if necessary, have to find a way out of the lack of productivity for which they alone may be considered responsible.

self (Bröckling, 2007, p. 245), then is it not a victim of this ideology, submitting and attempting to adjust to it to such an extent that the ideology itself can no longer be recognized as such? Does this concept of ideology not remind us of something else that does *not* submit to the market while at the same time being a subordinate self?

Bröckling indeed pauses on the threshold of the normative implications of the sociology of current subjectivation forms. He concentrates neither on their 'normative principle' nor on an ideal of self-being. The question of *why* and *what for* one should be a subjective self is one he ignores in order to focus entirely on *how* self-being can take place today. Still, he does not reduce things to a pure description of this 'how'. Indeed, he does not consider implausible the notion that 'Regimes of the Self' operate not only on the basis of actual empirical, social, political, and economic challenges but also on 'moments of what has been *withdrawn*', which are not accessible by 'shaping efforts of the self and from the outside'. According to this proposition, we must also be withdrawn from our selves, others, and the world. The question of whether there is something 'beyond the governments of the self' is, however, something Bröckling does not want to decide. Instead, he limits himself to 'making the impositions visible that regimes of subjectivation demand from individuals' (Bröckling, 2007, p. 34, p. 44).

The author thereby implicitly shifts his approach to his subject to a *negativist* view. With this in mind, one could at least indirectly come closer to a perception of forms of subjectivation that we can accept and live with to a lesser or greater extent, by describing such impositions without letting these perceptions place the livability of our lives completely in doubt. If we do not have direct access to such forms (within which a type and method of withdrawal from the self can *also* be recognized), then we could at least perceive more or less definite negations of what we consider to be 'unliveable', 'unacceptable', or 'offensive', that put us on the path of other, possibly acceptable forms of subjectivation. Bröckling actually follows this path in part by examining forms of indifference, of interruption, and of exhaustion of the self that can, to an extent, be interpreted as forms of resistance against the imperative of flexibility of a radicalized market economy. The author is justified in being mainly skeptical when gauging the chances of such resistance forms when they end in apologies

for nomadic, hybrid, and ironized self-being, translating the need for factual submission to such an economy into an alleged virtue and giving it a euphemistic coating. Yet is it necessary to go so far as to completely deny ‘an exterior untouched by the entrepreneurial regime of subjectivation or an interior space of the self completely withdrawn from it’ (Bröckling, 2007, p. 285)? And what does ‘untouched’ or ‘withdrawn’ actually refer to in this context? Something that is tangentially affected by such a regime and cannot be completely withdrawn from it must not entirely be at its mercy, to the extent that it no longer can be considered the source of an objection against the regime’s pervasive power. Bröckling himself counts on such a source in his implicitly negativist considerations.

Only where such a regime does not have substantial success can it be sensible to remember ‘sabotaged’, ‘unfulfilled’, and possibly even ‘promised’ human possibilities that should not be given up. The possibilities of saying no, of rejecting such a regime, only become comprehensible as forms of self-being when these forms, which contradict it or oppose it, have not been completely neglected (Bröckling, 2007, pp. 38–40). From this it follows that, as opposed to a mere description of the economization of the conditions of the self seemingly expanded to reach absolute superiority, their *critical* genealogy is only possible when they are confronted with historically contingent forms of subjectivation that ‘have not always’ submitted to them, that have never been ‘completely’ absorbed by them, and as a result can be taken into account as a source of possibilities for an alternative future. If such a confrontation does not take place, a sociological genealogy shall fall victim to its own analysis: it cannot find a way out of the diagnosed overpowering superiority of conditions mentioned earlier if it, in its turn, loses sight of a self-being that can never be entirely dissolved with any form of subjectivation. If this were not the case, we would theoretically have to *affirm* this superiority and admit that it has ‘complete’ access to the subjectivity of those whose *own* behavior it profits from by both withdrawing their self-being and silencing them at the same time.

A genealogy of current forms of subjectivation exaggerated in this sense is disputable even for empirical reasons. How might it be provable that these forms really do dominate us to such a thorough extent that alternative approaches remain entirely dependent on them and unable to demonstrate

any real way out? In the end, sociological analysis cannot offer an opposing power against the hypostatization of the superiority of these forms. It is reduced to an ironic tone with which it exposes the idiosyncratic eccentricity of the ‘Song of Songs’ dedicated to entrepreneurial virtues, for example, while at the same time it *merely suggests* that current forms of an economized subjectivation be described in a negativist manner, as long as we experience indirectly what, how, and who we *do not* want to be. However, this ‘we’ should not be simply postulated. It is now less possible than ever to identify a spontaneous community of what should be understood as subjective self-being. First of all, this understanding is today under massive pressure from economic deformations which can no longer be clearly characterized as forms of alienation, factitiousness, or usurpation.¹² In many cases, this pressure leads to making conformism a virtue of necessity, especially since it does give rise to opportunities for great creativity. What can still speak against a complete economization of subjective life if this economization is pursued by subjective life itself (and successfully to a great extent)? On the other hand, there is a lack of a valid, or generally valid, standard of criticism.¹³ A public articulation of what is at stake with the delineated forms of subjectivity is necessary in order to be able to re-establish such a standard. In this context, it may be possible to link to a great number of negative experiences that confer a critical appearance to the ‘sociology of a subjectivation form’, but without casting light on the meaning of a *politicization* of the subjectivation form in discussion.

But only by making this a political issue can it become clear that a far-reaching economization of self-being cannot be merely a private problem for every individual who live their life on their own account. How thoroughly an economic regime can define us, meaning how thoroughly it may subjectivate us, this can only be criticized effectively and rejected if the dangers of a *politicizing* subjectivation are determined, permitting more or less subordinated¹⁴ subjects to raise an objection to an

¹²From that point of view, the golden age of so-called critical theory, which was based on the *clear* negativity of such experiences, may be over (see Oberprantacher, 2011).

¹³Which a negativist methodology certainly cannot merely remove from negative experience or define as normativism.

¹⁴In this instance, being subordinate is always caused by self-subordination and it is by no means implied that the questionable subordination is brought about by simple repression.

orientation toward a self that is completely and utterly ‘entrepreneurial’ and seeks to capitalize on the self without rein.

Perspectives of a Politicizing Subjectivation

Processes of political subjectivation politicize an originally human subjectivity that *has* not always *been* political and *will* never be completely open to politicization. Such processes are connected to the human voice and the ability to speak of someone who can be spoken to, and who in turn can speak to and engage others. By addressing each other unilaterally, reciprocally, or mutually for response, one becomes (each time anew) both socially and politically ‘someone’, who one never merely *is*. Becoming this ‘someone’, who can give an answer to the question *who* he/she is, involves manifold social communication processes, which, as such, are not yet imbued with a particular political quality. This quality only emerges when, in the context of a human form of life and by means of addressing another person, a claim is asserted—one which affects the *livability of a common life* or calls it into question. Before such a claim can be considered or assessed, an original *politicization* of the subject that expresses itself and desires to be listened to, heard, regarded, and taken seriously must take place. The subject only exists politically to the extent that it *actually* finds this experience proven (not only once but repeatedly and, if necessary, constantly). It must experience falling on sympathetic ears in the first place, before any concrete debate concerning contentious demands for validity can take place; it is otherwise impossible to even start a political debate, at the beginning of which it is always necessary to prove anew that one is really considered by others as someone with something to say.

Neither the human voice nor the aptitude for reasonable speech alone can guarantee this. There is not sufficient basis for a *political* subjectivation in the nature of a *zôon politikón*, as described by Aristotle, nor even in the ethical constitution of a subject that proves to be unavoidably addressable, as per Levinas. When we raise our voice (*phonê*) and speak reasonably but fail to find a listener, we have to doubt our political existence—even if our voice reaches others, who, if Levinas is correct, cannot avoid behaving responsibly with regard to claims made of them by others.

Their responsibility is also irrefutable when it is ignored, met with indifference, or denied, according to Levinas (1998).¹⁵

Yet this will never be sufficient for the political to happen, which necessitates someone actually making others listen to a demand that affects the *livability of a common life*. And in this, we will never succeed through absolute power. However loud a protest or violent a demonstration might be, it cannot compel others to do more than just hear (which one might force them to do). It cannot compel them to actually listen, to pay attention to others, to take their claim seriously, and finally to take it into consideration. On the contrary, the more one attempts to force something that should be granted or given (such as attention), the less productive these attempts become over time.

We can therefore conclude that we are, strictly speaking, never permanently or continuously—merely because we have a voice and possess certain civil rights—*political* subjects. In actually attempting to find a listener, one must always struggle anew to be perceived, regarded, and recognized as a political subject. However, no one ever has the power to do this alone. Accordingly, self-subjectivation is not possible. One's own attempt to appear as a political subject by oneself initially may purely count on an *appeal* to others to perceive what should be listened to. But in doing so, one does not simply submit oneself to the will of others, come what may, as if one's political existence is solely dependent on their mercy. Should the concept of subjectivation imply one or the other of the above, then it is phenomenologically misleading. It is neither possible to become a political subject through one's own power (as seemingly implied by the concept of self-subjectivation) nor does one have to submit oneself unreservedly to the will of others so that one is henceforth

¹⁵ Levinas believes he has found the innermost core of a radical, indispensable, and unavoidable subjectivation of the subject in the appeal to assume responsibility, which forces us to answer to the other—*sans engagement préalable* (see, e.g., Levinas, 1998, p. 166). A 'pre-original receptiveness' is discussed, which 'subordinates' the subject to the claims of the other without the possibility of previous objection or reservation. Consequently, we become subjects who will never be able to create an ethical relation to the other based on our own strength alone. We are *ethical subjects* thanks to the other who engages us. Hence, ethical subjectivity arises from an experience of *passiveness*, which, however, does not make a separate behavior toward such passiveness superfluous. In this light, subjectivation that can be understood as subordination cannot be considered an issue here, as becomes evident with regard to the discussion of this concept by Louis Althusser, Ernesto Laclau, Michel Foucault, and Judith Butler.

dependent on their mercy. In reality, political subjectivation is an occurrence that always takes place *between* us¹⁶: engaging others, demanding that they listen (and hoping for a response) so that one can at least ‘assert’ a claim toward them and an accompanying demand for something. Not in order to receive immediate agreement, however, but to allow the claim to emerge as a claim in the first place and be taken seriously as grounds for debate.¹⁷ Where this fails to happen, the forum for political discussion and dispute remains to a large extent closed. This does not, however, preclude renewed (if necessary, violent) attempts to open it.

Original subjectivation, which either creates or causes the emergence of a political subject—an individual or a fluctuating virtual mass—is, in the first place, only made possible by this occurrence between us, which no one can bring about by themselves. This occurrence does not result in finished subjects (who attempt to turn each other into objects, if Sartre, 1992, pp. 301–556 is correct) competing against each other. Neither does someone become a subject of their own free will or appear as a subject *ex nihilo*. What is undoubtedly required is someone who can address others in the hope of a response. But, to be perceived as a political subject and, in the end, to ‘count’, there must occur a, never sufficiently predictable, reciprocal engagement which either allows a field of possible contention to emerge or disturbs an existing field to such an extent that someone who did not, as yet, ‘count’ is also ‘considered’ to be someone who should be taken seriously. To put it literally, they become visible and audible. It is exactly this process of creation or requalification of the field of experience that Rancière defines as ‘subjectivation’ (translated as ‘subjectification’, see Rancière, 1999, pp. 35–6).¹⁸

¹⁶This ‘between’ quite simply refers to an *interpersonal* process.

¹⁷I understand ‘listening’ as an elementary form of political hospitality, which gives others the chance in the first place to assert their claims as *being possibly justified* (compare Nancy, 2007).

¹⁸A closer look reveals that such a process reveals different things. For Foucault, subjectation explicitly implies the creation of underlings (*sujets*), hence a specific political form of subjectification (French: *assujettissement*); not the genesis of human subjectivity as such. I believe the same can be said for Althusser, who, above all, focused on how someone is ‘called to order’ (by an authorized person, such as a policeman, who calls ‘Hey, you there’). In Althusser’s view, this happens *within* an established (to use Rancière’s terminology) ‘police order’. For Laclau, it is a matter of subject positions as effects of structural determinations. Foucault, in contrast, prefers to concentrate on the *introduction* into a political order, and Levinas considers the *extra-ordinariness* of the claim of the

Accordingly, the newly fashionable concept of *de-subjectivation* would mean the disappearance, reversal, or loss of such a creation or requalification. Not only is the (political) status of certain subjects affected but also, as Rancière repeatedly puts it in phenomenological terms, the actual field of experience, within which different actors are able to enter into a possible dissensus in the first place (see Liebsch, 2015). A field of possible common experience only exists where dissensual experiences (even before demands for validity can be discussed) can be expressed. Subjectivation processes mean the following: that the political emerges in a field of dissensual experience and possible debate about this experience. The political happens where dissensus emerges. And not only does the contentious appear *as* or *in* dissensus but also (indirectly) the political as such.

Political de-subjectivation therefore means that objects and fields of dissensual experience no longer appear as such. This does not mean that those who depend on them can no longer exist as subjects of any kind. They can continue to be ethical subjects as per Levinas' definition (Levinas, 1979, pp. 38–40) and, as such, can theoretically address others in the hope of a response and involve them in an intrigue of responsibility at any time. But Rancière rightly objects that this by no means suffices for political existence. He argues that it is possible to live an ethical or ethically challenged life without existing politically, and even goes so far as to presume that political existence is not even guaranteed by legal recognition as the subject of legitimate claims. He firmly objects not only to an apologia for alterity (as identified by him in Levinas' philosophy) but also to a philosophy of human and civil rights, which for many people today provide a guarantee for the recognition of a political and, at the same time, livable life. For Rancière, both this apologia and a politically naïve protection of human rights represent a denial of the actual political moment. Both cases see us faced with a seemingly unsolvable dilemma or an aporia, as characterized by Hannah Arendt (1993, pp. 452–70). According to Rancière, 'Either the rights of the citizen are the rights of man—but the rights of man are the rights of the unpoliticized person; they are the rights of those who have no rights,

other, which is *not at all* subject to any police or political order (compare Foucault, 2003, pp. 43–4; Butler, 1997, p. 33; Laclau, 1996, pp. 59–60).

which amounts to nothing—or the rights of man are the rights of the citizen, the rights attached to the fact of being a citizen of such or such constitutional state. This means that they are the rights of those who have rights, which amounts to a tautology’ (Rancière, 2004, p. 302).

Rancière rejects the idea that people, merely as such, in their ‘naked life’, or as citizens, ‘have’ rights, as fundamentally wrong. He just knows that there are persons who are obviously able to at least open up a *dispute* about whether and in what sense they are allowed to ‘count’ in life with and among others. In such a dispute, they are able to address claims and demands, for example, for the respect of rights, to others, but without being able to merely refer to rights that they already possess. It is rather in the act of ‘reclaiming’ rights—which is directed *at* others and engages them by, at the same time, asserting a claim *to* these rights—that the decisive factor, according to Rancière, occurs: the politicizing and subjectivation of those who ‘count’ as others. Rancière appears to be trying to say that, strictly speaking, we do not ‘have’ any rights at all, unless we are able to ‘assert’ these rights as (if necessary, justified) claims *for something* and by *engaging others* (compare Metodo, 2014). That, in Rancière’s view, is an original process of political visualization, in which the subjects of such claims (in a double sense) appear in the first place by bringing forth their claims. Where that does not happen or cannot happen, *political* subjectivation also cannot happen. This is, however, necessary should all this talk of rights not remain meaningless, either by identifying these rights with the de facto rightlessness of ‘bare life’ (see Agamben 1998), which entitles us to human rights, or with civil rights, which we supposedly ‘have’. We ‘have’ no rights at all, unless we can, among other things, claim, reclaim, and assert them by engaging others. From this perspective, the issue of whether an occurrence of engagement can take place at all plays a decisive role in both human and civil rights. And this occurrence is never guaranteed, not even through a pre-political, social subjectivation, which we may have already experienced in socialization processes before we found ourselves in a position to claim, use, or bring to bear our *political* subjectivity.

An outsider can never completely rely on being heard by citizens, who are supposed to provide him or her with a minimum amount of human rights protection. Likewise, the citizens themselves can never be absolutely

sure of always being listened to as political subjects who wish to make use of their rights. In any case, the decisive factor, that is, the *incalculable occurrence of the engagement of others*, in which one appears either in the first place or each time anew as a political subject, continues to be unforeseeable. Neither outsiders, who do not belong to a political form of life, nor those who do belong to one ever *have* the means of always ensuring that they be listened to as a political subject. Instead, they are basically and every time anew dependent on finding someone to listen to them, that is, of their words ‘falling on sympathetic ears’. When thoughtlessly used, this saying conceals the radical problem that preoccupies Rancière: the dependence of the occurrence of original political subjectivation on an interpersonal, eventful resonance and responsiveness, over which no one exercises full power.¹⁹ It goes without saying that for outsiders, local migrants, exiles, or any belonging to marginal groups, intellectuals, the proletarian precariat as well as minorities of every description, the concrete possibilities to raise one’s voice are severely restricted in comparison to more or less successful members of a political form of life, in which they can easily ensure via established means that someone listens to them. But Rancière’s (1999, pp. 23–33) interpretation of the role of Menenius in Ancient Rome quite rightly makes clear that even completely established distributions of power can never exclude the possibility of validity being gained by the irregular talking of those who actually ‘have nothing to say’ in both senses of the term.

Being alive—whether in a ‘naked’ or ‘bare’ life, as Agamben (1998) describes it, or as the subject of human rights, which one supposedly ‘has’ either naturally, or by virtue of universal recognition, or as a saturated citizen, who is lulled into a false sense of security with regard to the use and

¹⁹ Also not by the claim, in reference to Heidegger’s later work in the quest of a direct ontology, that the sense of that responsiveness is a differentiating, antagonistic, or polemical one. In essence, the *pólemos* of Heraclitus is a strife that allows differences to come to the fore in the first place, as argued by Heidegger (compare Liebsch, 2005b). But he surely did not intend to herewith specify the concrete form of ‘against each another in with each other’ (*Miteinander im Gegeneinander*) in which, for example, political conflicts are to be played out. Without doubt, we also cannot simply conclude from the unavoidable dimension of power of any debate that it is power itself that is being fought over. The latter would finally culminate in declaring any policy a power struggle, without being able to take into account impotence in and regarding power and an obsession with power, from which one can finally distance oneself politically (compare Liebsch, 2010, 2012, chapter IX).

assertion of their claims—will never suffice as a political existence. And vice versa: only someone who is capable of existing politically by engaging others will be able to assert themselves as a subject. From this point of view, being human only gives us the possibility of engaging others, which is never at someone's sovereign disposal. Thus, success, depending on the circumstances more or less available and achievable, is never guaranteed.

We live or exist as subjects of engagements and as the addressees of others' claims, which in an interpersonal, responsive occurrence open up to discussion the issue of whether these claims toward others should count as claims at all, and, in particular, as rights. Even if it has been determined that one is the subject of such rights, one still remains forever dependent on actually being able to assert these rights in such an occurrence. Seen in this way, these rights, even when universally recognized as such, are never just 'present' in a political community (as envisaged by Hegel, who explicitly spoke of the recognition being 'present' in a modern state).

In my view, Rancière is right to insist upon the existential and occasional dimension of this occurrence of engagement, which judges again each time whether we count politically (and who this 'we' refers to). He has to admit, however, that such an occurrence can only be initiated by the subjects of the engagement and can only be addressed to the subjects being engaged. In such an occurrence, an original, responsive subjectivation takes place in two ways: the subjectivation of those who engage others, and that of those who are addressed. Whether this subjectivation must assume the form of subordination is debatable. An analytical differentiation needs to be made between, on the one hand, subjectivation as speaker and addressee and, on the other hand, the specific way in which the subjectivation takes place. The advocates of this concept quite rightly place an emphasis on the negative or negativistic moment of the transformation as opposed to forms of subjectivation which the affected subjects perceive as an unacceptable restraint, impediment, or repression (not only of themselves but also of numerous others). It is often initially objections against living conditions that push us and others to the limits of a livable life that force us to remind ourselves whether and how we can be, or must be, subjects when the sheer, minimal, or good livability of our life and that of others is at stake. It is then not enough to merely continue to live. Instead, life itself must be given over to a process of

politicization, in which it is decided whether (and in whom) one finds a listener at all, long before it will be decided whether certain claims for a livable life are justified or not. Prior to a dispute, which the apologists of belligerence and antagonism currently consider so important (being no longer able to recognize a residue of political vitality in anything other than polemic debates), one has to actually appear as the subject of claims in the first place. And this appearance can be prevented, impeded, or rendered ineffective in many different ways: by others simply failing or refusing to hear, by being drowned out, and finally through a cacophony, in which everything conceivable is voiced, meaning that nothing in particular can count on being listened to any more. In this case, the process of original politicization and subjectivation fails as a result of an *economy of attention*, which under any circumstances cannot be framed in a juridical form (Franck, 1998).²⁰ Whatever we claim or are 'entitled to', we can only assert claims when others listen to us. And we 'have' no right at all to that. Each instance of raising or asserting claims (which have either been infringed or not yet been established) requires someone else to listen to us before agreeing that we are right or conferring, or recognizing, rights.

A legal, 'legalistic' discourse—which considers our subject status as permanently dependent upon an existing (human or civil) right which can seemingly also be claimed at any time—threatens to obscure beyond all recognition this occurrence of original politicization and subjectivation, that which forms the basis of every engagement. We can thus lose sight of the extent to which, even in a reliable system of rights, the concrete appearance of others as political subjects can be prevented and repressed. Even though they all have rights, they cannot use these rights, as they purportedly 'have nothing to say' in the double sense of this expression. Without doubt, such an appearance necessitates a social responsiveness on the part of those who can address and engage others in the hope of a response. Nonetheless, this responsiveness, in turn, requires political subjectivation under the specific conditions of being able to express

²⁰ But in no way does this economy manifest itself only in a restrictive manner. Especially, the erosion of its global boundaries opens up perspectives of transnational attention to claims, which hardly seem to receive attention at home. We only have to think of fracking in the USA or of nuclear power technology in Japan, which the country continues to pursue regardless of the nuclear catastrophe, and which cost many lives, especially among regional inhabitants.

oneself and find a listener. It otherwise would have to remain politically invisible and ineffective. To live a truly livable life, it is therefore not enough to be a responsive subject able to engage and be engaged by others: instead, both occurrences must be capable of happening in specific and, to the greatest extent possible frank, forms of the creation of a dis-sensual debate, which itself cannot be guaranteed by any positive right. Such debate shows whether one can exist politically when what is at stake is the livability of a life with and among others that nobody can ever ensure by virtue of their own power alone.

The inherited obsession with the question of whether we *are* (thinking, reflective, theoretical) subjects has not only overlooked what (under specific circumstances) is dependent on our *ability* also to *appear* effectively as practical subjects in relation to others.²¹ By focusing on rights which reasonable subjects should be entitled to, it has also overlooked whether these subjects are able to *really make use* of their conferred status in concrete subjectivation practices. As a result, a legally restrictive theory of the subject threatens to blur what actually depends on the subjectivation process, and which must be risked anew every time and can be guaranteed by literally nothing, whether others even live or exist as political subjects. Even when one is unconvinced that we should always lead a political life come what may, one has to admit that this is the crux of the matter when the livability of human life is at stake. Consequently, subjectivation is not a matter of, as it were, a *complete* politicization of human life (which would inevitably end in a nightmare) but rather a matter of whether, under what circumstances and in what concrete forms, becoming a subject matters when it comes to defending the livability of our own life and the lives of others and outsiders.²²

²¹ And it is never in a sovereign authority's power to do so, as was once thought of an absolute ruler, who was likewise granted the power to appear as a sovereign by those who were supposedly only subordinate to them (compare Starobinski, 1989, pp. 46–54).

²² Previous to this point, I have by no means presupposed that we are—possibly for ontological reasons such as an attachment to a Foucaultian care of the self—primarily or even solely concerned with the livability of our own lives. Whose life 'counts' and how our (political) life can also open itself up to the claim of the lives of outsiders—from the Arab Spring protesters to those shot on Kiev's Maidan Square and the anonymous people who have lost their lives trying to flee from Mexico to the USA—or how it proves to be politically sensitive from the outset—is not only the subject of Butler's thoughts on *precarious life*, criticism of ethical violence, and a so-called politics

To understand where, under what circumstances, how, and to what purpose this is, if necessary, indispensable, and promising, we need to reconsider the ‘sense’ (in both meanings of the word) of human and especially political subjectivation practices. These practices should demonstrate how people (in a global dimension) develop a sense—that is, a *sensitivity*—for living conditions,²³ which at the same time raises the question of *why* one endeavors to improve these conditions.²⁴ Thus, political sensitivity for the sense of practices of necessary subjectivation intersects with the *teleonomic* question of what the ‘sense’ of these practices is when they do not culminate in the appearance of political subjects—if need be thanks to the advocatory initiative of others—but instead, in making visible what they are (possibly rightly) claiming, perhaps in an unconditional way, and in such a way that allows for no delay.

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of mourning, but has also been examined this side of the Atlantic (compare Butler, 2006, 2009; Liebsch, 2006, 2008, 2014b).

²³ I do not agree with such diagnoses (as partially encountered in the works of Alain Ehrenberg, Luc Boltanski, Colin Crouch, and Giorgio Agamben) which conclude that an extensive exhaustion of this sensitivity can be ascertained and that, as a result, the potentials of sensitive forms of subjectivation must be critically analyzed.

²⁴ This question at least alludes to a *teleonomic* moment of political subjectivation, which is also touched upon in the conception of Andreas Oberprantacher’s project *Political Abilities* (1). As radically and unpredictably the question of livability, also on an individual basis, might be raised, it can hardly avoid being confronted with already widespread perceptions not only of the minimally livable life but also of the good life. Out of obvious fear of being all too quickly re-embroiled in a teleological, neo-Aristotelian ethics, apologists of dissensus and of belligerent and antagonistic conflict have so far avoided this moment. The same applies for Rancière, who primarily focuses on the claim to equality, but by far and large does not mention a positive coexistence in fair institutions (compare in contrast Ricœur, 2000, 2007).

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5

Political Subjectivation and Metaphysical Movement

Sandra Lehmann

Preface

In this contribution, I shall argue for a strong concept of political subjectivation. In doing so, I propose to develop the thesis that for a *complete* ‘thinking’ of political subjectivation, a metaphysical dimension must be opened up; to put the point differently, that the question of political subjectivation must be expanded metaphysically. However, the metaphysics that I have in mind is not a static one of substance, according to which political subjects would find themselves assigned a specific identity. Rather, the metaphysics I have in mind is about inner excess, an inner transcendence of being, which implies that in a positive sense beings are not identical with themselves, that means, that every being transcends its actual appearance in an open, qualitative sense. The metaphysics that I conceive of pursues this inner transcendence and is thus dynamic: it is metaphysical movement.

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In the second half of this essay, I shall outline what it means to think of political subjectivation metaphysically. First, I shall briefly discuss the constellation of current reflections on political subjects in sequence, to subsequently demonstrate why, in my opinion, the event-character of political subjectivation must be assumed and the extent to which the concept of *justice* is central here. In my view, Jacques Rancière is the contemporary thinker who throws most light on the singular power and dynamics of justice. This is also connected with the fact that, along the concept of equality, he develops political subjectivation in terms of a relationship to language, which despite its aporetic nature is experienced initially as the fundamental ability to speak. Here I shall tie in the metaphysical character of political subjectivation, while also demonstrating why I consider the metaphysical extension to be necessary.

The Political Subject Between Being and Becoming: An Outline

As mentioned, I shall begin my reflections by outlining the fundamental problem that exists when one thinks about political subjects. Indeed, a classical ontological problem would seem to repeat itself in this difficulty, namely that of whether one should place the essence of appearances in their being or their becoming.

What does it mean to assign to political subjects a definitive being, a conceptually graspable essence? In this case, political subjects are identified in the meaning of a certain higher, collective category, that is, for instance, in the sense of a certain nation, class, subclass, or other group, and so on. They are considered to be political subjects insofar as they belong to this specific collective. However, this qualification of political subjects is by nature exclusive: here, political subjects are *exclusively* members of this or that collective. A preliminary decision is made as to how the political space is constituted, a preliminary decision that makes it impossible to imagine the inner genesis of the political space, in other words, how its actors and fields of action mutate.

It is correspondingly appropriate to give up static, identitarian concepts and to take as our starting point the fundamental character of *becoming*

of the political field, including the political subjects acting on that field. The focus is then not on being a subject but on becoming a subject, on *subjectivation*. However—and here I am attempting to reconstruct the problem that seems to be inherent to the thinking of political subjectivation—the political subjects are emphasized as if becoming threatened, as it were, with disintegration. Subjects without assignment lose the political character that they possess only when they are concerned about something, if they articulate themselves in a certain way, and according to a specific form of continuity in the political space. They must therefore be tied down, in their becoming, to a formative magnitude. This formative magnitude allows them to shape themselves in a certain way, and hence they become actors that act not as something, but for something or in the meaning of something. Entirely in the classical sense, the subjects then again become bearing instances, *hypokeimena*.

However, the stated formative magnitude must not itself have any identitarian character. Therefore, those who subjectivate themselves must not follow along with this formative magnitude any identitarian scheme; neither if this scheme is understood as subject-autonomous, that is, in the meaning of something that the subjects in the process of becoming constitute themselves, for example, as a certain collective or a certain political ‘thing’; nor, if it is understood as subject-heteronomous, that is, for instance, theocratically as an injunction revealed by God, as to how the political and social order is to be shaped. Rather, the formative magnitude of political subjectivation must have the power to determine such that the political subjects can act with a certain emphasis. But the formative magnitude must also be open in the sense that it does not fix the political subjects on the determination. In other words, it must not close the political space after a singular subjectivation.

One concept that has been found in recent years, which reflects the formative magnitude of political subjectivation, is the concept of *justice*. For justice, namely, the two conditions that I have just enumerated apply: justice is—at least if one assumes that the areas of justice and law cannot be separated, but must be distinguished—open and incommensurable in the sense that it cannot be realized definitively, but at most approximately. At the same time, the claim for justice in a specific situation cannot be relativized: standing up for justice always means doing so for

complete justice. The demand for justice has an unconditional character, since otherwise it would not be a demand for justice, but an offer of compromise or suchlike.

This dual nature, namely unconditionality and openness, corresponds to the event-character of justice. Justice as a claim that allows subjects to become does not belong to the routines that establish and organize human cohabitation (here the question must be posed: ‘is it right or wrong?’ or indeed: ‘does it correspond to convention or not?’, but also: ‘is it purposeful under the given circumstances?’). Rather, justice interrupts these very routines. Where it appears as a demand, and where action is taken on its behalf, it is always extraordinary.

The event-character of justice implies two things. First, if justice has an extraordinary status, the political subjectivation that occurs on its behalf cannot designate the genesis of order-bringing subjects, that is, of subjects of dominance. On the contrary, the matter is the genesis of subjects that interrupt dominance in the name of justice. They do not have power in the sense of the force of dominance, but still they are not without power. They act according to a power or potency of their own, namely the potency of justice from which they generate themselves. At the end of this contribution, I shall return to this power, this capacity.

Second, the openness or incommensurability of justice presents itself asymmetrically. The claim for justice emerges initially from the experience of something as unjust, and this experience is self-evident for those who have the experience. On the other hand, what is just can be outlined only approximately. Certainly, the justice demanded must include the ending of injustice, but this alone is not a guarantee of justice. For example, it is possible that what is experienced as unjust might contain an aspect from which justice can be claimed. Here one is reminded of Jacques Derrida, who showed that justice is also incommensurable because others with whom we have dealings practically are incommensurable (Derrida, 2002, pp. 242–6). It should be added that in some cases ‘the others’ are also those who commit injustice. They are also incommensurable against the judgment that they call to account for the injustice committed.

However, and this is decisive from my point of view, the insight into the impossibility of judgment, of legal pronouncement, must not lead to binding the experience of justice (i.e. the experience in which the demand

for justice departs and is enacted) to a fundamental inability to speak. The difficulty of judgment is of subordinate importance for the experience of justice. Its primary aspect is the self-evident nature of injustice, from which, in contrast, the demand for justice arises. The self-evidential nature of injustice is linked to a genuine ability to speak that is prior to the aporias of judgment. It is here that the power or potency of justice is found. Justice completes itself as making it possible to speak. The experience of justice is an experience of the ability to speak, and consequently, political subjectivation is also an experience of the ability to speak.

Justice as Experience of the Ability to Speak: Jacques Rancière

I think that Jacques Rancière was the author in recent years who has developed most accurately the relationship between the ability to speak, political subjectivation, and political order. Below I shall therefore take up his position, but then depart from him in a direction that, in my opinion, is inherent within his position, but which is not made explicit. Here it should be noted that Rancière does not engage in a discourse on justice, but on equality, because he understands justice in the meaning of classical political philosophy as an appropriate apportionment of parts. As Rancière does for equality, so I assume for justice that it designates with the ability to speak whatever has an enabling character, and what, for this very reason, cannot be caught up with, and is, understood this way, beyond measure. Justice and equality are therefore, in effect, synonymous.

Rancière's decisive theoretical move is, in my opinion, his description of the political *logos* as a split *logos*. As he elaborates in detail in his essay *Dis-Agreement* (Rancière, 1999), the *logos* is, on the one hand, the *logos* of language, that is, of genuine speaking, which departs wherever in the experience of injustice the possibility of justice can be experienced. On the other hand, the *logos* is also the *logos* of counting.

As the *logos* of counting, the *logos* functions on behalf of the given political order. It organizes the existing circumstances by allocating different 'parts' (Rancière, 1999, p. 6), that is, by attributing social roles—to put it simply, that which is linked with the specific possibilities of

political participation. The precondition here is always that those who enact the roles are speakers; in other words, there is no reflection on the enabling dimension of speaking. Speaking here is always as much factual as it is actual.

The *logos* in the meaning of language, of the ability to speak, shows itself only where the reality of the counted speakers suddenly interposes and those begin to speak who were previously without language, something which one, literally, could not count on. As those who were formerly without speech begin to speak, they subjectivate themselves, that is, they first reveal the injustice done to them by the counting. But they also reveal a fundamental discrepancy, namely, that the counting inflicts on the ability to speak an injustice in that it determines it within the meaning of a certain speech order (as order of appearance), and actualizes it without question. As the speechless begin to speak and, in claiming the end of injustice, let appear the ability to speak as such, they exceed the counting. Hence they speak without agreeing with the semantics of order, and yet their way of speaking makes sense. One can connect this with Rancière through an image that in Aristotelian terms quotes *zoon politikon* as *zoon logon echon* while shifting their connotations. Those who are counted and participate in the order are the human beings. But those who subjectivate themselves politically, precisely *by* subjectivating themselves, are not human beings, but remain animals that speak, that is, speakers before the semantics of the order, but who nonetheless still articulate something meaningful. The speaking animal is, understood in these terms, the genuine figure of political subjectivation.

The question that must be asked of Rancière and which also lies at the heart of the question of political subjectivation is, in my opinion, the following: how can the positive meaning of this zone of speaking animals, that lies before the zone of human beings, or of this zone of subjectivation, that lies before the zone of subjects, be maintained, in view of the fact that it is itself the place of a *dynamis*, and therefore does not designate an end, but continues to be connected with the becoming of subjects? To express the point differently: where does the transgression of the speaking animals lead to? If one wishes to retain the dynamic character of political subjectivation, the possibility must be excluded that this transgression will lead back to order. This implies two things: first, the transgression

must not be understood in the sense of delayed integration, at the conclusion of which the speaking animals will reveal themselves to be human beings after all. The thinking through of political subjectivation is not directed at the thinking of a new order. Second, the transgression must not result merely in the negation of the order. The negation namely ties the transgression back into the order, while removing from it the positive impulse that the transgression has only as long as it is the pure movement of the ability to speak. As negation, the speaking animals succumb to the order and become the speaking animals of the order. The classical case is political terrorism: the positive aspect of protest, the experience of being able to speak, cannot be held. What was transgression becomes a negative movement against the order, but the order has already caught up with the transgression to the extent that the transgression is completed with regard to the order (and not with regard to the self-evidential nature of injustice).

The Metaphysics of Political Subjectivation

In my opinion, the positive sense of transgression, which is what political subjectivation completes itself as, can only be maintained if it is connoted metaphysically. Since I cannot develop my metaphysical model here in detail (compare Lehmann, 2014), I should like to leave it as a short sketch. The metaphysical line of argumentation is as follows: what is incommensurable in being, that is to say, what cannot be caught up with by any specification, its non-identical nature in a conceptual sense,¹ is at once what enables beings to appear in a specific manner and also to be specified accordingly. From this follows that whatever the 'appearing' recurs to as, in each case, specific 'appearing' (as the matter is not actually a foundational relationship), is simultaneously that which the appearing transgresses, leading it beyond itself, pointing ahead like the approaching horizon of an impossible totality. Every specific thing is made possible by

¹ Here with regard to the dynamic metaphysics, I have proposed this is also an attempt to again make fertile certain moments of Critical Theory, prominent in Theodor W. Adorno's 'negative dialectic' insofar as it builds upon the 'insight into the constitutive character of the nonconceptual in the concept' (Adorno, 1973, p. 12).

what points beyond the specification. It is traversed and transcended by its own enabling.

This abstract sketch will likely become clearer if I now apply it to the problem of justice, under the sign of which the transgression of political subjectivation completes itself. The experience of justice of political subjectivation is possible because there is justice, that is, justice makes it possible for people to experience certain relationships as unjust and to demand just conditions. The established conditions are however at no time—irrespective of how they are derived—truly just conditions. Even though they are rooted in the experience of justice, they are also traversed and exceeded by the form of justice that the experience of justice deals with.

Enabling/traversing/exceeding justice, this dynamic-transgressive justice is not to be understood in the sense of an idea-realism, but as a tendency that is inherent to all Being in so far as Being is incommensurable in itself. Justice is, as it were, the ‘Sense of Being’, that is, it has ontological status. I notice this also because I assume, differently to Derrida (2002, p. 245) and before him Emmanuel Levinas (1981, p. 53), that the experience of justice does not catch fire primarily on the Other, but that it has its source more generally ‘among the things that are’, that is, in specific situations. Following Rancière (1999, IX) and others such as Alain Badiou (Badiou/Žižek, 2009, p. 16), one might describe these situations as situations of dissensus, of the elements that are incommensurable with each other, of ‘relations that are not relations’ (Badiou/Žižek, 2009, p. 15). These are situations in which the excess inherent in certain relationships of the orders realizes itself through certain experiences; or also, expressed differently, situations in which the contrast emerges between what is and that to which this ‘What is’ from itself, but also beyond itself indicates: to itself as un-distorted through order, meaning to itself as fulfilled, to itself in the status of justice. The ‘What is’ means here not only the people and the circumstances in which they live but also the orders themselves, for, qua justice, the orders too aim to be un-distorted. The meaning of orders is the ‘order without injustice’, but also from the perspective of orders *as orders*, that is, insofar as they are in each case actual order, this expression is paradox. Order cannot realize justice, and yet it exists through justice. The dialectic of right and wrong that structures the orders demonstrates this.

In my opinion, the metaphysical, dynamic-transgressive justice states the direction in which the exceeding of political subjectivation completes itself. Insofar as justice is incommensurable, it is not in the register of order and correspondingly it cannot revert to order. It remains incommensurable for order. In other words, it remains literally without measure. Nonetheless, this state of being without measure does not mean that justice withdraws. Rather, justice is positive. It sets its own point of flight at which the dynamics of political subjectivation can be fixed. This dynamic manifests itself where—in the form of speaking animals—immeasurable claims are made of an order, that is, claims that relate to this order, which however, for it, as it is, cannot be met.

If one ties political subjectivation to the proposed metaphysical concept of justice, it becomes possible to understand its power against the order. This power *appears* (the area of order is the area of appearing) as impotence, for from the perspective of order, political departures are always followed by new orders, that either integrate the departures or disintegrate them radically. Thus the political departures consolidate the orders, or displace them, but they cannot impose themselves against the order. The order is the principle of the world, in which even the political departures appear. The *arché* is without alternative, and the summer of anarchy is always short.²

If in contrast one interprets the political departures in the meaning of metaphysical justice, it is apparent that they do not disappear in the orders. By directing themselves with justice at the incommensurable, they themselves remain incommensurable. They are characterized by a dynamics of their own, by a dynamics that does not pass to the reality of order, but that commits itself to the realization of the potency that is justice. Nonetheless, the political departures do not drive out of the world thereby. Rather—and this has been demonstrated by Rancière—the political departures, as events of being able to speak, take up relationships with the order. The political departures formulate the claims of a justice that the order itself goes back to. It recognizes itself in them again, that is: although it can integrate the political departures, they are

²This refers to Hans Magnus Enzensberger's 'Der kurze Sommer der Anarchie: Buenaventura Durrutis Leben und Tod' (1977).

simultaneously a reminder of what lies in the order and points the order beyond itself. They are a reminder of the 'it is never enough' of justice. Each political departure rejuvenates this 'it is never enough'. What do political departures mean? As has now become apparent: it is not the alternatives of *arché* and *anarchia* that are decisive, but the alternative of *arché* and the 'it is never enough' of justice.

I would like to end on one point: 'it is never enough'—'never': obviously, with this 'never' a dimension of time enters into play, a historical dimension. Underneath the history of orders, a second history emerges, a history of justice. 'Thinking' this story is important for the reason that, with it, it becomes possible to put the instantaneous events of political departures in relationship with each other. Without the alternative of this relationship, the political departures (once more) belong to the context of the history of orders. If, however, the relationship is accepted, that is, if one assumes that the political departures are elements in the metaphysical history of justice, they can carry themselves, then an invisible cohesion, an invisible continuity arises between them. Perhaps one can speak of an autarchy of political departures in view of this self-bearing continuity? At any rate, with the metaphysical history of justice it becomes possible to say that—as Walter Benjamin phrased it—'we were expected on earth', because 'we have been endowed with a *weak* Messianic power to which the past has a claim' (Benjamin, 1968, p. 254).

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Part II

Subjectivation in a Variety of Contemporary Practices

6

Outraging Speech: On the Politics of Performative Contradictions

Gerald Posselt

“I want to convince everyone by means of argumentation that argumentation amounts to use of violence”. One recognizes a performative self-contradiction as soon as one sees it, right? However, the aforementioned sentence isn’t my speech, but a quotation by Karl-Otto Apel. But it isn’t his speech either, but just an example for a form of speech that, according to Apel, turns into a performative self-contradiction as soon as someone utters it seriously’. And this in turn isn’t *my* speech either, but a citation taken from an article on the taxonomy of performative self-contradictions by Wolfgang Kettner (1993, p. 187).

What does this citationality and exemplarity tell us about performative contradictions? Is it possible at all to express a performative contradiction

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in any other than a *non-serious* way, that is, without the use of quotation marks that signal the non-seriousness of my expression, whereas not using them would, as some argue, disqualify me as a rational speaking subject? This conversely raises the question of whether it is in any case possible to entirely avoid performative contradiction. In other words, could we imagine a form of speech immune to the risk of performative contradiction, or is this just a counterfactual ideal we necessarily have to presuppose, if we do not want to put at risk the possibility of speaking out, seizing the word, and making our voice heard? In fact, there seems to be something scandalous, outrageous, unheard-of about performative contradictions, as the notorious debate on this issue demonstrates. However, the question remains ‘why they outrage speech, and wherein the outrage lies’ (Austin, 1975, p. 48).

In what follows, I will argue that performative contradictions cannot be readily disqualified as a kind of impossible, self-refuting, or self-contradictory speech, but should rather be analyzed as a kind of outrageous and outraging speech that can assume various forms and directions. For, as John L. Austin argues, there are ways of speaking ‘which, though not false exactly nor yet “contradictory”, are yet outrageous’ (Austin, 1975, p. 20).¹ Understood as outraging speech, a performative contradiction both evokes and articulates outrage; it is not only a way of provoking or even committing an outrage but also a way of being outraged and speaking with outrage. If we take this dimension into account, then both the status of and the verdict over performative contradictions need to be rethought. While universal pragmatics considers performative contradictions as a suspension of all serious speech, other approaches hold that performative contradictions can never be completely avoided, insofar as they are constitutive of every discourse that takes place at the margins of the sayable and the unsayable, that is, of every genuinely *political* discourse. Jacques Derrida even claims that no utterance works without a certain (performative) contradiction and that ‘[w]ithout *this* “performative contradiction,” [...] there would no longer be critique, discussion, communication, progress of knowledge’ (Derrida, 1989, p. 260). Other scholars recently emphasized precisely the ethico-political dimension

¹ It is worthwhile noting that the German edition of Austin’s *How to Do Things with Words* translates ‘outrageous’ inter alia by ‘unerhört’, which in German signifies ‘not answered’ as well as ‘unheard-of, outrageous’.

of performative contradictions, just to mention, for example, Jacques Rancière's concept of *disagreement* (1999) or Judith Butler's hypothesis that 'there can be no radical politics of change without performative contradiction' (Butler/Spivak, 2007, p. 66). Here, performative contradiction is not localized in an isolated hypothetical example, but rather in a complex socio-political field that encompasses concrete political, social, and economic conditions. In these approaches, performative contradiction is no longer understood as a form of self-refuting speech, but rather as a genuinely political act that goes along with the exercise of rights and the expression of free speech.

In order to outline possible aspects of such a politics of performative contradictions, I will proceed in five steps. In the first part, I will undertake a critical investigation of the structure and function of performative contradictions within the scope of universal pragmatics. In this context, the allegation of performative self-contradiction is used to delineate the field of rational speech and to establish a clear dividing line between the sayable and the unsayable—thereby assuming a self or a subject that is at any moment able to account for its intentions and discursive commitments (1). In contrast, the second section of this chapter shows that it is precisely the status of the *self* implied in a performative *self*-contradiction that becomes problematic. What is at stake in the debate over performative contradictions is not just the foundation and defense of rational discourse but also the question of what it means to be a legitimate speaking subject (2). The crucial role of performative contradictions for questions of subject formation and political agency is unfolded in a dialogue with Butler (3) and further explored with regard to Derrida's analysis of the constitutive performative contradiction in the American Declaration of Independence (4). Based on Butler's critique of the notion of universality, I will finally outline possibilities for a radical politics of performative contradictions (5), before concluding with some summarizing remarks (6).

The Sayable and the Unsayable

According to universal pragmatics, the term 'performative contradiction' designates an utterance that undermines its own validity claims in the moment it is performed, that is, an utterance that suspends and refutes

itself through its performance. Such a contradiction occurs, or rather, a speaker performatively contradicts herself, if the propositional content of the utterance is undermined by the act performed. In other words, 'it occurs when the locutionary dimension of a speech act is in conflict with its illocutionary force, when what is said is undercut by how it is said' (Jay, 1989, p. 176). For instance, the statement 'There is no truth' makes a truth claim the very moment it is uttered. Consequently, uttering the phrase 'There is no truth' produces at least one sentence that claims to be true. In contrast to logical contradictions, this kind of contradiction is called 'performative' or 'pragmatic', because the contradiction does not occur between two propositions, but rather between the propositional content of an utterance and the act the speaker performs by uttering it. The paradigmatic examples, mentioned frequently in this context, are all too familiar: 'I claim not to exist', 'I claim that there is no truth', 'I claim that there is no nonviolent argumentation', etc. Universal pragmatics has only one answer to claims like these: "You can't say that!" Why not? Because it is a performative self-contradiction by which one suspends what one is claiming' (Apel, 1997). To be sure, not being able to say it does not mean to be effectively incapable of saying it. It does mean, though, that it cannot be claimed *seriously*, but merely cited as an example, mentioned, or quoted, if one does not want to disqualify oneself as a rationally speaking and acting subject. Consequently, whoever commits a performative contradiction can no longer claim to be recognized as a serious interlocutor who is giving and asking for reasons, but rather excludes herself from the realm of discourse.

In universal pragmatics, the accusation of a performative contradiction fulfills two functions: in its negative form, the argument of performative contradiction is put forth in order to expose the position of the opponent as self-contradictory and thus untenable and irrational. Here, the accusation of performative contradiction works as a form of censorship or incision that aims at delineating the boundaries between the sayable and the unsayable, demarcating the realm of serious argumentation as well as assigning possible and impossible subject-positions. Accordingly, the aim is not to demonstrate the falsity of the assertion, but rather that it cannot be uttered *seriously* without subverting the universal foundations of meaningful speech. Conversely, the positive

function of performative contradictions—at least in the context of universal pragmatics—consists in making explicit those very foundations by demonstrating that everyone who tries to deny or refuse them necessarily has to presuppose them in her speech. As already Aristotle shows in his defense of the law of non-contradiction, the evidence is provided not by the proponent but rather by the opponent himself as soon as he speaks. The only thing required from the opponent of the law of non-contradiction is *that* he speaks, that he says *anything* at all: if he makes no statement at all, ‘it is absurd to seek for an argument against one who has no arguments of his own about anything, in so far as he has none; for such a person, in so far as he is such, is really no better than a vegetable’ (Aristotle, 1989; Met 1006a).

According to Apel, the performative contradiction ideally leads to a

reflexively realizable ‘clash’ between *what* I claim and what my claim implies *performatively*, in the sense of practical knowledge, as in the ‘clash’ between the proposition ‘As a matter of principle, I don’t have to recognize the equal status of all conceivable conversational partners’ and the assertive act by which this very thesis is put up for discussion as being *universally capable of consensus* (Apel, 1987, p. 190)

—albeit ‘nobody can be forced to do so’ (Apel, 1987, p. 190), as he concedes.

However, sometimes it works, sometimes someone is still young enough, still open-minded enough, so that you can point out during a discussion: ‘You can’t say that.’ Why not? Because it is a performative self-contradiction by which one suspends what one is claiming. If I aim to benefit from such an analysis of a performative self-contradiction, I have to make an upgrade that consists in explicating that which the other has realized by immediately reflecting on his own performance, in a manner that is now propositional and works on a higher level, from where I can become conscious of what I have just stated to be irrefutable. (Apel, 1997)

Kettner in this context coins the term ‘performative self-contradiction of self-refutation through absent-mindedness’ (Kettner, 1993, p. 200). The absent-mindedness consists in the fact that the speaker does not realize

the consequences and implications of her speech, even though she could become aware of them by reflection—provided that she is ‘still open-minded enough, still young enough’. The performative contradiction reflexively explicated in this way turns out to be a mere cognitive problem that can be reduced to a contradiction between the ‘reflective competence and the reflective performance of a speaker’ (Kettner, 1993, p. 200) which can be easily resolved. What also comes into play here is a specific form of pedagogy, which—as long as it is applied early enough and consistently enough—prevents the looming danger of performative contradiction. This pedagogy, at least according to Apel, is free of any violence:

It is not true that I exercise violence by saying that someone is committing a performative self-contradiction. The only thing I can say is: ‘Think about it, you are factually annulling what you are saying!’ Whether it works, whether it makes them think about it ...? If not, they carry on like Nietzsche, and in the way it is generally common. Derrida for example is teeming with performative self-contradictions’ (Apel, 1997).

From the Self-Consistent Self to the Subject of Performative Contradictions

It is debatable, though, whether this contradiction can be reconciled that easily. For it is at least possible that what we are dealing with is not just the absent-mindedness of a speaking subject that could be eliminated by increased reflection or attention, but rather with an absent-mindedness or ‘unconsciousness’ that is constitutive of the subject itself. What is exposed by the performative contradiction of absent-mindedness then would not be so much a cognitive deficit of reflection that can be brought to awareness and compensated accordingly, but rather the fact that it is ultimately impossible to completely reconcile competence and performance, speaking and acting, the subject of the statement and the subject of the enunciation. Such a congruency would only be conceivable, if we presupposed a subject that is fully aware of its intentions, an assumption already questioned by Austin when he argues that every intention is ‘always *limited*’—comparable to ‘a miner’s lamp on our forehead which illuminates always just so far ahead as we go along’ (Austin, 1970, p. 284).

Derrida radicalizes this insight by pointing out that every sign is structurally separated from its ‘origin’, the presence of a sender, an addressee, or a signified, since for a sign to work as a sign, it has to break with its ‘original’ intention and has to be repeatable in other contexts. Moreover, according to Derrida, no performative utterance could succeed

if its formulation did not repeat a ‘coded’ or iterable utterance, or in other words, if the formula I pronounce in order to open a meeting, launch a ship or a marriage were not identifiable as *conforming* to an iterable model, if it were not then identifiable in some way as a ‘citation’ (Derrida, 1988, p. 18).

In this context, Derrida speaks of a *general iterability* ‘without which there would not even be a “successful” *performative*’ and which a priori inserts into the intention that motivates the utterance ‘a dehiscence and a cleft [*brisure*] which are essential’ (Derrida, 1988, p. 18). Judith Butler puts forth a similar argument—albeit with a shift of emphasis—in underlining that speaking understood as a bodily action always exceeds our control. It is always a body that speaks, and ‘that unknowing body marks the limit of intentionality in the speech act. The speech act says more, or says differently, than it means to say’ (Butler, 1997, p. 10). This is not to say that intention no longer plays a role, but it ceases to be the sole principle that structures the utterance. Or in Derrida’s words: ‘the category of intention will not disappear, it will have its place, but from that place it will not be able to govern the entire scene and system of utterance’ (Derrida, 1988, p. 18).

Consequently, it is no longer possible to fully dissolve the ‘contradiction’ or discrepancy between competence and performance, because this would require a virtually bodiless subject, fully aware of its intentions at any given moment. Kettner also brings this aspect into play when he points out that the case of the performative contradiction through absent-mindedness

[s]tructurally resembles the significantly more dramatic one of Oedipus and Jocasta, who realize that the action that seemed to be a legitimate marriage really was incest. But with regard to our speech acts we are peculiarly certain that no Sphinx needs to remind us what kind of person we are and

no Teiresias has to explain us what we are actually doing in a particular case (Kettner, 1993, p. 201).

In doing so, the performative contradiction refers not only to the conditions of possibility of speech and action, without which we seemingly could not conceive ourselves as rational beings, but also to the conditions of its impossibility. Indeed the standard list of performative contradictions—‘I claim that I do not exist’, ‘I claim in your presence that you do not exist’, ‘I declare with a claim to intelligibility that I am not claiming intelligibility’, ‘I claim as true that I have no truth claim’, ‘I claim that as a matter of principle I don’t have to recognize the equal status of all conceivable conversational partners’, ‘I claim that any use of language—even argumentation—is nothing but a practice of power’, etc. (see Kettner, 1993, p. 198; Apel, 1987)—demonstrates that the discourse on performative contradictions always already implies a speaking subject whose existence, intelligibility, credibility, accountability, and equality are anything but certain. What at first sight seems to be a list of exemplary utterances that are commonly evoked to reject radical skepticism, at a second glance turns out to be a juridically, politically, and ethically impregnated discourse on the possibility of speaking out and being heard. For what is at stake in these examples (whose status as examples is debatable itself) is the very question of who counts and qualifies as an intelligible, rational, and accountable subject.

As soon as those questions come into play, we are no longer dealing with a ‘performative contradiction through absent-mindedness’, but rather, according to Kettner, with the ‘performative contradiction of a (conscious) border crosser of discourse’. Those cases are not just ‘disagreements about facts’, but rather ‘disagreements about what can be stipulated in the discursive universe’, that is, for example, about rules of rationality and what should count as argumentation at all (Kettner, 1993, p. 205). In other words, the border crossers of discourse are no longer fighting over validity claims of truth, accuracy, and veracity, but find themselves involved in a dispute concerning the fundamental constitution of those validity claims and what it actually means to bring forward an argument. Jean-François Lyotard defines such a dispute or *differend*, as distinguished from litigation, as ‘a case of conflict between (at least) two parties that

cannot be equitably resolved for lack of a rule of judgment applicable to both arguments' (Lyotard, 1988, p. xi). But if 'argumentation *cannot* be something that does not allow to question what argumentation actually is' (Kettner, 1993, p. 204), and if—following Lyotard—'thought, cognition, ethics, politics, history, or being [...] are in play when one phrase is linked onto another' (Lyotard, 1988, pp. xii–iii), then what is at stake in the debate over performative contradictions is not just the possibility of philosophical argumentation (see Derrida, 1998, p. 4) but also the possibility of politics and ethics itself.

The Performative Contradiction at the Heart of Subjectivity

The problem of performative contradictions arises time and again in theoretical and political discourses linked to questions of political subjectivity and agency. In her debate with Seyla Benhabib, Nancy Fraser, and Drucilla Cornell on 'feminism and the question of "postmodernism"', Butler rejects the accusation that her critique of a pre-given and self-identical subject undermines the possibility of political agency. On the contrary, Butler asserts that precisely by claiming that politics necessarily requires a stable subject, any opposition to that claim is eliminated from the outset, insofar as it imposes the verdict of performative self-contradiction upon everyone who challenges that claim: 'To claim that politics requires a stable subject is to claim that there can be no *political* opposition to that claim' (Butler, 1995a, p. 36), since any contestation of that claim already has to presuppose a subject if it wants to be politically effective. The claim that politics requires a stable subject thus immunizes itself against all forms of opposition, since it is construed in such a way that any objection against this claim can be reduced to a performative contradiction. Consequently, any critique of the traditional notion of the subject becomes impossible, while political concepts like *subject*, *identity*, and *agency* as well as the sphere of the political itself are determined and delimited once and for all. Moreover, anyone who objects to this claim is denied the status of an intelligible subject. The accusation of performative self-contradiction here acts in the sense of a double

ensorship: on the one hand, it marks the borderline between the sayable and the unsayable; on the other hand, it defines possible and impossible, livable and unlivable speaker's positions—with the effect that any 'political contest over the status of the subject is summarily silenced' (Butler, 1995a, p. 36).

It is crucial, though, that this verdict only works if a specific ontology of the subject, of identity, intention, and agency is a priori accepted as given. This ontology presupposes a sovereign subject that is capable of fully controlling its language and speech by virtue of its capacity for reason and reflection. In contrast, Butler underlines that the 'I', the subject of the utterance that performs the performative utterance, does not precede its speech; rather it is continuously constituted and produced by virtue of those conventions, norms, material practices, and institutional arrangements that enable its utterances (see Butler, 1995a, p. 42). This also means that subject formation must not be understood as a unique singular act of address or interpellation, but rather implies an ensemble of continuous reiterative practices which not only reproduce the subject but at the same time imply the risk of its misnomer and aberration.

What comes into play here is the reiterative structure of the performative and its transformative force: only by invoking, citing, and mobilizing the citational chain of prior speech acts as well as the norms and the conventions sedimented in them, the performative opens up the possibility of modes of speaking differently that have not yet been anticipated. At the same time, the temporality and iterability of performative acts make it possible to conceive of political agency beyond subject-centered models. For 'to claim that the subject is constituted is not to claim that it is determined; on the contrary, the constituted character of the subject is the very precondition of its agency' (Butler, 1995a, p. 46), insofar as the normative and conventional practices by which the subject is engendered can be reworked and turned against themselves. Thus Butler radically changes the perspective and opens up a way to think about subjectivity and agency based on the constituted character of the subject. It is precisely the fact that the subject is not simply given but rather constituted through continuous practices, that makes agency and change possible at all. On the contrary,

[i]f a subject were constituted once and for all, there would be no possibility of a reiteration of those constituting conventions or norms. That the subject is that which must be constituted again and again implies that it is open to formations that are not fully constrained in advance (Butler, 1995b, p. 135).

According to Butler, the subject is therefore neither cause nor effect, 'but the permanent possibility of a certain resignifying process, one which gets detoured and stalled through other mechanisms of power, but which is power's own possibility of being reworked' (Butler, 1995a, p. 47). Consequently, it is necessary to no longer understand agency in terms of the authorship of a sovereign subject, but rather with regard to the reiterative practices which always encompass discursive as well as non-discursive, verbal as well as bodily elements that turn us into speaking and acting subjects as we internalize and incorporate them.

Conflicting Dependencies

The assumption that the subject does not simply precede its speech acts, but rather is produced and constituted retroactively as the belated origin of its actions, is illustrated in Derrida's analysis of the mode of operation of the US' Declaration of Independence. The American people, in whose name and by virtue of whose authority 'the Representatives of the United States of America' sign the declaration 'does *not* exist *before* the declaration, not *as such*', as one might assume. In fact, in a kind of 'coup de force' it 'gives birth to itself, as a free and independent subject, as possible signer, this can hold only in the act of the signature' (Derrida, 2002, p. 49). In other words, we are faced with a 'subject' that claims to speak and exist, whereas, by rights and definition, it should not speak and exist at all. Accordingly, the supposed performative contradiction that seems to be implied here assumes a fundamentally different form as in the standard-examples. While, according to the interpretation of universal pragmatics, we are confronted with a subject that claims not to exist while proving its existence by its very utterance. Now, we are confronted with a subject that claims to exist while proving that it did

not exist prior to its utterance. Again, it is important that this process is not a singular act that fully enacts what it names, but rather a reiterative practice which requires continuous repetition and confirmation in order to be effective. What becomes apparent here is how the 'performative contradiction', whose 'proper' function is the delineation of the borders of the sayable and the definition of possible speaker's positions, is turned against itself and activated politically. This enacts a kind of impossible speech that radically contests the contingency of those borders and positions and turns them into a starting point for the political struggle over representation, recognition, and participation.

But does this also apply to ordinary performatives, or is the structure only characteristic of the particular cases of political self-constitution? In fact, there are good reasons to assume that every speech act, even the most banal promise, owes itself to the temporality of a catachrestic anticipation and 'a sort of fabulous retroactivity' (Derrida, 2002, p. 50), by which the speaking subject is engendered, without the subject of the statement and the subject of the enunciation ever being congruent. Such a view also has consequences for the very *self* that is implied in performative *self*-contradictions. While usually a self is presupposed that precedes its speech and then may become entangled in a performative contradiction of absent-mindedness due to lack of reflection, we are dealing here with a 'contradiction' that seems to be crucial for any performative utterance as such as well as for the process of *self*-constitution. For without this constitutive split between the subject of the statement and the subject of the enunciation, between what an utterance says and what it does, in short, without the 'coup de force' of a catachrestic anticipation, neither speaking nor acting would be possible. This also means that 'a performative is never pure, never works well or only works, so to speak, on contradiction' (Derrida, 1989, p. 260). Hence, insisting on the fundamental incongruence of intention, utterance, and action, that is, on 'a potential incommensurability between intention and utterance (not saying what one means), utterance and action (not doing what one says), and intention and action (not doing what one meant)', in no way undermines the possibility of verbal and political participation, but rather 'such disjunctures produce the possibility of a politically consequential *renegotiation* of language that exploits the undetermined character of these relations' (Butler, 1997, p. 92).

This has also important consequences for the notion of responsibility. Indeed, the claim that there is no pure performative in no way absolves us from the commitments we enter into when we speak or make promises. Precisely because we are never dealing with a pure performative in which saying and doing are congruent, because the split between what the utterance says and what it does can never be completely closed, we are responsible for our speech and our actions. Just like a promise that cannot be broken would not be a promise at all (but rather a statement about a future event that would also happen without any effort on our part), a performative would not be a performative without a ‘certain’ contradiction between saying and doing.

Contradicting Performatively

In her analyses of the US’ debates on pornography, racist speech acts, and free speech, Butler illustrates that this ‘contradiction’ is never a simple one, but may adopt various, even conflicting political forms. For example, advocates of a stricter juridical regulation of hate speech and pornography argue that sexist and racist speech should not be protected by freedom of opinion and expression, as it claims the inferiority of a particular sex or another race, and in doing so violates the constitutionally guaranteed principle of equality. Such a speech seemingly evokes a twofold performative contradiction: on the one hand, it commits a performative contradiction (at least insofar as it tries to argue) in claiming that—in the words of Apel—‘it doesn’t have to recognize the equal status of all conceivable conversational partners’, while ‘this very thesis is put for discussion as being universally capable of consensus’ (Apel, 1987, p. 190). On the other hand, jurisdiction, too, becomes entangled in a performative contradiction, insofar as it protects a speech that precisely denies the universal foundations upon which law and jurisdiction themselves rest. The consequence would be ‘that the only speech that ought to be protected by the Constitution is speech grounded in its universalist premises’, and that only that which is ‘governed by prevailing and accepted versions of universality’ is speakable (Butler, 1997, p. 88). If one accepts these premises, however, it would be impossible to challenge, expand, or reformulate

prevailing and historically contingent versions of universality. History has shown that these versions of universality have always been entangled with sexist, racist, and Eurocentric assumptions and prejudices. For if there is only one version of universality, in the name of what universality could this universality be challenged? Or, speaking with Butler: ‘How might we continue to insist upon more expansive reformulations of universality, if we commit ourselves to honoring only the provisional and parochial versions of universality currently encoded in international law?’ (Butler, 1997, p. 89) The question here is not whether racist speech contradicts existing universal and democratic standards—this doubtlessly is the case. The question is rather what other forms of ‘contradictory’, resistant, outrageous, and unheard-of speech we possibly exclude, when the realm of the sayable and the unsayable is limited from the outset in the name of a historically articulated universality and sanctioned by an uncontradicted juridical speech.

This brings into focus other forms of performative contradictions that appear when those who are excluded from the universal demand, in the name of this very universal, to be included in it. In other words, when those who are being denied fundamental ‘universal’ rights like freedom and equality demand that these rights must apply for them, too. For example, when illegal immigrants in the USA, who neither have a politically audible voice nor civil rights, demand legalization and intone the American national anthem in Spanish in public, or when Jacques Rancière’s plebeians, whose words do not count as binding speech, but as mere noise, demand a contract with the patricians (see Rancière, 1999), or when refugees gather, occupy public places, and demand fundamental rights which current policies have excluded them from.

Such performative contradictions can become politically salient, precisely because they do not just constatively register or state a contradiction—for example, between the principle that all men are created equal and the facts of political reality—but also execute it performatively as a social antagonism, thereby bringing it into the focus of politics in the first place. This makes it possible to think of performative contradictions as starting points for a subversive political practice, by means of which those who are excluded from the space of linguistic and political representation as well as from the prevailing conventions of universality,

can make themselves heard and formulate claims by appealing to the universal while challenging it at the same time. Of course, more has to be done than merely uttering words in order to empower speech of this kind, as campaigns of civil disobedience, strikes, or public upheaval demonstrate. But what becomes apparent here—even though this does not absolve us from the obligation to ask which social processes are necessary and which social, economic, and material conditions have to be fulfilled in order to articulate certain demands and to make them heard at all—is the conflicting and contradictory structure at the heart of any political articulation and transformation. This ‘contradiction’ inevitably takes place ‘when one with no authorization to speak within and as the universal nevertheless lays claim to the term’ (Butler, 1997, p. 91), when one who, in a paradoxical way, ‘is excluded from the universal and yet belongs to it nevertheless, speaks from a split situation of being at once authorized and deauthorized’ (Butler, 1997, p. 91). Thus it becomes clear that radical political demands that challenge the established conventions of the universal can only be formulated by a certain ‘contradiction’: when illegal immigrants take to the streets and demand they be legalized, they have to violate existing law while at the same time demanding that this law and the universality on which it is based, ought to apply for them, too. Or when impoverished farmers occupy land, or homeless people squat houses, they lay claim to a right and invoke a universality while at once contesting existing rights and versions of universality.

At first glance, all those forms of speech—which in no way encompass only verbal, but always also bodily actions and practices that require material and economic conditions in order to be performed—seem to be cases of impossible and contradictory speech, but hardly, as Butler points out, ‘a self-defeating enterprise; on the contrary, performative contradiction is crucial to the continuing revision and elaboration of historical standards of universality proper to the futural movement of democracy itself’ (Butler, 1997, pp. 89–90). This is the case because ultimately we are always dealing with historically contingent realizations and standards of universality, that is, with ‘existing and accepted conventions of universality’, which define who is included in this universality and who remains excluded (thus, the American Declaration of Independence reads ‘that *all* men are created equal’, whereas in fact for a long time much rather

than *all* men, this meant only white men holding property). However, as Butler argues, it is crucial here that ‘that which remains “unrealized” by the universal constitutes it essentially’ (Butler, 1997, p. 90). Thus, it is not just a matter of a gradual expansion of universality until it eventually *really* covers everyone, but much rather a challenge to existing conventions of universality from its margins. Put differently, there is no universal without something which is excluded and which ‘constitute[s] the contingent limit of universalization’:

The universal begins to become articulated precisely through challenges to its *existing* formulation, and this challenge emerges from those who are not covered by it, who have no entitlement to occupy the place of the ‘who,’ but who, nevertheless, demand that the universal as such ought to be inclusive of them (Butler, 1997, p. 90).

Perceived in this way, contradictory and outrageous forms of speech articulate precisely the ‘impossible possibility’ of seizing the word and making oneself heard, while at the same time challenging existing norms and standards of equality, rationality, truth, consensus, nonviolence, and communication, even of what it means to exist and to live a livable life. The performative contradiction in which a claim for equality and freedom (of speech)—or rather, a claim for being heard and seen—is articulated, of course, is not able to produce what it denominates or contradicts. It is not enough to say ‘I’m free’ in order to be free; it is not even enough to say ‘I’m speaking’ in order to speak (see Jay, 1989, pp. 178–9). Indeed, a lot more is required: basic material, economic, social, and political pre-conditions have to be met in order for such a speech to be performed at all and to become audible as speech:

But to make the demand on freedom is already to begin its exercise and then to ask for its legitimation is to also announce the gap between its exercise and its realization and to put both into public discourse in a way so that that gap is seen, so that that gap can mobilize (Butler/Spivak, 2007, pp. 68–9).

In her dialogue with Gayatri Spivak, Butler makes clear that the starting point of a politics of performative contradictions especially concerns

the material, economic conditions necessary for political demands to be able to be articulated. For example, when illegal immigrants sing the American national anthem in Spanish on the streets, they not only try to gain a voice and problematize the ‘We’ of the nation as a plurality that needs to be renegotiated; they also expose and utilize the street as the place of freedom of assembly—thus drawing attention to the material conditions that have to be met in order for particular rights to be demanded and articulated at all (see Butler/Spivak, 2007, p. 63).

Concluding Remarks

At this point, the differences between universal pragmatics on the one side, and approaches that take into account the political brisance and force inherent to performative contradictions on the other side, become particularly apparent. Although universal pragmatics tries to ‘bring home’ the benefit of an analysis of performative self-contradiction, it obviously pursues fundamentally different goals. While Apel, as we have seen, aims at a vertical upgrade that aims at making explicit the indisputable and irrefutable presuppositions of any argumentation (see Apel, 1997), the point here is to demonstrate the fragility of those presuppositions and of the speaking subject itself. In other words, while, from a universal pragmatic perspective, performative self-contradictions presuppose a universal and sovereign subject in order to ‘reconstruct [...] the universal validity basis of speech’ (Habermas, 1979, p. 9), a politics of performative contradictions makes clear that the conventions of the universal are always already contingent and contested. While universal pragmatics analyzes the conditions we necessarily have to presuppose, if we want to understand ourselves as rationally speaking and acting subjects (existence of the speaker, intelligibility, truthfulness, equal rights, nonviolence, etc.), a politics of performative contradictions points out that those conditions are always precarious, temporary, and questionable, insofar as there is no speech where the social status and existence of the interlocutors, their equality, freedom, and capability of speech, the intelligibility and truth of what is said, as well as its potentially forceful and violent character are not already at stake.

Performative contradiction, thus, is no longer simply an impossible speech act; rather it proves to be inherent to any radical politics of change. ‘The contradiction must be relied upon, exposed, and worked on to move toward something new’ (Butler/Spivak, 2007, p. 67). This does not mean that one should stop at this performative contradiction or accept it, rather one should turn the performative contradiction into an object of analysis and into a starting point for its reformulation. Indeed, according to Derrida, denouncing and rejecting the performative contradiction turns out to be the least productive form of its repetition. Rather, it is about ‘assuming the necessity in which any discourse finds itself to take account of the rules and of the *determined* forms of *this or that* rationality which it is in the process of criticizing or, especially, of deconstructing’ (Derrida, 1989, p. 260). Without any doubt such a critique and politics of performative contradictions is not without outrage and violence either, but this violence would at least be less violent and its outrage more productive than the violence of exclusion and denunciation it exposes, challenges, and confronts.

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7

Practices of Life and the Religious Character of Capitalism: An Analysis Through Weber, Benjamin, and Foucault

Elettra Stimilli

In recent years, much has been discussed about the links between politics and religion in the light of current changes. Nevertheless, a reflection that specifically takes into account the religious dynamics within the current economic power is perhaps just dawning.

Whereas, in the twentieth century, the debate on this topic led to unanimous verification of the detachment of modernity from religion, in the last two decades profound changes have been challenging previous assumptions. New religious instances have emerged, which directly involve the international political status quo and peremptorily claim public attention (Kurtz, 1995). The disintegration of the socialist bloc, and the resulting alteration of international political balances, has shown how religious faith—or membership to religious communities—is gaining increasing relevance as one of the main factors of political and cultural aggregation and identification (Huntington, 1997). Following

For further details of the topics discussed in this article see Stimilli (2015).

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the establishment of different and often opposing religious instances in the public arena, political debate has gradually focused on the potential and the limits of a global, multireligious, and multicultural society (Habermas, 1998, 2009; Berger/Huntington, 2002; Bonney, 2008). Despite the great interest aroused by research in this field, the core of the issue remains fundamentally unresolved. In fact, motivations and root causes of this phenomenon are still unclear. A radical confrontation with the concurrent dissolution of global politics into economy—or, rather, with the huge transformation undergone by politics through its blending with economy—may perhaps be of help in the challenging search for an explanation of the renewed supremacy of religion on the public global scene. In this context, we may, for example, *assume* that the various, recently emerged and redeveloped fundamentalisms—such as Islamic State of Iraq and Syria (ISIS) jihadism—are in fact nothing more than a response to the hegemony held by the religious apparatus of the world economic power.

However criticized (Joas, 2007), the paradigm of *secularization* that has defined the peculiar phenomenon through which the Western societies and political life have progressively distanced themselves from forms of sacral conduct has nevertheless been referred to as a legitimate historiographical category (Norris/Inglehart, 2004; Taylor, 2007). There has been talk of a ‘post-secular society’ (Habermas, 2003; Pollack, 2003) or a European ‘exception’ compared to societies in the rest of the world (Berger, 2005); however, the premise of its legitimate or illegitimate existence was never really called into question. The underlying assumption of these debates is the diachronic and continuous development as the prerequisite for the transition from the religious sphere to the political domain, which, depending on the stance with respect to the idea of a secular world, can be understood as either ‘progress’ or ‘decline’, but that is never, as such, completely problematized.

In addition to the debate on these topics, which in 2009 included some of the most preeminent international representatives of the contemporary political-theoretical arena (Butler/Habermas/Taylor/West, 2009), an interesting discussion on the relationship between politics and religion also flourished that involved some influential figures of the Italian school of thought. In this instance, the paradigm of secularization

has been called into question due to a renewed use of the ‘political theology’ category, which addresses the relationship between the political and the religious domains, focusing on the synchronic tension between the two, rather than delving into their diachronic development. This polarity, while exceeding the historical evolution of such relationship, is central to the peculiar meaning that it has assumed in the context of Western history. In this perspective, the path followed by Giorgio Agamben in *Il Regno e la Gloria* (*The Kingdom and the Glory*, see Agamben, 2011) is of particular relevance, as he puts the paradigm of ‘political theology’ in relation to that of ‘economic theology’. Even in a recent paper by Roberto Esposito (Esposito, 2015) ‘political theology’ is identified as the core apparatus of Western politics, tracing a line of continuity between the theological-political mechanism of state sovereignty and the forms of power that feed the current global dominance of economy.

Both Esposito and Agamben consider the theological-political and the economic-political apparatuses as linked and therefore emphasize common points as well as differences. However, a profound discontinuity also exists between the recent neoliberal policies and the past forms of politics that are still attached to the legal structure of national sovereignty; a discontinuity that is becoming increasingly visible and which, I believe, poses questions worthy of further investigation, in an attempt to understand the mechanisms that allowed the current economic power to intertwine with individual lives in a manner so widespread, to encompass them in new, unprecedented forms.

In a way, this bond has been ever present. The capitalist economy has always established an intimate connection with individual lives, a relationship that used to be fundamentally based on the exploitation of specific skills in the form of labor. What has changed, in the present, is essentially that such a relationship is no longer confined to specific performance, as it now extends to the whole of life and the human ability to evaluate it. Nowadays, the very *processes* and procedures of subjectivation by which individuals construct their own individual subject increasingly tend to coincide with *the forms that economic power has taken on these days*. This is especially evident in the process of financialization of economy and the phenomenon of debt as the clockwork of the world economy: the cropping up of new, sophisticated financial products is directly related

to the development of unprecedented forms of private as well as public debt. This calls for a rethinking of the bond that this process shaped between the modes of existence of the individuals and the global economic management.

A Cult Without a Theology

Walter Benjamin's fragment, 'Capitalism as Religion' (Benjamin, 2002, pp. 288–91), written in 1921, is recently being rediscovered and increasingly cited and discussed (Baecker, 2003; Gentili/Ponzi/Stimilli, 2014; Macho, 2014), since it identifies the now quite common mechanism of indebtedness as the founding apparatus of capitalist economy. What is of particular interest, for the purposes of our analysis, is that by lapidary defining capitalism as a religion, Benjamin intends to examine the link between the two areas not in the light of the historical development of secularization, but rather in reference to a 'structural' connection which, in many ways, resembles that between theology and politics, as presented in Carl Schmitt's famous, debate-provoking text of 1922 (Schmitt, 2005). Yet, it is not Benjamin's intention to provide a 'proof of the religious structure of capitalism' (Benjamin, 2002, p. 288), the way Schmitt did regarding State sovereignty. In the former's view, in fact, it is not so much about confirming the religion-economy structural analogy, nor about outlining the historical process that would make it evident by exposing the inherent dysfunctions of the capitalist economy. Benjamin's focus is rather on the very functioning of a historically determined mechanism that appears infallible.

His lapidary opening words, as well as the perspective—in many ways prophetic—of his fragment, have received considerable attention in recent years. One example is the reading Samuel Weber gave at the conference organized by the London Graduate School Event in 2013 (Weber, 2013). Our purpose here, however, is not to propose another general interpretation of the text, already analyzed elsewhere (Stimilli, 2011, pp. 176–81). Taking a cue from the fragment, I would rather concentrate on the mechanisms that even today, or perhaps more so today, contribute to making capitalism a religion. In order to do so, I will focus

in particular on what Benjamin describes as the ‘first characteristic’ of capitalism as a religion: ‘In the first place, capitalism is a purely cultic religion, perhaps the most extreme that ever existed. In capitalism, things have a meaning only in their relationship to the cult; capitalism has no specific body of dogma, no theology’ (Benjamin, 2002, p. 288).

Hence, for Benjamin, not only does the very *structure* of capitalism itself mirror a religious configuration; more importantly, such structure lies outside the domain of dogmatism and theology. It is not about adapting to the truth of a state of affairs, nor about the need for an authority to recognize or legitimize; it rather fulfills merely practical purposes. It is a practice that does not require a theoretical system, nor a transcendent order to legitimate its actions, although deciding the state of exception, as opposed to the case of state sovereignty as defined in theological-political terms.

In this respect, it is significant that, in defining capitalism an essentially religious phenomenon, Benjamin refers—right from his opening lines—to Max Weber’s famous thesis that the capitalist economy originated from the inner-worldly Protestant asceticism (see Weber, 2001). The reference to Weber is here expressed as criticism since, according to Benjamin, capitalism is more than just a mere ‘religiously-conditioned construction’, as might be assumed based on the category of secularization employed by Weber to explain the origin of the capitalist economy. In Weber’s view, it is Protestant piety in its most extreme forms, such as Calvinism and Puritanism, that allowed for the process of ‘disenchantment’, which is the foundation of modern rationality and the resulting development of capitalist economy.

Weber’s perspective appears more complex, however, if we take into account the fact that he defines the religious conditioning of the economic power on capitalism, rather than from the theological point of view, in the light of the same ascetic ‘conduct’ electively consistent with the development of capitalist economy. The core of the capitalist domination, its ‘spirit’, as Weber would call it, is namely identified in those behaviors and forms of production of subjects, which—as in the case of inner-worldly asceticism—are ‘elected’ to adapt to the capitalist production mode. In this sense, one could say that while Benjamin criticizes Weber in his fragment, he actually does no more than radicalize Weber’s

approach: decisive to the development of capitalism as a religion is, rather than the creation of a theological apparatus, the effectiveness of its inbuilt religious practices unto themselves.

According to the Weberian perspective, the domination of the capitalist economy is based on the intimate bond that economic power establishes with individual lives, and with each individual's way of subjectivation. The 'book-keeping' of existence implied in inner-worldly asceticism, with its methodical control, means that 'the process of sanctifying life' can 'almost take on the character of a business enterprise' (Weber, 2001, p. 77), the success of which is itself a sign of election. The same mechanism is at the basis of the capitalist enterprise, on which Weber's analysis is focused, in many ways anticipating recent events. The predominance of neoliberal policies has allowed the 'entrepreneur of himself'—both enterprise and entrepreneur at the same time—to play a central role in economic dynamics, radically altering the categories on the basis of classic economics, as most lucidly highlighted by Michel Foucault in his cutting-edge studies on 'governmentality' (Foucault, 2008, 2009).

Despite the criticism and the few explicit references to Weber, I believe this author had a decisive influence on Foucault's studies, in which the biopolitical perspective is intended for an approach to economy essentially aimed at identifying a form of power other than the juridical institution of the national state. Emerging here is a power connected to capitalist forms of production, which exceeds the strictly economic perspective it used to be confined to in mainstream critical literature. In this respect, Foucault speaks of 'governmental power' in order to emphasize the deep connection between the 'technologies of government', which characterize the economic power, and the practices of 'self-government' on the basis of the techniques of production of subjects who are not so much subject to it—as in the case of the legal institution or, in other respects, in the Marxian sense of work exploitation—but rather designed to manage and capitalize individual resources within its structure. Modes of subjectivation and forms of subjection are, in this sense, so closely related as to both represent governmental techniques. This is the perspective underlying Foucault's research on pagan asceticism and Christian asceticism (Foucault, 2005, 2014) which, running parallel to his studies on modern political economy and the neoliberal

government techniques (Foucault, 2008, 2009), in many ways recalls Max Weber's work on the origin of capitalism or owes much to Weber's study on asceticism as the rationalizing conduct of self-government and as a technique of power (Foucault, 1988).

Capitalism as a 'Parasite' of Christianity

In these studies, Foucault's entire analysis is ultimately aimed at understanding the peculiar form of government on the basis of new neoliberal policies. Within this scope he identifies the 'Christian pastoral power' (Foucault, 2009, p. 166) as the prototype of the economic-governmental power that has, in neoliberalism, its highest expression. This is particularly relevant for our discussion, since it means to define the key role the Christian religion plays in understanding the religious and economic mechanisms fostering governmental power, beyond the strictly scientific theoretical foundations ascribed to economy. When it comes to Christianity, what is of utmost importance to Foucault—above the institutions of its worldly supremacy or its relation to political power or even its theological elaborations—is its ability to govern men *omnes et singulatim* (Foucault, 1981); that is, exercising a domination so global and yet capable of individualizing and penetrating into the most intimate and daily aspect of each individual life, into one's own forms of subjectivation. For Foucault, the key is then to bring into focus the ability of Christianity (Chevallier, 2011, 2013) to invent this new technology of power—the governmental power, in fact—based on a peculiar form of obedience, which he calls “pure obedience” (Foucault, 2009, p. 174), as it originates not so much from submission to the law, but rather from a bond that is established on the basis of *free and governed* 'self-conduct'. It is a form of power that, rather than forcing individuals to perform certain actions, is aimed at determining their relationship with themselves.

In 1978, while recalling the interlacing of pastoral power with state political power, Foucault would, however, highlight the heterogeneity of these two ways of government, which he sees as an 'absolutely typical feature of the Christian West' (Foucault, 2009, p. 155). Hence, he analyses the pastorate with the purpose of identifying a technique of government

that is radically distinct from sovereign power and, in this sense, different from its theological-political approach. In this direction, Foucault's genealogy of modern governmentality—the analysis of the Christian pastorate—takes on the form of a radical deconstruction of political theology, which seeks more to emphasize the discontinuity between the latter and the economic-governmental power (Senellart, 2013), rather than the contiguity between the two areas. Further consideration of this point is important, I suggest, because besides problematizing the recently highlighted link between political theology and economic theology, in an attempt to find an intersection between the legal-institutional model and the biopolitical model (Agamben, 1998, p. 6), Foucault outlines here, first and foremost, a particularly crucial turning point, one Benjamin had also, in a way, already perceived.

There is a passage in his fragment of 1921, in which Benjamin implicitly radicalizes Weber's thesis on the origin of capitalism. In the light of Foucault's discourse on pastoral power, these words become all the more meaningful: 'Capitalism', as Benjamin writes (Benjamin, 2002, p. 289), 'developed as a parasite of Christianity in the West (this must be shown not just in the case of Calvinism, but in other orthodox Christian churches), until it reached the point where Christianity's history is essentially that of its parasite—that is to say, of capitalism'.

In this passage, Benjamin reflects on the role of Christianity within the Weberian thesis on the origin of capitalism and identifies, between the two, a direct 'parasitic' relationship that somehow amplifies the historical scope outlined by Weber. His perspective is thus closely akin to that introduced by Foucault. Consistent to his genealogical method—which aims to highlight the discontinuities more than the elements of continuity in history—Foucault not only tends to radicalize the heterogeneity that divides Christian pastoral power from the theological-political logic that is typical of the modern state power, he also recognizes a link between economic-governmental power and Christianity, which eludes an attempt at identifying its pre-existing foundation. In this sense, the relationship between the two refers to the common mechanism they both feed upon, rather than an historical evolution of the one into the other. In his view, the key feature to their bond is the direct, 'parasitic' derivation, as Benjamin might call it, not the ongoing development.

Although defining the role of Christianity in relation to capitalism is essential to determine the potential and limits of its predominance, such perspective ultimately leads to assuming the centrality of Western culture—as evidenced by Weber’s thesis in the first place. This could, however, present us with some problems upon analyzing the present age, when emerging powers rooted in totally different cultures—such as China and India—have begun to undermine the Western world’s leadership. More than outlining a historical evolution from one phenomenon into the other, a study following such path would best shift the focus from the historical evolution to the mechanisms, technologies, and practices characterizing this form of power.

Economic Power as Regulatory Experimentation

Following the path that leads from Weber to Foucault through Benjamin—or rather starting from Foucault, back to Benjamin and, therefore, to Weber—it is not about outlining an evolutionary link between Christianity and Western economy; even less is it about pointing out, in Weber’s terms, the exclusively Western roots of the economic-capitalist subject. In fact, by comparing Christianity and other world religions on this topic, it is surely possible, for example, to find some influence of Confucianism or Hinduism on economically emerging countries, such as China or India; or to determine the hold Islam has on the recent expansion of Islamic banking, which has led to an unprecedented combination of financial and religious power.

What matters here is not so much the fact that Christianity appears quite clearly to have played a central role in the development of capitalism, for obvious historical and geographical reasons. Indeed, we may start to argue about the adaptation of capitalism to different religious forms, as exemplified by famous studies on Toyotism (Ohno, 1988) or the recent analysis on Islamic finance (Ayub, 2008). In this way, the influence of religion on the economy would simply be reduced to a Marxist superstructure, upon which the capitalist power is molded to achieve its objectives.

Based on what has so far been discussed, I think that our attention should rather be focused on the way some centerpiece features of capitalism fundamentally derive from the Christian life experience. This argument might, on the face of it, seem to be challenged by the current spread of capitalism in Asian countries such as China and India, or even earlier in Japan, bearing witness to the fact that it is rather the economic logic to determine the essence and historical development of each social formation characterized by the spread of capitalism. In this sense, as seen in orthodox Marxist tradition, any non-strictly economic apparatus should rather be relegated to the subordinate role of 'ideology'.

Nevertheless, one of the most important lessons that, in my view, Foucault provided in his lectures on governmental power has been to turn the spotlight on the huge transformation brought about by neo-liberalism, which developed and made explicit a premise that had been implicit in capitalism ever since its origins, that is, its nature of being a complex 'economic institutional' system (Foucault, 2008, p. 164). This means that, instead of deriving from an 'ideological superstructure' that either impedes or promotes the economic system, the institutional field is an integral part of this, to the extent of contributing to its structure, through a process that, on closer inspection, reproduces the same power mechanism originally found in Christian life. In this sense, capitalism, rather than a kind of economic production, the development of which would assiduously follow a 'natural law', is an economic-institutional complex that allows for a variety of different, individual shapes, different elaborations of an institutional power apparatus. So much so that we may say that, in Foucault's view, that there is not just a single 'capitalism' but rather numerous different 'capitalisms' (Foucault, 2008, pp. 164–5).

Thereby, we could similarly argue that the complex economic and institutional system giving rise to capitalism, in its different shapes, is not even due to the univocal rationalization process that, according to Weber, would characterize exclusively the Western world. Even the development of a single, organized market on a global scale, usually referred to as 'globalization', needs reconsideration.

Analyzing this phenomenon uniquely in the light of a quintessentially Western process of rationalization would lead simply to equating the limits of capitalism with an inversion into the irrational. According

to Foucault, such perspective tends to replace 'the Marxist analyses of the contradictions of capital' with 'the irrational rationality of capitalist society' (Foucault, 1991, p. 78). From his point of view, the main weakness of this approach is that it refers to rationality 'as an anthropological invariant' (Foucault, 1991, p. 79), thus attaching an 'absolute value' to it, instead of 'rather examining how forms of rationality inscribe themselves in practices or systems of practices, and what role they play within them' (Foucault, 1991, p. 79). Even with regard to capitalism, then, the key for Foucault is 'to know how men govern (themselves and others) by production of truth' (Foucault, 1991, p. 79). This does not refer to 'the production of true utterances, but the establishment of domains in which the practice of true and false can be made at once ordered and pertinent' (Foucault, 1991, p. 79). In other words, it is about the production of regulatory domains that are established on the basis of specific governance and life practices, not as an adaptation to previously assumed and legitimized classifications.

With this in mind, we may say that the governmental legislative institution and the state's legal structure are divided by a gap that can hardly be filled. Their differences seem to extend as far as the anthropological level is involved, as well as the practices they originate from. In fact, governmental power involves power relationships, other than those of legal nature, which change along with the same processes of subjectivation from which they derive, and elude any shared pattern, be it linked to either subject, history, or power.

We can say that, in Foucault's view, governmental power can exclusively exist as enacted, since it represents the execution of a basically self-directed technique. This power does not culminate in the attainment of passive consensus, nor is it limited to the enactment of violence upon lives that are bereft of power and quality. Its nature is not fulfilled by the relinquishment or transfer of freedom to a body of law for safeguarding, albeit within the limits 'exceptionally' defined by law; the bind it produces does not even stem from a debt owed to an authority that is supposed to guarantee for it.

Foucault's interest rather focuses on defining the ways of a power that 'is exercised only over free subjects, and only insofar as they are free' (Foucault, 1983, p. 221); hence, a power that has, in freedom, its necessary

condition. It becomes clear then how the studies on the techniques of subjectivation, to which Foucault devoted his last years—besides analyzing the different practices of freedom, are also complementary to his research on liberal governmentality, the strength and grave danger of which he had already understood since the end of the 1970s.

According to Foucault, neoliberalism revolves around an unprecedented claim for freedom, characterized by a non-constrictive, yet far more widespread and efficient form of control. By granting each person maximum freedom in the form of self-control and an investment upon individual skills and predispositions, neoliberal governmentality becomes the basis for a supremacy, which ensures greater effectiveness with minimal constraints. In this case, the power extending over life is not just designed so as to define the limit of its own legitimate domain—undefinable as it may be, resulting from ‘exceptions’ rather than rules. The relationship between the two areas is rather built upon the development of ways through which the free exercise of power on the one hand, and on the other hand each individual’s ability to mold one’s own life and to invest in one’s own skills are intertwined almost into sameness, as is the case with the most ruthless neoliberal policies.

This is, in fact, what allowed for the diffusion of the entrepreneur role into all areas of political and social life, promoting the conversion of states into ‘managerial states’ and gradually transforming state sovereignty into global governance. In this system, market economy itself becomes a political institution which, continually reshaping its own scope, also transforms the relationship between politics and law from within, thus promoting a radical change in the legislative production. Though constitutive of capitalist economy, the impact of such development became fully apparent following the expansion of neoliberal policies. On the line here is the detachment from modern regulatory logics and from the institution of state sovereignty, as well as a new process of establishing regulations that remains to be understood.

I believe this seems to be the starting point for tracing a genealogical bond with the Christian religious experience as a practical legislative trial field, and with that to understand the ‘parasitic’ origin of capitalism with respect to Christianity as identified by Weber, even before Benjamin, and taken to extremes by Foucault.

In this respect, we can say that this is all about a power process, which also involves areas beyond the Christian West, as shown—according to a recent study by Gerda Wielander (2013)—by the Chinese government’s announced thawing toward the Christian religion, and its interest in Christianity as a religious practice, which is capable of promoting social development and economic growth.

Ever since its origins, in fact, the experience of Christian life has been grounded on a critique of the legal form of power envisaged by the same Jewish law it derives from, which translates into unprecedented experimenting of government strategies not directly ascribable to a fixed form of dominion. That which cannot be ruled, as it eludes a stationary form of government, entails a different management strategy, a new administration, which—by no coincidence—here takes on the form of *oikonomia*.

After all, the first experience of Christian life is characterized by a notably economic vocabulary; a real economic translation of the Hebrew legal vocabulary can be found in the early Christian texts, where the public domain of the *ekklesia* is defined through the lexicon that, in ancient Greek and Roman language, was exclusively used for the domestic-administrative area, for the private domain of the ‘house’ (*oikos*). One could then maintain that, in Christianity, economy turns into politics for the first time, and politics is not limited to the comparison—or the clash—with the legal domain in terms of the definition of legitimate, albeit exceptional boundaries within which to exercise power, nor does it require a sharp distinction from the economic domain. Rather, a new field of legislative production is developed on the basis of the administrative management of the community. A self-defined *economy-based mode of power* is launched. The criticism directed toward the legal structure of the political and religious pact, which characterizes the covenant between God and the people of Israel, is instrumental in reformulating premises that are nevertheless shared.

It becomes clear, then, how Foucault views Christianity as the invention of a binding, yet not extrinsically coercive power, in which individuals are personally and collectively involved precisely because they are free. This genealogical road traces the origin of governmental power back to the very origin of Christianity. The experience of freedom from the law here coincides with each individual’s life of absolute loyalty to it. Within

the experience of life in Christ, the more free and liberated from a ultimately extrinsic obligation to the law, the more obedient the individual is, based on the absolute adaptation of life to the law and the utter accordance between the forms of life and law, that is, between *oïkos* and *nómos*. In this sense, the *oikonomía* becomes the main operating unit of this new power.

The economic crisis seems to have exposed the extent to which governmental techniques are indeed involving the ‘possibility of exploiting, subjugating, commanding, and managing other men’ (Lazzarato, 2012, p. 84), as argued by Lazzarato, among others—and to have brought to light the fact that, contrary to Foucault’s view, governmentality is in fact ‘authoritarian’ (Lazzarato, 2012, p. 108). Yet, at a closer look, what is nested at the core of the recent austerity policies (imposed, in particular, in some EU countries) is not just a constrictive dominion, a mere reproduction of foregone political forms. Its complexity, rather, seems proportional to the difficulties that exist in attempting to change its course. The ‘parasitic’ derivation of capitalist economy from Christianity may perhaps shed new light on this aspect and the meaning that debt—identified by Benjamin as the fundamental mechanism of the capitalist religion as early as 1921—presently has in its framework.

Christianity has radicalized the experience of indebtedness that was common to other religions of the ancient world, where the debt implies a legal bond which ties the living to the sovereign, divine powers (Aglietta/Orl an, 1998). Whereas debt, in general, is an expression of a social bond, the interruption of which involves the blame for failure to comply, in the Christian life experience, debt is more than just a sin to atone for: through the gift of ‘grace’, it becomes a condition in which to invest. In Christianity, munificent gratuity and economic management are not opposed; they are rather interconnected in the experience of a radical insolvency, which must not and cannot be settled. Similarly, we could say, in global economic management, debts are not just a ‘guilt’ to be amended through ‘sacrifice’, contrary to what recent austerity policies continue to maintain through prescriptive forms of power. Rather, debt itself is also an opportunity for investment which, as such, must be reproduced and protected, as is ultimately being proposed by the theories of economic recovery and growth that, while opposed to those of austerity,

do nothing but feed—albeit in a different way—the same power apparatus, thus contributing all the more to its opacity.

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8

Presentist Democracy: The Now-Time of Struggles

Isabell Lorey

Democracy is about more than law and representation. Democracy does not set aside political power, but, as the self-governing of the *demos* and through constituent processes and modes of subjectivation in everyday life, it can potentially reinvent power relations transversal to existing politics, socialities, and economies. Subjectivations in this inventive potentiality are not directed at the One, neither as individual nor as collective, but as singularities at the concatenation of living beings and environments. All depends on how the concatenation produces itself as transversality, how the manifold singularities of the *demos* relate to each other affectively, how they constitute themselves mutually, become conjoint and what sort of—with—emerges out of that. This—with—of the *demos* is not conceptualized as a unity, but as the possibility of an opening, or an unfolding in an expanded present. Presentist democracy is the self-organizing and constituting by leaps and bounds of the innumerable manifold ‘many’ in the now-time. Just as democracy extends beyond

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political power, the *demos* of the many does not correspond with the limited whole; it does not comprise all, but the open and radically inclusive composition of the arbitrary singularities (compare also Nancy, 2011, pp. 71–2; Raunig, 2016).

The democracy movements of the occupations of public spaces since 2011, being critical of representation and identity—especially in Spain and Greece—have invented and continue to invent a new form of democracy, for which I have proposed the term ‘presentist’ (Lorey, 2012, 2013a, 2014a, 2014b). Presentist democracy does not mean simply the negation or the other side of political representation. ‘Presentist’ does not stand in a dichotomous relation to re-presentation; it emerges rather through a rupture with dualisms between refusal and engagement or consensus and conflict, by a break with identitarian confrontations between ‘us’ and ‘them’ (Mouffe, 2013). In the midst of the presentist, the exodus (Lorey, 2011; Virno, 2010) opens up a breach for constituent processes.

It is the representation-*critical* movements that fundamentally question the way in which we are governed. In this sense, critique means rejecting in the present the historically evolved conditions and developing new modes of subjectivation within this movement, in which critique becomes an attitude (Foucault, 1997). The presentist concatenates this critical actuality with the becoming of democracy and the now-time of struggles.

In the limited context of the discourses of liberal democracy, we encounter always the perpetually same decision: *either* political representation and organization *or* apolitical presence as aesthetic and social immediacy, as the spontaneism of the movement resistant to sustainable organization. The exodus from this old way of thinking means two breaks in the dramaturgy of time: first, a break with the chrono-political stages of development, which channel political action in the direction of traditional political representation. This chrono-politics, following the tradition of Hegel, has little regard for the present, in order to maintain the promise of the coming democracy. The second break that is needed is with the linear and continuing narratives of time (as called for in post-colonial theories for a long time) in order to practice an untimely and unpostponed non-Eurocentric becoming of democracy in the now-time. This becoming of new forms of democracy unfolds in a constituent

process, which is directed less to a concrete goal within a foreseeable period of time, but rather far more fundamentally to the emergence of new political subjectivations. The central question is: how can we fundamentally change the existing political, social, and economic conditions, and at the same time try out forms of democratic self-governing that were previously unimaginable?

Subjectivation and Political Constituting

We are used to the idea that the sovereign represents the *demos* as the counted mass. The many are integrated by participation and through relations of obedience into the political order; as a mass they may not be left behind, either uninterested in, or resigned to, the liberal representative-democratic form of dominance, since this would not only subvert the legitimacy of that latter, but threaten insurgency.

The constituent power that could emerge in this case is often imagined as an absolute threat to the existing order, as a destructive but simultaneously creative force, one that is in a position to initiate a great revolutionary event and implement an act, which would de-institute the constitution. This force stands at the beginning of every political order, a force that must then be tamed or neutralized in order to maintain this order. Hence, the permanent potentiality of the manifold many is kept out from the theoretical framework that explains the political order, and placed in an area beyond. Within existing orders, political action mostly is considered only as constituted power tied to representation and unifying organization. A constituent power, that in contrast thereto rejects mediation through representation and does not exist transcendentally to the existing order, that so is immanently to relations of power and domination and crosses them transversally, is often considered as apolitical and is thus negated as process. A decisive reason for this is that political action is still conceived of as separate to other social dimensions: as a public action it is distinguished from the private realm, but above all from the social. In difference thereto, the focus is on a constituent power of the many, which is understood in process and transversal terms, means to take into account the resistant and socially transformative force of

everyday action, social relationships, ways of living together, forms of life, and modes of subjectivations—all conditions that political theory regularly leaves out and which are not typically regarded as political action.

Based on Marx, Deleuze, and Foucault, Antonio Negri offers an interpretation of constituent power that is no single act, neither the enactment of a constitution nor a revolution as a great intrusive event, combined with the takeover of domination. In contrast, the constituent power of the many is a process, according to Negri (1999, pp. 29–32), which cannot be completed or limited. In such a process of creation and invention, it is not possible to enclose the radical multiplicity of the uncounted crowd in the identity of a ‘people’. In other words, every democratic constituent power is obviously based on the strength of the many. If the potentiality and force of the crowd is only conceived of as a unity, what is lost is that ‘the strength is not based only on the large number, but is instead one of the “many”, of singularities and differences’ (Negri, 1999, p. 308).

Concatenating the political to modes of subjectivation does not mean that these realms fall into one and thus become indistinguishable. It does not mean that every subjectivation becomes political. Not every social relation which arises in subjectivations promotes an open and radically inclusive political constituting. But no subjectivation is only subjectation. It has always also the potential of socially transforming empowerment—not as the intentional political action of an autonomous subject, but in the practices and moments of a constituent power of the manifold many.

Karl Marx was not only the person who, in his writings on economics, drew attention to the fundamental connection between the social and the political, and thus supplied preliminary work for a reconception of constituent power; it was also Marx who made clear that it is by no means sufficient to think of power in forms of representation (Marx, 1996). Foucault in a sense follows Marx when he describes power under democratic and liberal-capitalist conditions as heterogeneous and manifold power relations that are in the first place local, and can thus relate to each other mutually in hierarchical relations (Foucault, 1978, pp. 81–102). It is not a central power that steers liberal societies from above, but decentralized relations of power and domination that exist between free ‘subjects’ who substantially govern themselves (compare Foucault, 1983).

Under such biopolitical governmental conditions, the production and reproduction of labor become a fundamental part of the subjectivation (Lorey, 2015). Effects of such power are the control of individual bodies through self-discipline in the simultaneous ambivalence of freedom, autonomy, and self-determination: ‘Power has become materialist. It ceases to be essentially juridical’ (Foucault, 2007, p. 161).

When democratic societies under capitalist conditions are no longer primarily structured according to the logic of law, but rather to the materialistic logic of the formation of bodies and modes of subjectivation, resistance must also depart from there. This occurred already in the social movements of the 1970s and 1980s, but again and again through an identity politics oriented on representation and law. By contrast, the current democracy movements are, in their decisive aspects, not identitarian or representationalist, and they derive their ongoing force repeatedly from the relations *between* radically inclusive singularities. It is possible to observe new forms of instituting and organizing of the singularities that were governable so far according to existing relations of domination. They lose their conforming fear, they break up their individualization, begin together the risk of always ambivalent governmental techniques between subjugation and self-empowerment against the previous techniques of making themselves governable, and they invent a—with—in democratic self-governing.

The Perpetual Promise of a Coming Democracy

The basic political principle of liberal democracy remains that of representation. The current crises of representative democracy¹ are still in the tradition of the bourgeois liberal form of democracy, and the aporias that constitute it. One of these aporias grows out of the constitutive separation between the state on one side and (civil) society on the other. Representative democracy is not meant to be separated from statehood and is regarded in this sense as ‘political democracy’ (compare Marx, 1975,

¹ Such, for instance, as are formulated in debates about post-democracy (inter alia Crouch, 2004) or about market-oriented liberal democracy (inter alia Streeck, 2014).

pp. 116–8), which is severed from society, from *all* who are supposed to be represented—which Marx had already criticized Hegel for. The indispensable fact of political representation arises from the separation between the political and the social, which is considered a necessary political division of labor in liberal democracy. In political theory of democracy, this paradigm has been valid since the eighteenth century: since it is not possible for *all* to assemble in order to decide about their common affairs, there must be representation. The *demos* forms itself in bourgeois understanding not from an arbitrary *all*; they are always determined in their membership and limited by (state) citizenship. *All* may only participate through representation: radical inclusion of the manifold many is not permitted.

Liberal democracy is thus trapped in a further aporia: representation is always exclusive (Sauer, 2011; Butler, 1992), the normative aspiration to equality cannot be reached with this instrument, inequality is constitutive. Radical inclusion is only to be understood as a future telos, a principally endless expansion of participatory rights that must be fought for. The perpetual promise of the coming democracy, of democratization endlessly postponed until the future, forms the basis for this notion of political democracy separated from the social. The self-governing of the *demos* must not only be prevented as *all*. At the same time, it must not be present as multiplicity.

The reverse side of this concept of the political is the particular, situated presence, which is marked as apolitical, reduced to authenticity and immediacy, transposed to the social and the aesthetic, and fixated in the present. In every such understanding of immediacy and presence as the negation of (political) representation, the signature of Hegel (Hegel, 2004, pp. 62–5) reveals itself clearly, as his estimation of the present was markedly low. For him, it represents a moment that cannot be grasped in our thinking, feeling, and action, as it is volatile and, finally, without history. Having little regard to the present is the basis for a ‘political’ understanding of democracy separated from the social, according to which the creative self-governing of the countless *demos* of the many must be warded off.

In the middle of the nineteenth century, when the bourgeois-conservative fear of the self-governing of the *demos* as a mass was present not only in political theory but also in the public media and was meant to be tamed by state democracy, Marx proclaimed the ‘true democracy’

(Marx, 1975, p. 30) as a revolutionary form that must be distinguished from the political state which faces its downfall after the implementation of this democracy. Since his criticism of Hegel, this line of argument remains in place with Marx as ‘latent dimension’ (Abensour quoted in Bensaïd, 2011, p. 21) and connects the early texts with the late political writings from the 1870s, especially on the Paris Commune (Marx, 1986) and the critique of the Gotha program (Marx, 1989; compare also Kouvelakis, 2007; Raunig, 2007, pp. 67–97).

Marx sees in the actuality of the Paris Commune the new creative self-governing ‘which breaks the modern State power’ (Marx, 1986, p. 333). It does not run after any norms directed at the future. The self-governing of the Commune releases in the present the ‘free elements of the new society’ (Marx, 1986, p. 335), that is, elements that have already been developed in the crisis of bourgeois domination. It is the *social* revolution that developed from the bourgeois teleological history and breaks with it, leaves it.

The Now-Time of Struggles

In his text ‘On the Concept of History’, Walter Benjamin describes the bourgeois historiography as one of the victors that must be disrupted in its linear narrative of time that secures domination. For Benjamin, only historical materialism is capable of this rupture. The ‘historian schooled in Marx’ (Benjamin, 2003a, p. 390/IV) begins with the present and breaks open the idea that with linear historicity a ‘true picture of the past’ can be perceived. The construction of a continuous passage of time serves, in the first instance, the reproduction of existing domination relations, whose condition is that the present does not count.

The encounter between present and past is described by Benjamin as a ‘constellation’ (Benjamin, 2003a, pp. 396–7/XVII/A, Benjamin, 2003b, p. 403). A present constellation for him always is a ‘construction’ (Benjamin, 2003a, p. 395/XIV) and the task before us is to shape it in an emancipatory way. Only in revolutionary movements which take their departure in the present does the rupture with this continuum occur—for Benjamin a ‘tiger’s leap’ (Benjamin, 2003a, p. 395/XIV).

A tiger leap is shown both in the (class) struggles for material things and in the simultaneously occurring 'fine and spiritual' (Benjamin, 2003a, p. 390/IV) things such as courage, humor, and cunning. These affects and affections put the victories of the ruling class and hence the temporal continuity of historicism incessantly in question and brush 'history against the grain' (Benjamin, 2003a, p. 392/VII).

These struggles take place in the 'now-time' (Benjamin, 2003a, p. 395/XIV), but are not therefore untouched by the past. The now-time is precisely not a temporality that remains identical to itself as an immediate presence, as authenticity of body and affect or as pure sensitivity. It is a constructive temporality in which the splitters of history are composed anew, in which history incessantly arises. Now-time is a creative mid-point, not a transition of the past into the future.

In the now-time, the construction of history becomes obvious. We must start in the now-time and understand how, with the strategies of its denial, on the one hand, history is constructed as historical continuum of the victors, and on the other hand, emancipation is postponed to the future.

With his concept of the now-time, Benjamin distances himself from humanistic and idealistic ideas of progress that feed off the idea of civilizing development and colonizing temporality. Such a projection into the future does not keep 'to reality' (Benjamin, 2003a, p. 394/XIII) and weakens in Benjamin's eyes the present revolutionary force (theses XI–XIII). Instead of being fixated in progress, the now-time of struggles actualizes disrupted constellations of emancipation and does not keep on driving on the cemented roads of oppression and violence: the present becomes political (compare Mosès, 2009, p. 108). For Benjamin, the now-time becomes precisely thereby a political and expanded present, in which through the practices of the actualization things past again take on form: what once could have been different.

A tiger that leaps has the potentiality to scent what is actual in a part of the past. The leap breaks with the continuity of history as a present leap into the past that there locates the actual. If it is revolutionary, then it is a leap that starts under the conditions of the ruling class, breaks with its command, and goes beyond it.

What for Benjamin was a revolutionary 'tiger leap' was for Marx the 'social revolution of the nineteenth century' (Marx, 1976, p. 106). Such

revolutions ‘criticize themselves constantly, interrupt themselves continually in their own course, come back to the apparently accomplished in order to begin it afresh [...] until a situation has been created which makes all turning back impossible [...]’ (Marx, 1976, pp. 106–7).

Practices of Presentist Democracy

Against this background of theories of democracy and the philosophy of history, the presentist in the context of the current democracy movements signifies a rupture with both the historicism of liberal democracy and with chrono-political paradigms of development in which political institutionalization always represents only one necessary *next* step for a movement. The new democratic practices arise in the midst of a recurrent and climactic crisis of representative democracy that has reversed itself into neoliberal governing through precarization and debt. For the precarious, the connection with the past has been broken in manifold modes, and the future cannot be planned (Lorey, 2013b, 2015). In the midst of this opened temporality, a rupture arises with the norm that political action must be tied to representation, and at once a revolutionary desire for a new form of democracy that does not make an empty promise of a permanently postponed future, but that is attempted already here, in the now-time.

The current democracy movements, which are critical of representation, develop from the perspective of a theory of presentist democracy untimely transversal constellations. They do not make demands for a further democratization to governments, but practice in the now-time of struggles a new form of democracy. The identity- and representation-critical attitude of the movements of the precarious is not a passing mood, not a misunderstanding or any form of political naivety. This heterogeneous precarious cannot be unified or organized in the logic of identity. Because of the heterogeneity of the social-economic ways of existing, there is a need for processes of negotiating and decision structures that channel the manifold positions, but do not bring them to a standstill in the dual logic of inclusion and exclusion. It is less a matter of ‘*all* individuals’ (Hegel, 2008, p. 294/§308, and critically Marx, 1975, pp. 115–7)

assembling, but that the many singularities relating to each other do not participate as separated individuals.

The new forms of political action prepare to leap with the desire for a completely different democracy, they prepare for a tiger's leap and create a breach for the concatenation of failed, disrupted, and successful revolutionary practices from the past: the use of lots in ancient Greek democracy, in which equality was not regarded as a postponed normative demand, but as the actualization of the equality of those who take part; the councils of the Paris Commune of 1871; the strategies of the Zapatistas in the 1990s; the instrument of horizontality of the Argentinean revolution of 2001; practices of alter globalization movements; and identity critique from (queer)feminist movements.

All these components of the presentist becoming of democracy unfold in a constituent process (Lorey, 2012). Through the rupture with the chrono-political and historicist patterns of thought, the 'democratic constituent process' (Hardt/Negri, 2012) is not only opposed to the established constituted power, it does not simply constitute itself as a counter-power, but as a new composition of space and time.

In the democracy movements of Spain and Greece, the impossible participation of *all* since the occupations of public spaces in 2011 becomes the self-organization of the many. In the solidarity networks and initiatives that have come from the occupancy of squares, the issue is not participation in the logic of liberal democracy. Traditional forms of representation are rejected, and the confirmation of the fundament, that is, of the materiality of liberal democracy, is refused. The termination is also announced of the division of labor between the political democracy of the government and civil society stuck in the active citizenry: demands are no longer made to the political representatives. The established form of political division of labor has finally shown itself to be a farce under the politics of austerity.

In consideration of the impossible participation of *all* in the logic of liberal democracy, these movements turn toward a new democratic understanding of taking part: namely, that of radical inclusion. It rejects the dynamics of governable individualization and takes as its starting point a mutual concatenation with each other and with their environments. Affective relatedness and practices of solidarity—the fine and

spiritual things which Benjamin mentions—are in the foreground, not identitarian divisions into ‘we’ and ‘they’. Neoliberal processes of individualization and competition are interrupted, and new socialities and institutions of the common are proved, organized neither by profit criteria or logics of identity, but which form themselves from the multiplicity. From the beginning of the movements, social reproduction is organized anew, playing an increasingly significant role in solidarity networks in health, education, and housing. Feminist considerations on reorganization of the division of labor and reproduction take on new actuality here.²

Radical inclusion also means that more and more social realms are shaped by open assemblies, by ways of taking part that are as egalitarian as possible, in order to organize common affairs in municipalities or within educational and medical institutions and to avert any privatization, including of common goods such as water. Equality is not a postponed norm, but is practiced as the actualization of equality in these assemblies. Consensual decisions are not based on unanimity or exclusion, but are rather practices of the expansion of inclusion. Solidarity networks are formed by and with those who fall through the medical insurance schemes in the course of austerity policies, such as the social clinics in Greece (as parts of Solidarity4all [2012]) or the network Yo Sí, Sanidad Universal in Spain, which supports migrants. Also the successful and influential Spanish platform for those harmed by mortgage debt (PAH) and all such initiatives that collect food for the needy do not see themselves simply as social help services, but as political practices on the formation of a new democratic way of living together.

The instituent practices of radical inclusion can be found not only in self-organization through assemblies. One of the central questions is how concrete social spaces can be organized and structured so that they remain open for each and every person, and establish the possibility of encounter beyond prefabricated ideologies. As an instrument, horizontality plays an important role: spaces and speaking situations are shaped so that interested persons feel themselves empowered and encouraged to speak, that they will be heard respectfully and that their voice counts. This does not

²For instance, those of the Madrid collective *Precarias a la deriva* to *cuidadania*, to a sociality based on concern (*Precarias a la deriva*, 2014).

mean—as is often misunderstood—that all decisions are made in (long) assemblies. Already in the organization of the squares there were different committees and work groups. The question of organizing and instituting does not arise in a dualistic logic of horizontal practices and institutional vertical structures. Horizontality was and in many places remains not a dogma, but the point of departure, from which there is experimentation with different forms of delegations, dependent mandates, and councils, right through to the creation of new party forms.

All of these are components of a democratic constituent process. The new form of democracy emerging from this: the ‘real’ democracy in the now-time is ‘presentist democracy’. Presentist democracy breaks through liberal-democratic times and spaces. It becomes a new form of democracy in which a ‘good life’ becomes possible for the many. Presentist democracy does not live from a postponed promise for the future. It is already practiced in the actuality, in the now-time of struggles.

The rupture with the chronology of time and history is, above all, a rupture with the necessity of a linear development from the event of insurgency to institutionalization, from movement to party. This exodus does not lead to an Outside, but rather breaks with dualist political thinking patterns, with stipulated alternatives, and with pre-drafted chronological stages of development.

The exodus from the existing logic of the political, the social, and the economic is not a complete rupture with everything that has happened until now. Equality does not arise automatically if people assemble and occupy squares. Hierarchies and domination cannot simply be shaken off by declaration, although an exodus from the existing logic of domination opens a breach, a space of possibilities for practicing new subjectivations and inventing new ways of living together. But it is a breach that is conditioned by the knowledge and experience that the societal conditions which are struggled against and in which the rupture takes place are always also part of the disputes and compositions of the constituent power of the manifold singularities. The societal conditions that should be changed radically structure the subjectivation and cross even through the practice of occupation, assembling, organizing itself because they direct what it means to suspend existing times and spaces and to shape them anew.

Presentist democracy is not in the first place a matter of radically inclusive procedures. It depends decisively on how it unfolds anew as an attitude within the subjectivations—as a critical attitude of singularities, which are always already social. It is an attitude that at once breaks the societal conditions and puts them together anew, that (re)invents their—with.

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9

Transitory Erasures: Subjects of Institutional Critique

Vlad Morariu

Almost a decade separates us from the moment that marks a threshold within the history of institutional critique. On one side of this split one finds the ruins and relics of its second phase; on the other side the hypothesis of a new phase, based less on empirical evidence than on a ‘political and theoretical necessity to be found in the logic of institutional critique’ (Raunig, 2009, p. 3). On one side, Andrea Fraser’s calculation that ‘the institution is inside of us, and we can’t get outside of ourselves’ (Fraser, 2009, p. 414); on the other side, the promise of a ‘permanent instituting’ which ‘does not oppose the institution, but does flee from institutionalization and structuration’ (Raunig/Ray, 2009, p. xvii). But who could not escape oneself, before this boundary, to discover, beyond this boundary, that he/she can flee from institutionalization and structuration? This boundary can be thought only by binding institutional critique to a certain subject. The decade that already separates us from this threshold makes it possible and obliges us to ask: what has happened to

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the subject of institutional critique within these rituals of passage? Who or what exactly is this subject today, and how does he/she operate within the frames of the third phase of institutional critique?

The Work of Institutional Critique

In relation to the field of art, the term *institutional critique* could be simply defined as ‘critique of the art institution’. This abbreviation, however, is not specific enough. It does not tell us, for example, about the historical lineage of conceptual art (Buchloh, 1999) or about different ‘phases’ that the art historical canon has recorded. It also misses much of the recent debates on this term: is institutional critique an artistic movement in its own right, as John Welchman seems to suggest in the introduction to *Institutional Critique and After* (Welchman, 2006, p. 11)? Is institutional critique a relation between a method (critique) and an object (the art institution) (Sheikh, 2009) or a methodology of critically reflexive site-specificity (Fraser, 2006, p. 305)? Is it a mere concern with the institutional conditioning of artists and art (Alberro, 2009)? Even more to the point, is institutional critique the proper name that political art should receive, that is, an art that not only represents political subjects and subject matters, but also questions its own frames of production (Beech, 2013)? What I would like to propose—and this connects both with the words with which I began this text and with what I will specifically discuss toward the end—is that we see institutional critique as a particular practice of subjectivation, of becoming a subject in relation to institutional frames of art. This occurs on several interconnected layers.

First of all, one has to acknowledge the constitutive role of the art institution in the determination of the ‘whatness’ of what art is. I am here extending on a concept employed by Luc Boltanski, who recognized the analytical primacy of an institution’s semantic functions, and who observed that an institution ‘is a bodiless being to which is delegated the task of stating the whatness of what is’ (Boltanski, 2011, p. 75). Thus, the current domination of the institutional theory of art (Danto, 1964, 1981; Dickie, 1974, 1984) within the art philosophical discourse is an effect of the historical role of art institutions in the definition of the

‘whatness of what art is’; in an oblique manner, the same effect is again visible in the practices of institutional critique, which have emphasized the ideological arbitrariness of what is displayed by art institutions. Art’s conditions of production, distribution, and consumption are, therefore, necessarily linked with the institution of art, with art’s institutionalization in Modernity, and with art’s different institutions: not only museums, galleries, project spaces, but also private galleries, auction houses, and the art market.

The second aspect to observe is the reversal that institutional critique operates: art’s (institutional) conditions for production, distribution, and consumption would no longer be ‘supplementary’, ‘exterior’, or ‘marginal’ to the work of artistic critique, but move and occupy its very ‘inside’. Becoming the autonomous, sovereign subject of institutional critique is to be able (give oneself the power) to operate this reversal. This requires, in turn, that two circumstances are met. First, that the conditions of the possibility of critique are ‘seen’, ‘recognized’, and ‘discerned’, in the perception of what Luc Boltanski indicates as an institution’s ‘hermeneutical contradictions’ (see Boltanski, 2011, chapters 4 and 5). Thus, claims of institutional objectivity are contradicted by the fact that the institution expresses itself only through historically, ideologically, and subjectively situated bodies of institutional representatives. Then, an institution’s semantic function is itself contradictory: institutions (the art institution included) fix reference, and institutionalization presupposes a totalization of meaning which is structurally impossible. But if grasping these institutional contradictions belongs to a level of institutional analysis, practices of subjectivation of institutional critique presuppose, in addition, the active transformation of institutional frames whose idiosyncratic configurations create contradictions in the first place. In other words, the subject becomes sovereign only once it would be able to work on these contradictions, and take hold of precisely what is excluded, the remainder and the rest, which escapes the institutional totalization of meaning. Institutional critique, therefore, implies both the negative phase of analysis and critique and the phase of reconfiguration and reconstruction.

However, precisely because becoming a subject takes place in relation to institutional frames, the autonomy of the artistic subject is only relative,

and often ambiguous, if not contradictory. The moment a subject articulates itself as autonomous, it is always-already recuperated by the institution. It would be necessary, therefore, that the subject should not only analyze, destruct, and reconstruct the institution of art in the work of institutional critique, but also deconstruct itself, in a permanent process of re-subjection. What I want to discuss in this text are precisely historical and contemporary strategies of articulating the subject of institutional critique, and the inherent ambiguities and contradictions, which follow from this process. It is without doubt that, in order to accomplish this task, I will have to approach the art historical canon of institutional critique.

Calculating the Subject in the Ghetto of Art

The establishment of this canon is not, of course, free from debate and controversies. Nevertheless, most authors agree to a narrative of ‘waves’ or ‘phases’ that codifies this history. Thus, artists like Hans Haacke, Daniel Buren, Robert Smithson, and Marcel Broodthaers are said to belong to the first wave (1960s–1970s) which, in Brian Holmes words, articulated a reaction to the realization that ‘everything about this specialized aesthetic space’ (the art institution) ‘is a trap, that it has been instituted as a form of enclosure’ (Holmes, 2009, p. 55). Essentially the goal was of ‘breaking out’ (ibid.), in the hope that this would articulate a praxis with transformative aims for the institutional confines one attempted to break out from and, as a result, of art’s and art institution’s potential to reach out to the world. The second wave (1980s–1990s) refers to the practices of artists like Andrea Fraser, Renée Green, and Fred Wilson: this second generation, ‘added a subjectivizing turn [...] which allowed [artists] to recast external power hierarchies as ambivalences within the self’ (Holmes, 2009, p. 57). In other words, artists of the second generation of institutional critics realized that what they were doing as artists and as art was already reproducing the institutional hierarchies that they tried to analyze; this implies that they had been ‘institutionalized’ all along.

Canonizations are, of course, problematic because they operate with simplifications and desaturations of complex developments. It is questionable, for example, whether all artists of the first wave of

institutional critique felt trapped or, if they did feel trapped, whether they believed that the trap would exhaustively preclude any form of critical address. For example, in his exchange with Pierre Bourdieu, which took place at the beginning of the 1990s, Hans Haacke observed that while attaching value (symbolic and economic) to works, art institutions also 'provide a refuge, protection, and even a platform to speak from' (Bourdieu/Haacke, 1995, p. 97). Haacke did notice a certain 'sense of malaise' in relation to the possibility of 'breaking out'; but, as he confesses in his discussion with Bourdieu, there might be enough reasons to wonder 'whether this unease is not based on a romantic notion of the contemporary world and a profound misunderstanding of the role the assumed ghetto plays in today's practice. The terms "platform" and "ghetto" are contradictory' (Bourdieu/Haacke, 1995, pp. 97–8).

The terms 'platform' and 'ghetto' are, indeed, contradictory. But it seems to me that it is only by placing itself within contradictions that institutional critique works. Its 'material' is constituted by the essentially undecidable nature of institutional frames. On the one hand, frames do appear to have a negative function, and it is the consideration of this function that grounds the idea that art should escape its institutional frames, to an outside where it would be able to respond to social, political, and economic urgencies. But at the same time, they do have the positive utility of augmenting, increasing, and contributing to the performative effect of whatever appears within them. If we agree that 'ghetto' essentially refers to the inside of the institution, and 'platform' opens the institution toward its outside, it could be said that institutional critique operates from a certain outside of frames, destructuring and disorganizing frames, reworking and reorganizing frames. But it is doing so essentially from the inside of frames, letting itself be framed by the frame and framing the frame. A peculiar topology would apply to institutional critique, for it would be placed neither inside, nor outside of the art institution. This is an idea I will return to in the next section, when I will discuss Liberate Tate's *The Gift* (2012).

Before that, it is necessary to ask what happens to the subject in the story of institutional critique's phases. Hito Steyerl has suggested that critique has always produced an ambivalent subject. The first wave created a political subject that performed criticism whilst being integrated in the

institution, for reformist rather than radical strategies of institutional critique had been most successful. The subject of the second wave of institutional critique, though, had to face the corporatization and marketization of the art institution and the ‘cultural or symbolic integration of critique into the institution or rather on the surface of the institution without any material consequences within the institution itself’ (Steyerl, 2009, p. 489). The subject of the second phase of institutional critique was integrated into representation.

To employ a distinction used earlier, during the second phase of institutional critique the contradiction between ‘platform’ and ‘ghetto’ would be replicated within the subject of institutional critique. For within the subject, one would find both the desire to speak and the instance of censorship and, more importantly, self-censorship. However, it appears that at the twilight of the second wave of institutional critique institutional censorship and self-censorship would articulate the conditions of the possibility for speaking out. This seems to be the radical conclusion of Andrea Fraser’s text, written a decade ago, to which I referred in the introduction of this text.

Fraser tried to dispel nostalgic accounts of an ‘outside’ of the art institution and criticism against institutional critique, which, essentially, refer to charges of co-optation and recuperation by art history, by the corporate museum, and by the art market. She attempted to safeguard institutional critique against ‘unreasonable’ charges by showing that the very idea of an ‘outside’ is only infinite deferral and postponement. Thus, one wouldn’t be able to make the journey to an outside without carrying with oneself the structures of the inside of the art institution:

What we do outside the field, to the extent that it remains outside, can have no effect within it. So if there is no outside for us, it is not because the institution is perfectly closed, or exists as an apparatus in a ‘totally administered society,’ or has grown all-encompassing in size and scope. It is because the institution is inside of us, and we can’t get outside of ourselves. (Fraser, 2009, p. 414)

Above, I claimed that the radical consequence of Fraser’s text is a legitimation of institutional censorship and self-censorship. And I wrote this

because Fraser's subject seems to be articulated within processes of institutionalization, of exhaustively determining the 'whatness' of what art is as if that is all that there is to art. In other words, the limits of Fraser's subject are the limits (frames, borders) of the art institution. And whereas the subject constitutes itself within the 'ghetto' of the institution, the 'platform' would only be meaningful within the same inside, for 'we can't get out of ourselves'. If we agree with Steyerl that the political subject of institutional critique is always-already ambivalent—but, nevertheless, *ambivalent*, thus, always in the position to escape institutional integration—in Fraser's account it is precisely this possibility of escape which is erased.

In this sense, I do agree with Brian Holmes (2009, p. 59) when he claims that Fraser has mingled Bourdieu's 'deterministic analysis of the closure of socio-professional fields' with 'a deep confusion of Weber's iron cage and Foucault's desire "to get free of oneself"'. The result was the internalization of a 'governmentality of failure, where the subject can do no more than contemplate his or her own psychic prison, with a few aesthetic luxuries in compensation'. Though it would be unsafe to project this to the entire 'subjectivizing turn' of institutional critique (second phase), one cannot fail to observe that at least in Fraser's text, which generated so much controversy, the subject is integrated not on the surface of the institution, but foremost within the representation of the self as always-already and entirely subjected by the structures of the corporate art institution. Without doubt, this is a most pessimistic and disempowering account of the subject of institutional critique. For if one still finds strategies to escape from institutional representation, which is always subject to internal 'hermeneutical contradictions', it is much harder to escape from the self-representation of the subject as always-already constituted by and within the structures of the art institution.

I began this chapter by invoking a limit, a demarcation line between the second phase of institutional critique and that within which we should already be, a third phase which, to put it in Raunig and Ray's words, should amount to 'a "non-dialectical" concept of resistance and critique, one seeking above all to establish a different conceptualization of contradiction, negation, and reaction' (Raunig/Ray, 2009, p. xvi). How is the subject of institutional critique fitting in this story and, more to the point, what subjects are we talking about?

Collective Subjects of Critical Communication

At the end of January 2015, Tate disclosed the details of its sponsorship deal with oil company British Petroleum (BP). This was the result of a three-year legal battle led by environmental and art/activist collectives such as London-based Platform and Liberate Tate. It was revealed that over a period of 17 years BP donated a total of £3.8 m (an average of £224,000 a year), a ridiculously small figure if we consider the complexity of this institutional giant called Tate (Brown, 2015). To add another story, one year ago (in 2014), a group of invited artists at the Sydney Biennale boycotted the arts festival. At stake were the ties between the Biennale and the Transfield Holdings/Transfield Services, its sponsor and contractor for Australia's immigration detention centers (Safi/Farrell, 2014). Following the international mass media coverage of both the boycott and the abuses taking place within these detention centers, the Biennial's chairman, Luca Belgiorno-Nettis, resigned, while the institution's connections with Transfield were terminated.

These two recent examples stem from very different contexts and it would be safe to assume that precisely the specific social, political, and even ideological conditions have been responsible for these instances of institutional critique. This is to say that there are no 'critical' recipes or guidelines to be followed from one context to another. Nevertheless, I brought them into the discussion because I think they share an important aspect: they emphasize the importance of collective organization and disobedient communication. The interesting aspect to observe, therefore, is the increased presence of the collective subject in the current phase of institutional critique. I would like to retrace facets of this contemporary subject by looking at one of Liberate Tate's guerrilla performances, titled *The Gift* (2012).

In preparation, I should recall the story of the collective that was formed in 2010 during a workshop on art and activism commissioned by the Tate. Composed of artists, activists, writers, and other types of cultural workers, Liberate Tate came into existence when Tate curators tried to censor an intervention of the participants to the workshop, which addressed the fact that the institution is being sponsored by BP. The intervention itself was unplanned and its idea arose during the

workshop: participants posted large black letters on the windows of the seventh-floor room reading 'Art not Oil'. The piece of writing remained in place for 30 minutes, before it was removed. More importantly, after this intervention the group decided to continue to act as Liberate Tate (see Hickey, 2013).

I would like to talk about *The Gift* because I believe that this example is significant in a number of ways for my task here, that of 'carving' the subject of current practices of institutional critique. Thus, this performance draws its power from the history of the avant-garde, of the ready-made, and of institutional critique (Hans Haacke's installations are often mentioned in Liberate Tate's presentations); it acts within the frames of the institution's laws, but in a creative and disobedient manner; finally, it articulates a collective subject of critique within a space of critical engagement and exchange with the institution but also, always-already, looking at the outside of the art institution. The performance I am talking about occurred in 2012 during Damien Hirst's show at the Tate. More than 100 members of the collective busted into Tate Modern, with all the guardians' opposition, by forcing the two entrances. They introduced components of a 16.5 meter, one and a half ton wind turbine blade that they reassembled in the Turbine Hall. The blade, a beautiful ready-made object, was offered as an *art piece* and as a *donation* to the nation, under the provisions of the *Museums and Galleries Act* from 1992, the foundational legal act from which Tate's mission statement derives (Liberate Tate, 2012a). I am particularly interested in this performance because it is, it seems to me, a story about communication: it reconstructs a *platform for communication* and it is within a stream of communication that the collective subject of institutional critique is articulated.

To begin with, it should be interesting to ponder on the political self-representation of the actors involved: Tim Rattclife, one of the coordinators of this piece, commented that for many years he had been involved in protest movements and that they are 'very valid places for placards, marches etc., but only as long as they satisfied my want to communicate what I am thinking through holding a placard up' (VICE United Kingdom, 2012, min. 1:22). In other words, placing a wind turbine blade *as art* and as a gift to the nation, under the provisions of a law that regulates what Tate is and what Tate does, will *communicate*

differently and, perhaps, with a different performative effect. The opened space of communication will construct a differential critical subject: for one thing is to confront the BP headquarters with a placard incriminating the Gulf of Mexico spill, and quite another thing is to engage in collective cultural-artistic practice bordering environmental activism, by offering a gift and by donating an artwork to an art institution.

This story is about communication in yet another way: for this performance has all the arguments to claim that the ready-made is an artwork. As critical art, it constructs a platform for communication, communicating a message through which the Tate is reminded of its hermeneutical contradiction—the fact that its 20-year-long sponsorship agreement with BP is contrary to its ethics policies. This art piece appropriates and iterates the history of the ready-made. Although this is a beautiful object crafted by the elements of nature, its aesthetic beauty is instrumental for an act of communication which addresses the institution inasmuch as it addresses the outside of the art institution as well. Significantly, the conditions of possibility of this act of communication take place within the frames of a law that regulates what Tate *is* and *ought to be*. Section seven of this law determines that when a work of art is offered to an art institution and as donation to the nation, the institution will consider it to be included in its permanent collection, unless the work of art is determined as ‘unfit’. It is within the frames of this law that Tate Modern should have considered *The Gift as art*, and Liberate Tate has made its donation following the letter of the law and disobediently appropriating the spirit of the law.

However, it will not have been sufficient to bring a beautifully crafted wind turbine blade within the Tate and deposit it there for this object to be an artwork. If we were to employ the terms of the institutional definition of art, one required the recognition of a community of art world members and, more importantly, it will have to be *these* members of the art world (Tate’s Board of Trustees) who recognize the blade as an artwork. This is the third way in which this story is a story of communication: the wind turbine blade, in itself, lacked something, a supplement to the work, which came in the form of a *Communiqué* that Liberate Tate issued. It is in this third stream of communication that the deconstructive reversal of institutional critique takes place: the status of *The Gift* as a work of art is made possible only by this *Communiqué* and its Signatory.

The Signatory is the collective subject of institutional critique, which calls itself Liberate Tate.

What is a *communiqué*? The Oxford English Dictionary tells us that it is an official announcement or report, especially one delivered at the conclusion of a meeting or conference (OED Online, 2015). Significantly, a *communiqué* comes *after*—this is its essence: it reports a meeting but only after the meeting had taken place. In this particular case, it reports the event of bringing in Tate Modern’s Turbine Hall a wind turbine blade. But the *Communiqué* comes in written form, since the meeting had taken place *in absentia*—some of the Addressees (Tate’s Trustees) were missing. This *Communiqué* should represent the Signatory to the Addressee; it should supplant the absence of Liberate Tate when Trustees of the Tate will judge whether to accept the work or not:

The law of this island requires that all ‘gifts to the nation’, donations of art from the people, be considered as works for public museums. Consider this one judiciously. We think that it is a work that will fit elegantly in the Tate collection, a work that celebrates a future that gives rather than takes away, a gentle whispering solution, a monument to a world in transition. [...] Resting on the floor of your museum, it might resemble the bones of a leviathan monster washed up from the salty depths, a suitable metaphor for the deep arctic drilling that BP is profiting from now that the ice is melting. But it is not animal, nor is it dead, it is a living relic from a future that is aching to become the present. It is part of a magic machine, a tool of transformation, a grateful giant. (Liberate Tate, 2012b)

Confronting an institution’s judicious (critical) consideration, this *Communiqué* represents the Signatory, which calls itself Liberate Tate. But the Signatory also represents someone, or, better said, something: ‘the people’ entitled to make donations to the nation. And, it should be said, it is in the name of the sovereign people that the law establishes what Tate is and what Tate does, and what Tate should and should not accept in its collection. This is, to be sure, a legal conversation between different subjects and it is within the frames of the law, within the letter of the law, but also within the spirit of the law that the collective subject Liberate Tate generously offers not just a ready-made, but also an interpretation of *The Gift as artwork*. Essentially, this interpretation produces

a temporal dissonance: for the relic is both living and dead, speaking, as already consumed and ruined relic, 'from a future that is aching to become the present'. This possible future might not know anything about fossil fuels, BP, or even Liberate Tate. This *Communiqué* will be readable in the future by 'the people' in the name of which it is written even if no one would remember Liberate Tate, and Liberate Tate itself will become a living relic, the relic of a living subject, for there will be no reason for it to exist anymore. From a future-past, this *Communiqué* breaks away from the tutelage of the Signatory: it detaches itself, separates itself with a rupturing force that is equal to the force with which it presents itself in front of Tate's judicious consideration, in front of the law in the name of which the blade has arrived within the Tate. 'Resting on the floor of your museum, it might resemble the bones of a leviathan monster washed up from the salty depths, a suitable metaphor for the deep arctic drilling that BP is profiting from now that the ice is melting.' Everything involved here—analogy, literary style, figures of speech, and metaphor—are part of this rupturing force. The *Communiqué* needs to communicate and persuade and it should be able to do so even in the absence of Liberate Tate.

Everything that has been said until now is to show that, instead of being a simple addition, a supplement to the ready-made wind turbine blade placed in the Tate, this *Communiqué* is perhaps the most enigmatic and most powerful element of the work. It is, indeed, 'a magic machine, a tool of transformation' that should function in the absence of its maker. It operates according to the law, in the name of the law, and following the law. It does so disobediently and subversively: it invites the institution to deny an art world residence permit and it obliges the institution to articulate arguments for denial. Indeed, the negative decision of the Board of Trustees has been communicated and signed by Nicholas Serota, director of the Tate, in a letter arguing that the refusal is due to 'the current strategy, commitments and priorities for the Collection and the size of the object in relation to existing pressures on collection care' (Liberate Tate, 2012c). However, the Board offered that 'supporting material comprising performance documentation and related images, be accepted into Tate's archive as a record of the action at Tate Modern' (Liberate Tate, 2012c). In their response, Liberate Tate observed an essential fact: precisely how the Board of Trustees's response has recuperated *The Gift not as art but*

as non-art. And if it is not art, how does it ‘deviate from current formal definitions of art?’ (Liberate Tate, 2012d). The point is not that *The Gift* deviates from any current definition of art because in fact it does not. *The Gift* only deviates from what the art institution of the Tate defines and describes as the ‘whatness’ of what art is as if that is all that art is. In the last instance, whether *The Gift* is art or not is less important than the fact that by insisting that it is art, it inhabits and occupies the field of struggle over the ‘whatness’ of art is, not only in the sense of what art *is and ought to be*, but also in the sense of what *art does and ought to do*. For what is essential in this story is the fact that from a certain outside of the Tate, which is already inside of the Tate, *The Gift* addresses critically and politically the social urgency triggered by BP’s environmental disaster in the same manner in which it addresses, critically and politically, the art institution of the Tate.

An Ontological Fable (The Story Continues)

This text discussed historical and contemporary strategies of articulating the subject of institutional critique, looking at its ‘phases’ and placing emphasis on the collective subject of institutional disobedience. What is left to say is that, beyond the factual story of a collective that chose to have a simple yet almost impossible name, the proper name that might disappear once ‘the future that is aching to become the present’ becomes present, an ontological fable is written. In this fable, the Signatory becomes a subject in relation to the Addressee; yet in deconstructive reversal, the Addressee becomes itself a subject in relation to the Signatory. A decade earlier the individual artist, subject of institutional critique, found itself trapped as always-already constituted by and within the structures of the art institution. A decade later, a collective subject of institutional critique represents itself as occupying both the inside of the art institution and the outside of political, social, and environmental struggles. So what has happened in these passage rituals?

Perhaps not the *Communiqué* itself, but a seemingly insignificant supplementary note, placed right before the ‘salutation’ (‘Dear Tate ...’), would provide an explication: ‘It is easy to see, replied Don Quixote,

that thou art not used to this business of adventures; those are giants; and if thou art afraid, away with thee out of this and betake thyself to prayer while I engage them in fierce and unequal combat' (Don Quixote, Miguel de Cervantes/Liberate Tate, 2012a). The ontological fable of the subject of institutional critique is encapsulated precisely in these three lines. Iterating this figure of romantic chivalry, in the context of this communication with a giant Tate, within the *Communiqué* but already out of the *Communiqué* (neither inside, nor outside of it), Liberate Tate would not only offer the gift of an artwork's interpretation as artwork, but also the gift of its deconstructive erasure. This is, to be sure, a 'fierce and unequal combat', which has been already lost to the giants. But this is not the point of this fable. The point is to admit the madness of the 'business of adventures' and, instead of 'betaking oneself to prayer', (submitting to precarious dependency), take, nevertheless, the mad decision even if it entails a transitory erasure of the subject.

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Part III

At the Limits of Subjectivation

10

Breaking out of the Cycle of Fear: Exodus Politics

Andreas Hetzel

Sovereignty as a form of absolute power, claiming the right to make laws to which it is itself not subjected, deciding on states of emergency while itself being an exceptional case, passing judgment about questions of life and death without need for justification, is not at all becoming obsolete. The continuous existence of sovereignty in the Late Modern Age can be identified above all by its most obvious effect: the *fear* by means of which it attempts to reproduce itself and in whose grasp large parts of the world population still exist. This fear makes all of us *subjects*, conquering and subordinating us. Post-sovereignty politics, for which the Exodus narrative of the Bible might serve as a model, will have to work first of all against this fear.

Thomas Hobbes, to whom we owe our modern concept of political sovereignty, assumes in his concept of the state of nature a scenario of mutual distrust. In the state of nature, he says, everyone is in danger of being hurt or even killed by somebody else. And, he adds, one can

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escape the therefore implied situation of general distrust only by way of a contract, which transfers the right to exercise power to a sovereign who transcends the social body and has been given absolute rights, while at the same time serving as the guardian of maintaining this contract. Only this sovereign authority's monopoly of power, Hobbes states, allows us to trust our fellows. This model is paradoxical insofar as it replaces the fear of the other in his/her concrete form with nothing more than an (even bigger) fear of the Great Other, the Sovereign. Here social integration happens only by the sword, by subjecting us to an order whose binding nature is sanctioned by threat.

By sovereignty, I do not refer solely to a political reality, but also to a concept, the claim or pretension to which, however, may as such very well have an impact on history or reality. In this sense, sovereignty is not a discontinued model, not even and precisely not in our allegedly liberal and democratic world order, which becomes apparent wherever an absolute claim to power is decreed, such as by the decision-making structures of the United Nations. Jacques Derrida could rightly point out the fact that the permanent members of the Security Council were identical with the victorious powers of the Second World War and that these days they are the biggest nuclear powers: France, Great Britain, Russia, the USA, and the People's Republic of China. Thus, what lies at the heart of world political decision-making is still the archaic law of the jungle (Derrida, 2005, pp. 6–18). The same is true not only for the global leading role claimed by China, Russia, or the USA, but also for the EU, which beyond its external borders exercises precisely that violence in contradiction to the core values of European cultural identity.

Another example of the continuing existence of the claims and policies of sovereignty with which I am personally familiar is the development, which Turkey has experienced over the past ten years. Under the guise of democracy, a populist right-wing conservative regime has been established which proposes an alliance of outer and inner enemies as the reason why the Turkish nation does not succeed in reconciling with itself, and why it is threatened by separation. In the context of a very catchpenny scapegoat narrative, the massive evidence for corruption, which the Justice and Development Party (AKP) government has been confronted with since December, 2013, is reinterpreted as the machination of evil powers which are envious of Turkey's *national* economic success and attempt to

poison the Turkish national body. These enemies, conspirators,¹ citizens of a state within the state, members of a parallel structure according to Erdogan's rhetoric, then provide legitimacy for a state of emergency and the use of extreme violence in the streets, the suppression of any kind of free speech, and finally the attempt by the AKP government to take a sovereign position toward the executive and the judiciary.

What, as is the question raised in my contribution, might be held against this kind of sovereignty manifesting itself in different parts of the world, how could we possibly escape its domain? When interviewed, many of the people who participated in the protests that led to the Arab Spring and the Gezi movement repeatedly describe the crucial moment, of which it is difficult to say whether it preceded the occupation of public squares or rather resulted from it, with the following words: breaking out of the cycle of fear by which sovereignty reproduces itself. This breaking out never happens by direct confrontation but only by way of a lateral strategy of moving away, of renouncing, of *exit*, after all. Against this background, Isabell Lorey has suggested to read the events of the Arab Spring, to which the Gezi protests belong in its wider context, by starting from the Exodus narrative. The occupation of the squares happened neither in the name of Western-representative ideas of democracy, nor did this represent simply an expression of rejection—in the name of universal human rights—of the claims to power of dynasties and elites. Rather, on the squares of Tunis, Cairo, and Istanbul a presentist democracy was *realized* already *by way of* the Exodus:

The occupation movements mean an Exodus from the two complementary figures of direct and representative democracy because they act non-judicially and practice democracy in a presentist way. This is nothing less than an act of breaking with the existing order of 'Western' democracy. The Exodus becomes manifest on the central public square, by the congregation of the Many and by practicing new ways of life. This presentist movement is self-organization and instituting, a democratically constituting power which does not seek to repeat the old power struggles but attempts to liberate itself from the juridical logic of representation and sovereignty. (Lorey, 2012, pp. 46–7)

¹ On the significance of conspiracy theories for the constitution of political sovereignty, see Meyzaud (2012, pp. 370–86).

In the following, I will discuss concepts of an Exodus politics as they become obvious in Michael Walzer's, Paolo Virno's, and Jacques Derrida's respective readings of the Biblical Exodus myth. Starting out from these concepts, I will hint at a new perspective for undermining sovereignty, which at the same time brings with it a new kind of anxiety-free political subjectivation. For all three authors, the Exodus is the model for a presentist, intraworldly eschatology that interprets the flight from Egypt in the sense of de-subjection, that is, of liberation from fear, which is itself recognized as an instrument of power and thus disenchanted. From this point of view, the Exodus means nothing other than turning away from the center of power, a changing of position and the constitution of a new kind of political subject outside the sphere of influence and validity of a power which defines itself as being absolute. Walzer, Virno, and Derrida interpret Israel's Exodus from Egypt not only as liberation from a contingent historical power relation, but as a means of undermining sovereignty as such, or, to be more concise, as *subversion as such*. Moving into the desert, they say, indicates a new idea of political integration, which does not simply make the servants the new lords but connects to the promise of an anarchist way of life.

I will first present Michael Walzer's attempt to use the Biblical Exodus for a secular, non-messianic understanding of political revolutions. In a second step, I will discuss how Paolo Virno uses the Exodus as a model for moving away from a late capitalist order of life and economy, a project which Isabell Lorey again interprets as being close to the political concept of secession. As a conclusion, I will analyze how Jacques Derrida attempts to save messianic thought, which he understands to be basically a kind of desert-thought.

Beyond Political Messianism: Michael Walzer's Secular Exodus Exegesis

From Michael Walzer's point of view, the Book of Exodus tells the story of successful de-subjection. By moving into the desert, he states, a kind of social link is established that is no longer one created by the sword. Walzer describes the 'covenant' as the crucial 'political invention of the Book of

Exodus' (Walzer, 1986, p. 74), and he characterizes the covenant as a free alliance of everybody with everybody else by means of breaking out of the cycle of fear, or perhaps, to put it more precisely, out of the cycle of fear, imagination, and voluntary enslavement (see Hetzel, 2016), which had kept Israel in Egyptian slavery for over four centuries. The Book of Exodus tells the story of those who were able to liberate themselves, and who, by way of this liberation, became a nation. Thus, the narration gives an explanation for the formation of a political subject, which makes do without pyramids, Pharaohs, and slavery. By this thesis, Walzer does not refer to actual but to historical Egypt, of which the Book of Exodus only tells us that it claimed for itself the right to enslave entire nations. Life in Egypt is characterized as one of hard labor and deprivation, but above all also of sovereignty: 'And it came to pass in process of time, that the king of Egypt died: and the children of Israel sighed by reason of the bondage, and they cried, and their cry came up to God by reason of the bondage' (Exodus 2:23) who hears their plea: 'and the LORD said, I have surely seen the affliction of my people which *are* in Egypt, and have heard their cry by reason of their taskmasters; for I know their sorrows' (Exodus 3:7).

In *Exodus and Revolution*, Walzer constructs an opposition of 'Exodus politics' and 'political messianism', associating Exodus politics with a horizontal and messianism with a vertical understanding of the nature of revolutions. Whereas, according to Walzer, the Biblical myth of the Exodus describes a mundane change of position and, related to this, a subversion of regimes, political messianism understands revolution in the sense of a unique, 'one-way and once-and-for-all transformation of the political world' (Walzer, 1986, p. 16), a liberation from the burden of practice and history which in the Exodus narrative is symbolized by the years spent in the desert. Political messianism, on the other hand, which Walzer also calls 'the great temptation' (Walzer, 1986, p. 135) for Western politics, defines political struggle through theological concepts: it posits axes of evil, and makes of its opponents a Satan.

Walzer's attention was drawn to the Exodus narrative as early as the 1960s, in the context of the civil rights movement. Following this, he identifies it at many points of history, such as with Protestantism (Calvin), the Puritan Revolution, in the documents of the first immigrants to America, with European Socialism, with Latin American Liberation Theology, and finally

in post-Marxist authors such as Ernst Bloch. At the same time, Walzer points out which revolutions explicitly do *not* refer to this narration: first of all the French Revolution, which rather refers to messianic concepts, thus paving the way for Jacobinism. The author is aware of the fact that the dichotomy of Exodus politics and messianism along which his text is structured cannot always be strictly maintained, as in the course of history we can repeatedly identify messianic movements which refer explicitly to the Exodus narration. In this context, Walzer mentions the crusaders of the Middle Ages, Savonarola's proto-Protestant fundamentalist movement in Florence during the Renaissance, and messianic Zionism in the early twentieth century.

That the Exodus myth could serve as a referential myth for so many historical events reflects its quality of being a transformation narrative rather than a legitimating narrative, to employ a distinction by Hans Blumenberg (compare 1990). On the one hand, the Exodus represents a story which may often be 'retold to one another' (Walzer, 1986, p. 10), and with each renarration it causes new effects; on the other hand, however, it is a story that 'made it possible to tell other stories' (Walzer, 1986, p. 7), which allowed it to become a model without determining its successors. Walzer reads the Exodus narration as an open and most of all a secular myth: 'The Exodus is an account of deliverance or liberation expressed in religious terms, but it is also a secular, that is, a this-worldly and historical account. Most important, it is a realistic account, in which miracles play a part but which is not itself miraculous' (Walzer, 1986, p. 9).

In the course of his reading, Walzer emphasizes several times that it was no higher power that liberated the Israelites from Egypt, but that they were able to liberate themselves, that they started their emigration on their own initiative and through their own efforts. The idea of a Redeemer God appears only after the escape from captivity in Egypt, *starting out* from this political-social event, not the other way round. That God may not be understood as the starting point and goal of a political movement is reflected by the narrative structure of the myth, and by its linearity, which distinguishes it from Greek mythology and epics. The eternal recurrence of the same in Greek mythology roots a social reality within a cosmic order, thus denying politics. Suppression and rule, for Walzer the essential message of the Exodus narration, are not unavoidable in the same way as 'fall's decline and winter's death' (Walzer, 1986, p. 14).

In contrast to Homer's *Odyssey*, according to the Exodus myth there is no *oikos* to which a hero, having matured in foreign lands, might return. Also the means of subjectivation is different: it is not that of the hero of education novels who, by overcoming hostile powers, maintains and increases his self, but that of the creation of a nation as a political collective of free and equal individuals. Exodus turns the notion of a subalternizing subjection upside down. 'The slaves', which is what the Israelites became in Egypt, 'internalize their own "crushed identity"' (Walzer, 1986, p. 47). Israel becomes a nation in the political sense again only when it succeeds with consciously abandoning its own internalized enslavement. In this sense, the Exodus is a de-subjecting 'march toward a goal, a moral progress, a transformation' (Walzer, 1986, p. 12). Walzer also characterizes it as a 'literal movement' (Walzer, 1986, p. 15), which he describes more exactly 'as a movement from one political regime to another' (Walzer, 1986, p. 14). Apart from a change of position, the Exodus implies most of all the change of a system of rule; it redefines its initial conditions and thus also affects Egypt, the epitome of theologically based sovereignty.

For Walzer, as already indicated, the counter-model to Exodus politics would be a kind of messianism, which understands political revolution as a transition to a completely reconciled society, liberated from all contradictions. Behind messianism, he senses the danger of a kind of conviction politics, which is ready to accept even the utmost violence (see Hetzel, 2014). At the same time, however, he repeatedly emphasizes that messianism itself results from the Exodus myth: 'Exodus is a model for messianic and millenarian thought, and it is also a standing alternative to it—a secular and historical account of "redemption"' (Walzer, 1986, p. 17). Political messianism understands history as a burden from which we must liberate ourselves. Walzer, on the other hand, advises us to take the move through the desert upon ourselves, not to be tempted by radical solutions during all the crises and hardships on the march, not to look for scapegoats for our deprivation, and not to look for golden calves. The Exodus politics suggested by Walzer analyzes and answers a concrete evil (Israel's enslavement in Egypt), but it does not promise absolute and perfect happiness for everybody in the here and now.

Starting out from Walzer, the Exodus narration can be interpreted not only as the history of the Exodus, but also as that of the creation of a

nation in the sense of the political subject no longer being heteronomous. In Egypt, Israel was for itself little more than a memory. Only in the desert, after the Exodus, does the nation reconstitute as itself, guided by Moses,² making laws, creating a religion, formulating ethics, and a legal system:

Moreover thou shalt provide out of all the people able men, such as fear God, men of truth, hating covetousness; and place *such* over them, *to be* rulers of thousands, *and* rulers of hundreds, rulers of fifties, and rulers of tens: And let them judge the people at all seasons: and it shall be, *that* every great matter they shall bring unto thee, but every small matter they shall judge: so shall it be easier for thyself, and they shall bear *the burden* with thee. (Exodus 18:21–2)

The nation created in the Exodus from Egypt first of all overcame fear, the fear of freedom which causes it to look back again and again, the fear which makes it long for alleged safety in Egypt, for fleshpots, and for servitude. Thus, overcoming fear at the same time means overcoming the longing for a sovereign. In this sense, the people gain another kind of sovereignty which perhaps, following Georges Bataille (2012), one might call the sovereignty of risking oneself, as a life which no longer is subject to the principle of self-preservation (and thus fear), which breaks with any kind of ruler and being ruled. As the political counterpart of sovereignty in Bataille's sense, Jean-Luc Nancy introduces the concept of a community not being a work (in the sense of modern contractualism, interpreting the community as the result of a social contract between individuals existing prior to and independent of the community) but being based on negative gestures, the first of which is the rejection of all submissive relationships. The inoperative society develops by and as being 'beyond subordination to technopolitical dominion' (Nancy, 1991, p. 1) as exemplified by the narration of Egypt.

Most of all, the Book of Exodus is a book about the economy of fear: at first it tells how the Pharaoh is supposed to learn what fear is, although

² Sigmund Freud reads the figure of Moses as evidence for yet new leadership structures developing by the Exodus—a thesis which is then taken up by Lacan and his claim that we are incapable of escaping the Great Other (see also Freud, 1939).

at the beginning he refuses the fear of God, as he believes himself to be a god. Accordingly, the Israelites are supposed to learn how to *abandon* fear, but they also refuse the lesson, at least initially. They must first practice fearlessness, they must be told again and again: 'And Moses said unto the people, Fear ye not, stand still, and see the salvation of the LORD, which he will shew to you to day: for the Egyptians whom ye have seen to day, ye shall see them again no more for ever' (Exodus 14:13). The nation is united not by a common fear of the sovereign's sword, which it internalizes, but by learning how to long for the sword no longer, by beginning to take matters in their own hands, by electing judges from their own ranks whose office will not be hereditary.

In the context of this narration, God cannot be reduced to the role of a political sovereign or to a model or legitimating authority for the latter. The Kingdom of God or the 'theocracy' (Buber, 1967) of this period, starting with the Book of Exodus and concluding with the Book of Judges, means nothing other than, as Martin Buber, to whom Walzer repeatedly refers, stated: 'no man is to be called king of the sons of Israel' (Buber, 1967, p. 136), thus no human shall rule over any other human. 'JHWH', Buber goes on, 'does not want, like the other kingly gods, to be sovereign and guarantor of a human monarch' (Buber, 1967, p. 136). Against Freud, who reads Moses as incorporating the longing for an authoritative father figure, Buber emphasizes that this 'confederation of half-nomadic tribes wandering out of Egypt did not elevate its human leader as *melekh*' (Buber, 1967, p. 138), that is, did not make him a king. In this sense, Buber does not interpret the Israelites' covenant with God as a submissive contract in terms of Hobbes's concept of sovereignty but as the political expression of the '*intractableness of the human person, the drive of man to be independent of man*' (Buber, 1967, p. 138). Thus, only by a superficial reading could God himself appear as a sovereign who passes laws while punishing, killing, and pardoning. His rule seems to be of a completely different nature than that of the Pharaoh, as he does not conquer but liberate, he does not want to be feared but take away fear. In Exodus, this God declares himself to be the God of liberation: 'I *am* the LORD thy God, which have brought thee out of the land of Egypt, out of the house of bondage' (Exodus 20:2). Starting out from this self-revelation, this God, who leads the way out of captivity in the shape of

a pillar of cloud or fire, would have to be grasped as the apotheosis of precisely that kind of liberation by which a nation that defines itself as nobody's servant can only develop.

Overcoming servitude, starting with the movement through the desert, refers not only to Israel's own servitude. Several times Walzer points out those passages which characterize the Promised Land as a 'land without oppression' (Walzer, 1986, p. 105), such as the commandment, repeated several times, that Israel must not suppress the foreigners, as they themselves had been foreigners in Egypt. 'In the new Jerusalem', Walzer says, 'there won't be cruel taskmasters who seize what the people produce' (Walzer, 1986, p. 105). He quotes Isaiah 65:22–3: 'They shall not labor in vain, nor bring forth for trouble; for they *are* the seed of the blessed of the LORD, and their offspring with them.' The Promised Land is not only a land without suppression but also a land where life will never be completely dictated by hardship and labor. In this direction points also, among other aspects, the often-repeated commandment about the Sabbath as a day of rest as well as the demand to periodically leave the fields fallow, to not harvest the trees every seven years or so. It is the Sabbath, which distinguishes the life of Israel from sheer survival. Walzer emphasizes that the Exodus narration provides us with both a positive and a negative doctrine of equality:

The promise of milk and honey involves a kind of negative egalitarianism: it works against the gross inequalities of tyrant and subject, taskmaster and slave. The second promise aims at positive equality. In God's kingdom, all the Israelites will be priests; the nation as a whole will be holy. Hence the establishment of the Levitical priesthood after 'the people's sin with the calf' was a defeat for revolutionary aspiration. (Walzer, 1986, p. 109)

Wherever fear pushes through again—the golden calf is erected because the people believe Moses has left them behind when he stays on Mount Sinai for a longer period—social hierarchies will also be found again.

For Walzer, as has already been emphasized, the counter-model to the Exodus strategy is a kind of messianism that interprets revolution in the sense of a 'one-way and once-and-for-all transformation of the political world' (Walzer, 1986, p. 16). At the same time, however, Walzer

repeatedly emphasizes that messianism itself derives from the Exodus narration: 'Exodus is a model for messianic and millenarian thought, and it is also a standing alternative to it' (Walzer, 1986, p. 17). Political messianism is motivated precisely by 'the apparent endlessness of the Exodus march' (Walzer, 1986, p. 135). Messianists understand history as a burden from which we must liberate ourselves. Contrary to that, Walzer demands that we accept moving through the desert in the sense of political realism, and for us not to be tempted by radical solutions during the period of grumbling in the desert, which again and again threatens to restore the already-overcome fear of being without a leader, and not to look for scapegoats for our hardships.

Exodus from the Factories: Paolo Virno's Updating of the Exodus Narrative

In his essay *Virtuosity and Revolution: the Political Theory of Exodus*, the Italian philosopher Paolo Virno makes use of the Exodus myth in terms similar to those of Walzer. At first, Virno discusses Marx's thesis that any capital ownership is based on the violence of original accumulation. The classical authors of political economics, he says, naturalize the development of social inequality through the division of mankind into employers and employees. Already in the state of nature some people appropriate specific means of production, such as land, be it by merit, industry, or risk-taking, which then allows them to make other people—who have no access to these means of production anymore—work for them. For the employers, labor power becomes a good by help of which they can produce or refine other goods, in short: they turn these into capital. Classical authors of economics define capital ownership as a legal relationship between the free and equal who encounter each other in a market situation. One offers his or her labor power, the other buys it, which is absolutely legal, and eventually added value is produced.

Marx proves that this capital ownership is actually an exploitative relationship. He describes 'original accumulation', the first ownership of the means of production by capitalists, as a violent act, as the 'historical process of divorcing the producer from the means of production' (Marx, 1915,

p. 786). To cause someone to sell his labor power to another, the former must have already suffered from violence, and must have already been robbed of certain means of production to which he was naturally entitled. This happened most of all by way of confiscating land, as well as by transferring meadowlands into the hands of princes whereas originally each farmer had a share. In Europe, this process began at the end of the fifteenth century, when the aristocracy in England drove local farmers from the commons. Encouraged by rapidly rising wool prices, they then changed these fields into sheep pastures.³ Thus, the original accumulation was nothing but organized robbery, a form of redistribution from bottom to top which at the same time had a subjecting effect: it produced the proletariat as a subjugated class.

From the point of view of Liberalism, employees and ‘the owner of money meet in the market, and deal with each other as on the basis of equal rights, with this difference alone, that one is buyer, the other seller; both, therefore, equal in the eyes of the law’ (Marx, 1915, p. 186). In this context one assumes a degree of freedom and autonomy, which the employees *actually* never had. In this sense, for Marx capital ownership is a kind of violent relationship, which misunderstands itself as being non-violent, and thus the epitome of an ideology: ‘The so-called primitive accumulation, therefore, is nothing else than the historical process of divorcing the producer from the means of production. It appears as primitive, because it forms the pre-historic stage of capital and of the mode of production corresponding with it’ (Marx, 1915, p. 786). Whereas political economics tries to mystify capital ownership as a legal relationship, in ‘actual history it is notorious that conquest, enslavement, robbery, murder, briefly force, play the great part’ (Marx, 1915, p. 785).

Marx underlines this by an observation that becomes crucial for Virno’s interest in the Exodus. In the USA, Marx says, industrialization and capitalism were pushed through only belatedly because for a long time the workers had an alternative: they could run away from the factories on the East Coast and go West, to appropriate their own means of production

³This development was scandalized already in the first part of Thomas More’s *Utopia*, published in 1516, that is, in the work of an author whom Marx takes as one of the founding fathers of modern Socialism (see More, 2002).

(fallow land) again. The ‘constant transformation of the wage-laborers into independent producers’ (Marx, 1915, p. 843) had very unfavorable effects on the possibilities for the development of capitalism in America. Only after all the fertile lands in the West had been distributed did newcomers from Europe have to stay in the factories on the East Coast (see Virno, 2010, pp. 23–30). The first workers, on the other hand, initially had the opportunity of an Exodus. Thus, what was working against capitalism in America was the possibility of desertion, of moving out into the desert, which in America is also referred to the mythology of the Exodus narrative. With Marx, Virno speaks of a ‘mass flight from labor under the employer’ (see Virno, 2010, p. 25).

In the Italy of the 1960s and 1970s, Virno identifies a comparable movement. Many young people preferred the precariat to the ordinary occupational biography and formed a multitude, a public intellect. Virno speaks of a ‘desertion paradigm’, a ‘strategy of flight’, a ‘culture of desertion’, of ‘nomadism’,⁴ and of an ‘exit’ option, of ways of spatializing subversion which were the horror of sovereignty: ‘However, disobedience and flight are no negative gestures which relieve us from action and responsibility. On the contrary, desertion means changing the conditions under which a conflict unfolds rather than submitting to it’ (See Virno, 2010, p. 30). These conditions refer most of all to the attribution of subject positions, to the creation of fear, and, eventually, to submission.

Virno’s work inspired Isabell Lorey to employ the Exodus as a guiding metaphor for a political strategy of ‘immanent exodus’, for ‘entering a sphere outside of power relations’ (Lorey, 2008), from which the subject of this Exodus develops. Her starting points are Michel Foucault’s (1980, p. 138) and Jacques Rancière’s (1999, pp. 23–33) considerations on the plebeians of the Roman Republic, who constituted themselves as a political subject by way of an evading movement of secession. Around 495 BC, the plebeians became increasingly dependent on the patricians, being threatened by debt servitude. Instead of enforcing their interests by way of armed struggle, the plebeians simply ‘refused and withdrew, according to Livius, “without command from the consuls to the *Sacred*

⁴Virno adopts the concept of nomadic thought from Deleuze and Guattari (see Deleuze/Guattari, 2004, pp. 387–467).

Mountain”, to a hill outside the boundaries of Rome and thus beyond the sphere of influence of the patrician rulers. This exodus from Rome marks the first secession of the Plebeians’ (Lorey, 2008). Thus, like the Exodus, secession also describes a change of position undermining a sovereignty structure:

The plebeians’ strategy of fighting for their political, economic and legal goals with a secession is still extremely unusual today. No indications can be found in the existing sources that this could have involved a civil war, nor even a singled armed battle between patrician and plebeian men. The struggle against patrician rule consisted at first exclusively in disobedience. It was a refusal of obedience in both military and political terms, a revocation of the acceptance of constraining patrician power. (Lorey, 2008)

The Exodus of the plebeians symbolizes ‘the rejection of the acceptableness, the self-evidence of modes of governing’ (Lorey, 2008). In this sense, the plebeians empower themselves, and while doing so they stay without a leader, like the protagonists of the Biblical Exodus. It is exactly this gesture, which Lorey, as initially emphasized, understands to be a kind of original form of democracy as occurred also in the context of the Arab Spring and the Occupy movements.

Through the Desert: Derrida’s Deconstruction as an Exodus Politics

Against Walzer, one might ask if we could not also read messianism in a somewhat more secular way, such as in the sense of a presentist eschatology which might be characterized by a famous quote from Franz Kafka: ‘the Messiah will come only when he is no longer necessary’ (Kafka, 1958, p. 81; see Wenzel, 2013), that is, when humans will have already themselves liberated their world from any kind of rule. In the sense of the presentist eschatology hinted at by Kafka, Jacques Derrida formulates a kind of political messianism focusing on the motif of the desert, with which we are familiar from the Exodus narration.

The Exodus plays a more than contingent role already for Derrida’s proceeding of deconstruction, which may be read primarily as a criticism

of rule within the medium of philosophical concepts. From the outset, deconstruction is thought of also as deconstructing the sovereignty-theoretical configuration of politics and theology. In a text from 1964, *Edmond Jabès and the Question of the Book*, a kind of shifted religion or Exodus religion is indicated, the idea of a broken God, of eternal detour and exile, by way of which Derrida refers to the Jewish tradition. The Jew (and the Poet), Derrida says, is 'not born *here* but *elsewhere*'; he 'wander[s]' and stays 'separated from [its] true birth'; he is an autochthon 'only of speech and writing, of Law' (Derrida, 1978, p. 66). However, right from the beginning the law shows a break, a passage of uncertainty. From the flaw of the law there develops the scripture in its spatializing power, which undermines any abundance and presence. The scripture has moved infinitely far away, and it divides. It dissolves any culture, anything social, and all configurations of political rule: 'Between the fragments of the broken Tables,' Derrida writes following Jabès, 'the poem grows and the right to speech takes root. Once more begins the adventure of the text as weed, as outlaw far from "*the fatherland of the Jews*," which is a "*sacred text surrounded by commentaries*"' (Derrida, 1978, p. 67). Derrida's unrooted scripture does not, like the hymn of negative theology, give testimony to being inappropriate to God and thus indirectly to God's power and greatness but to the impossibility of God, to his constitutive dividedness: 'The breaking of Tables articulates, first of all, a rupture within God as the origin of history' (Derrida, 1978, p. 67). The scripture describes an 'infinite detour' (Derrida, 1978, p. 68) which has always been separating from all origins. 'This way, preceded by no truth, and thus lacking the prescription of truth's rigor, is the way through the Desert. Writing is the moment of the desert as the moment of Separation' (Derrida, 1978, p. 68). Derrida's religion does not legitimate any political order but makes the Exodus, the development of any kind of order, eternal; it describes a road through the desert without the vision of a Promised Land. In short: 'But the Jew's identification with himself does not exist' (Derrida, 1978, p. 75).

In a late text, *Faith and Knowledge*, Derrida continues his deconstructive subversion of all efforts of founding political theory. Once again he brings into play the initial configuration of deconstruction, the relation between immediacy and scripture, by showing that religions on the one hand claim their capability of having access to an exorbitant, pre-conceptual, and trans-discursive realm of being, as well as to unique

and absolute presence; at the same time, to be able to articulate and communicate this claim, they must apply certain tele-techniques, from writing to the Internet. Derrida's criticism is aimed most of all at institutionalized monotheistic religions, the 'father religions'. For him, the monotheistic '*discourse on religion*' refers to a '*discourse on salvation: which is to say, on the holy, the sacred, the safe and sound, the unscathed <indemne>, the immune (sacer, sanctus, heilig, holy, and their alleged equivalents in so many languages)*' (Derrida, 1998, p. 2), and thus at the same time to the opposite of the whole, to the evil and proscribed. Any social tie in the name of religion is purchased at the price of excluding others. In religion, faith is allied with knowledge, with power, and technology (Derrida, 1998, p. 2).

Religion works like a machine or an instrument of power. After all, to 'think "religion" is to think the "Roman"' (Derrida, 1998, p. 4), Rome being an empire based on sovereignty. Being a 'European matter', religion 'was first of all Latin' (Derrida, 1998, p. 4) and is part of an occidental and imperial formation. Derrida assumes that '*globalatinization (this strange alliance of Christianity, as the experience of the death of God, and tele-technoscientific capitalism) is at the same time hegemonic and finite, ultra-powerful and in the process of exhausting itself*' (Derrida, 1998, p. 13).

He separates faith from religion as an institutionalized structure: 'Distinctions are required: faith has not always been and will not always be identifiable with religion, nor, another point, with theology' (Derrida, 1998, p. 8) In contrast to religion, faith is not tied to knowledge but rather to doubt. Derrida does not describe this kind of faith in terms of a 'Promised Land' but in those of a 'certain desert, that which makes possible, opens, hollows or infinitizes the other' (Derrida, 1998, p. 16). Another name for this desert would be the messianic, which Derrida interprets in a way, which is completely different from Walzer:

[T]he messianic, or messianicity without messianism. This would be the opening to the future or to the coming of the other as the advent of justice, but without horizon of expectation and without prophetic prefiguration. The coming of the other can only emerge as a singular event when no anticipation sees it coming, when the other and death—and radical evil—can come as a surprise at any moment. Possibilities that both open and can always interrupt history, or at least the ordinary course of history. (Derrida, 1998, p. 17)

Here the messianic becomes the focus of essential deconstructive figures, such as the *event*, the *promise*, the *performative*, the *gift*, *justice*, and the *other*, all of which would also have to be decoded as figures of thinking the political in a post-sovereignty sense. The messianic symbolizes the desert, postponement, and detour, allowing for a communitization that is post-sovereign, a communitization without Pharaoh and sword. ‘*Without this desert in the desert, there would be neither act of faith, nor promise, nor future, nor expectancy without expectation of death and of the other, nor relation to the singularity of the other*’ (Derrida, 1998, p. 19). The desert into which Exodus leads and which is opened up by Exodus would be the other in opposition to sovereignty, or, in Derrida’s words, ‘nobody’s sovereignty’ (see Derrida, 2005).

This appreciation of a post-sovereign political as unfolded by Walzer, Virno, and Derrida in the context of their respective readings of the Exodus narration becomes highly topical given the movement of migrants and modern nomads trying to reach Europe and the USA. Much suggests an understanding of this Exodus also as an expression of a presentist democracy, as the problematization of a post-colonial world order where the decision regarding acceptance or exclusion is often a decision about life or death. Insofar, modern nomadism would have to be read as ‘contre-nomadisme’ (see Terray/Rodier, 2008), as a political act of the problematization of borders which Étienne Balibar rightly describes as the ‘nondemocratic conditions of democracy’ (Balibar, 2004, p. 109), as the remnants of a sovereignty which decides arbitrarily about life and death while at the same time, however, continuing the unequal distribution of resources and work. Today, this kind of sovereignty also concerns and changes the desert—from being a passage into being a dead end. Today it is not the Pharaoh who prevents people from moving on, but it is the Promised Land that refuses access, keeps the people in the desert, in limbo. Like the watery desert of the Mediterranean, the Sahara, and the Mexican deserts become mass graves. But it is precisely those borders, which try to push the post-modern nomads back into the desert, which also open up the possibility of a new, both subversive and post-sovereign politics, a *politics of the entering* of those who have no part, which might also be comprehended as a democratization of borders, subverting—often literally—that kind of sovereignty which finds expression by the claim to formulate arbitrary criteria for belonging to a community.

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11

Humor, Revolt, and Subjectivity

Serhat Karakayali and Özge Yaka

In this contribution we will reflect on the Gezi events, which took place in Turkey in the summer of 2013. In particular, we will focus on the role of humor in the formation of a new political subjectivity by looking at some examples and by drawing on literature on humor and protest as well as on theories of humor in general. One of the core characteristics of the emerging Gezi Movement was that the vast majority of visual and verbal utterances were produced in a humorous manner, which did not prevent the protests from being militant or radical. We will argue that humor is not to be understood merely as a sideshow of protest, as a decorative element to the bemusement of the spectator. Rather, it provides a tool in the process of recomposition of the protesters as a group due to the specific mechanisms of *de-escalation* and *affect redirection* it involves.

Of course, the role of humor varies according to circumstances and power relations. It depends upon the particular mode of what makes us

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laugh or smile according to different modalities, be it a joke, the comical, or humor. As Freud (1961) argues in his later work, humor's essential quality lies in the self's capacity to be neither offended nor traumatized by reality, quite the contrary, disturbing events are used for its pleasure. Unlike the joke or the comical, which only serve pleasure and put this pleasure in the service of aggression, humor has dignity according to Freud, as it accomplishes both the rejection of suffering and the assertion of the pleasure principle without mimicking reactionary and regressive processes. Hence, in joking we mostly laugh at others (pleasure in the service of aggression), whereas humor addresses one's own self.

Jokes may indeed be used to humiliate the weak or oppressed. Laughter too can be an expression of dominance, but it also provides significant tools to challenge power relations. That doesn't mean, however, that humor is a neutral instrument. It seems instead that humor may be differentiated not only by its external circumstances but also by its internal modes of operation as well.

In addition, there are contesting notions of how humor is situated within social protest. There are variations of humor, which seem to correspond to different political framings, as Christina Fominaya (2007) has pointed out in her study on the role of humor in autonomous social movement groups in Spain. On the one hand, activists with a more traditional background, but also 'avowedly autonomous' activists, usually express their discomfort regarding the use of humor because 'humour detracts from the political weight of these actions, making them "light" versions of what should have been more confrontational acts' (Fominaya, 2007, p. 256). In this sense, humor is suspected of not taking politics seriously enough, as Pablo Lorrain (2012) has illustrated with his movie *NO!* which concerns the campaign of the democratic opposition to Pinochet in Chile in 1988. In this movie, the members of the democratic campaign committee are outraged when they are shown samples of the lighthearted TV Spots against Pinochet's rule that were directed by the hero of the movie, an advertiser with a leftist family background.

On the other hand, there is a long tradition of interpreting humor as a subversive strategy, which often refers to the work of Mikhail Bakhtin (1984) on carnival as a suspension of social order. Bakhtin pointed to the leveling effects of carnivals as ritual settings in which participants were considered equal, making playful and undefined relationships possible.

However, many scholars understand humor as a psychological escape, as it lessens discontent and serves as a kind of ‘safety valve’. In fact, whichever way round, there is no empirical evidence of jokes necessarily either undermining or preserving power structures.

In the following we will consider three different dimensions of humor. First, its ‘internal’ function regarding the recomposition of the political subjectivities (and collective identities)¹ involved. Strongly related to this is the second dimension, a politics of affects. Third, we will consider humor as an instrument of shaping the public sphere—including both an internal and external dimension (Teune, 2007, p. 116). In other words, and in concepts more common in social movement studies, one needs to combine the study of emotions, the process of framing, and the construction of collective identity.

Humor is certainly not a new phenomenon in the context of social movements. In the past few decades, many new social movements were characterized by or at least contained important factions which employed tactics of humor, irony and the like (Eco, 1986). In the cycle of struggles linked to the term ‘1968’, this includes groups such as the ‘Yippies’ in the USA, the diverse groups that emerged in the context of the concept of ‘Spassguerilla’ in Germany, the ‘Mao-Dadaists’, ‘A/traverso’, and the ‘Metropolitan Indians’ in Italy, or the ‘Provos’ in the Netherlands, to name but a few. The most prominent example of the more recent postglobalization social struggles in this regard is probably the Zapatista Movement. In this sense, humor is not an exclusive feature of today’s Gezi Movement—Adel Iskandar (2013) has worked on irony in the Egyptian revolution, for example, and Donatella Della Ratta (2012) has shown that even within the Syrian Revolution, which has apparently turned into bloodshed, there are humorous practices that are part of the uprising.

Before we continue discussing the Gezi Park case, we want to refer to an interesting observation made in the context of historical research in political humor. In her work on jokes in the Soviet Union, Christie Davies shows that if there is a relation between oppression and political jokes, it is not one of intensity, but rather one of extensivity (Davies, 2007, p. 296). The more a political system penetrates every kind of social

¹ See Melucci (1996), also Hiller (1983).

and economic interaction, the more people react with jokes. This so to speak ‘biopolitical’ dimension of humor seems to be a constitutive element, as will become clearer in the paper that follows. This might also be one of the reasons why the protests in Turkey sparked around issues like birth control, restriction on alcohol, and a rapid commodification of public spaces.

The AKP Rule

The Justice and Development Party (AKP) came to power in 2002 in Turkey and has acted as a classical right wing, conservative party, dedicated to a neoliberal economic program (adopted in the aftermath of the 2001 crisis) and to the project of becoming a member state of the European Union. Its authoritarian tendencies were visible but restricted, and it was supported not only by western powers, but also by the liberal/liberal–leftist intelligentsia and by traditional/secular capital (the ‘Istanbul bourgeoisie’ as it is called in Turkey) within the country, thanks to its promise of ‘normalization’ and stability. The honeymoon didn’t last long though as it soon became clear that the AKP’s understanding of normalization was limited to disempowering the military establishment. Especially after its second parliamentary election victory in 2007, when the AKP’s share of votes rose to 46.58 % and which also led to the presidency of AKP’s then second most important politician, Abdullah Gül, the AKP regime has gradually turned into an authoritarian regime.²

The second phase of AKP rule, which began in 2007, is characterized by the authoritarian tone of Erdoğan and an Islamic-neoliberal transformation of the state apparatus as well as of Turkish society at large (Atasoy, 2009; Toprak, 2009; Yeşilada/Rubin, 2011). ‘Ergenekon’ and ‘Balyoz’, two major operations directed against alleged plots to overthrow the government that were followed by high profile trials, were the main means to reconfigure the military establishment. These operations were not only meant to remove the military threat by putting 262 army officials (retired

² For a mainstream account of AKP’s shift to authoritarianism, see Özbudun (2014).

and active) into prison,³ but also to suppress the civil opposition as they criminalized Kemalist and leftist journalists and intellectuals. As a result of the 2010 referendum that ended in its favor, the AKP was able to make institutional arrangements to establish tight political control over the judiciary. The referendum marked the increasing use of judiciary and security apparatuses in the elimination of the old Kemalist regime.⁴

This process of transformation is rendered possible by a hitherto successful populist strategy, involving the construction of a contradiction between the ‘people’ and the Kemalist (elite) establishment. Erdoğan and other AKP leaders depict themselves as ‘authentic’ representatives of the ‘people’ whose religious/conservative identities and values have been suppressed by the secular republicanism of the Kemalist elite since the founding of the Turkish Republic in 1923. Invoking allegedly denied religious/conservative identities and values, Erdoğan and his cadre act as ‘the return of the repressed’, while merging Islamic discourses and neoliberal principles in their ‘conservative-democratic’ program.

This populist discourse has achieved hegemonic success in the Anatolian heartlands, which found a new, honorable place in the AKP’s new definition of the nation. The nation is no longer the modern Turkish nation envisioned by Kemalism and defined in terms of Turkish ethnicity and western civilizational values. Instead, the new nation is defined on the basis of religion, and as such it rather resembles the millet system of the Ottoman era. This concept of ‘millet’ refers to the pluralistic legal-political rule of the Ottoman Empire where not only the cultural identity but also the political and economic rights and responsibilities—from military service to taxation—of individuals were defined according to the religious community to which they belonged.⁵ According to this system,

³ These are the numbers of imprisoned army officials in February 2014: http://www.cumhuriyet.com.tr/haber/turkiye/37985/iste_cezavindeki_TSK.html. (25 November 2016) In June 2014, most of the prisoners have been released after the Constitutional Court’s decision to grant a retrial.

⁴ See the statements of Orhan Gazi Ertekin, co-chair of the Democratic Judiciary Association of Turkey, for a detailed account of the use of police and judiciary, <http://birdirbir.org/orhan-gazi-ertekinin-kaleminden-duble-krizin-yapitalari/>, (25 November 2016) and of Ertuğrul Kürkçü, Honorary President of the Peoples’ Democracy Party (HDP) for the use of a ‘judiciary-police tutelage’ in the formation of the new regime, <http://www.ertugrulkurkcü.org/haberler/akp-yargi-polis-vesayeti-altinda-baska-bir-rejim-olusturuyor/#.U6gT1CgVpSU> (25 November 2016).

⁵ For a detailed discussion of the millet system, see Braude and Bernard (1982).

the notion of citizenship becomes tied to the religiously coded values to which each millet or community must adhere. At the same time, those who do not share the relevant values or who do not live accordingly cannot possibly belong to the millet and subsequently they become heretics, outcasts, rejects, traitors, troublemakers, and so on.

This strict millet system excludes a rather large part of the population these days too. As well as the Kemalists, that is, the Kemalist military and civilian bureaucracy of the old regime, other oppositional political and cultural subjectivities such as Alevi,⁶ feminists, LGBT groups (Lesbian Gay Bisexual Transgender), environmentalists, student activists, organized workers, and so on are discriminated against and marginalized. These groups and identities were either made invisible or excluded from the public realm under the AKP rule (just as the religious/conservative population of Anatolia was under the Kemalist rule) or convicted as the remnants of the Kemalist establishment. In this sense, the political constellation in Turkey results in the polarized predicament of a society split into two allegedly oppositional camps—President Erdoğan often refers to his constituency as the ‘Black Turks’ as opposed to the Kemalist elite, the ‘White Turks’.

Polarization, as a technique of power, is based on identifying and separating people according to their cultural ways of being/living. State power functions as long as it can identify and categorize the resistance against itself. What paralyzed AKP power during the first days of the Gezi Park riots was its inability to name the event and label it in line with its identitarian fiction⁷ (it could be labeled neither as a ‘reaction of the

⁶Alevism is an Anatolian cultural-religious practice, which locates itself within Islam, even though its non-conformist and heterodox rituals differ substantially from mainstream Sunni Islam. While it is not very easy to define Alevism due to its dynamic syncretism, which takes different forms in different parts of the Anatolian geography, its common and dominant feature can be said to be its humanist mysticism, which extends to equal treatment of men and women (Shankland, 2003). For centuries and up to today, Alevi have been perceived as heretics by mainstream Sunni Islam. Their heterodoxy, that is, their understanding and practice of religion—such as the use of dance and alcohol in religious ceremonies (Ayin-i Cem)—have made them a target of hostility of either the establishment or the Sunni Muslim majority. Although under secular republicanism, Alevi were not as isolated as they were at times of the Ottoman period, they still faced rejection, exclusion, and assimilation. Moreover, they also experienced attacks, threats, and were subjected to massacres (e.g. in Dersim 1938, in Maras 1978, in Corum 1980, and in Sivas 1993).

⁷A term used by Badiou in his book *Rebirth of History* (2012).

seculars', nor of 'the oppositional party', nor the 'Kurds' nor 'Alevi's, and so on). The Gezi uprising escaped those fictions by being the first and only protest event uniting men and women (women protesters slightly outnumbered men), practicing Muslims and seculars, Kemalist and Kurdish activists, football ultras and feminists, (Turkish) nationalists and Armenians, Alevi, Sunni, Christians, and Jews.⁸

This unique and unexpected unification of different groups, sections, and identities has its roots in the various types of grassroots activism against government policies. These range from violent enclosures of urban and environmental commons (urban renewal projects undertaken by forced gentrification, construction of hydroelectric and thermal power plants, quarries, roads, bridges at the expense of relocation, and ecological destruction)⁹ and hasty privatizations of public enterprises/infrastructures, to increasing interventions into private life characterized by attempts to ban abortion and public alcohol consumption. Violence against women has peaked under AKP rule as have state oppression of the media, academia and social and political movements of oppositional character (Coşar/ Yücesan-Özdemir, 2012). Thus, when authoritarianism reached a peak in the first half of 2013, it paved the ground for the spontaneous assembly of different sections of society under the banner of 'Resist Gezi'.¹⁰

Another important factor that needs to be addressed in this context may be termed the emergence of a 'civil Kemalism',¹¹ partly also due to

⁸ For a visual account of this unexpected coming together, see the Gezi documentary of the Global Uprising collective, <http://vimeo.com/71704435> (25 November 2016).

⁹ For two accounts, which relate the forms and themes of the Gezi uprising with the local community struggles around urban and environmental commons, see Erensu, <http://www.bianet.org/bianet/siyaset/147400-gezi-parki-direnisinin-ilhamini-yerelde-aramak> and Evren, <http://www.culanth.org/fieldsights/398-on-the-joy-and-melancholy-of-politics> (25 November 2016). For an interpretation of Gezi as an urban uprising claiming the right to the city, see Kuymulu (2013).

¹⁰ The planned shopping mall's facade was a direct reference to Ottoman barracks at the very location of the park, which were demolished in the early 1940s as part of the Republican People's Party's strategy to secularize the urban environment. To 'resurrect' the barracks as a shopping mall was therefore also a symbolic gesture making reference to a combination of neoliberalism and Islamic authoritarianism. Against this background, 'Resist Gezi' served as an axis along which the reactions against urban renewal projects, privatizations, and forced enclosures of the commons, ecological destruction, and authoritarian/religious interventions into the (secular) private sphere were united.

¹¹ The government's initially implicit, then increasingly explicit, hostility against Kemalism and Mustafa Kemal (Atatürk) as a political personality who represents a republican-secularist revolution

the abovementioned operations of the AKP government that eventually eliminated military/bureaucratic Kemalism. While many participants of the nationwide rallies organized by the Kemalists in 2007 under the name ‘Republic Rallies’ called for the Turkish Armed Forces to intervene, it is obvious these days that Kemalism is not part of the power bloc anymore and that the civil Kemalism involved in the Gezi protests did not opt for a pro-military coup language.

Humor as an Instrument of ‘Civility’

What commentators and protesters alike coined the ‘Spirit of Gezi’ refers to something specific in the mode of resistance, which, as we argue, is linked to the humorous overcoding of resistant practices. The core element of this spirit is the refusal to ‘other’ (ötekilestirmek) the political opponent.¹² In the prevalent political atmosphere, the protests could have easily taken the form of a populist discourse, that is, a polarization between two camps into which AKP supporters and the government tried to transform the conflict—the camp of the modern, liberal, rather secular, educated youth on the one hand, and the AKP camp of the

from above in accordance with a typically western modernization, is one of the reasons why Kemalism has been reinventing itself as a civilian-oppositional political position especially since 2007. This increasingly oppositional character is unusual in many ways as Kemalism, in its different forms, has been the official ideology of the Turkish state for many decades. The recent shift is characterized by the government’s decision to ban the popular demo-celebrations of October 29, Republic Day. The demonstration held on October 29, 2012 to celebrate the establishment of the Republic in 1923, was attacked by the police with pepper gas and water cannons, http://www.bbc.co.uk/turkce/haberler/2012/10/121029_republicans_last.shtml?MOB (25 November 2016). In response, more than one million people visited Anıtkabir (the mausoleum of Mustafa Kemal) in Ankara the following Republic Day in 2013, http://www.radikal.com.tr/yazarlar/eyup_can/ataturk_devlet_katindan_simdi_halka_indi-1160281 (25 November 2016). This can also be seen as a reaction to Erdoğan’s refusal to visit Anıtkabir on national holidays. For a visual account of civilian Kemalism, that is, the Mustafa Kemal of the people and not the Mustafa Kemal of the state, see the photo album created by The Guardian, <http://www.theguardian.com/world/gallery/2013/nov/08/ataturk-turkey-photography-ersoy-emin/#?picture=421946213&index=0> (25 November 2016).

¹² One of the first decisions taken by the ‘Forums’, which were established after the Park was raided by mid-June, was precisely that of strengthening the principle of ‘civility’, not only in the sense of the non-military character of the fights in the streets, but also in the sense of a discursive, political ethic.

Anatolian, Muslim, poor masses on the other. But this, in the end, was not in the ‘Spirit of Gezi’.

As we would like to suggest, it was exactly this potential or virtual polarization between the Kemalists and the Muslim Party that rendered the emergence of a third group of collective subjects possible. To the foreground came ethnic, sexual, or political minorities, which were, due to their particular condition, more suitable to perform the political style of humor, as we will outline below. In the middle of the Gezi struggles were thus football ultras and LGBT groups.

Many of the protesters emphasized (and engaged in arguments with other protesters about this issue) the necessity to engage in a mode of struggle, which resonates with Rancière’s concept of democratic struggle. In his criticism of a certain model of radicalism, Rancière claims that in a truly democratic struggle people ‘act as though the other can always understand their arguments’, in a virtual ‘sphere of shared meaning’ (Rancière, 1995, p. 50). In Rancière’s perspective, the counterfactual ‘call for equality’ reflects social inequality, class struggle. But at the same time, it implies a political ethic that remains critical of the cynical attitude grounded on ‘distrust’ and that results in framing the adversary as an ‘enemy’ in the Schmittian sense. What distinguishes the Gezi spirit from political acts of the ‘traditional’ political left is the radical refusal to see others as the ‘enemy’, even in the face of police violence and brutality. This attitude correlates with the gesture of positioning oneself neither as a particular social group within nor as a radical opposition entirely outside of the social body. Instead, the Gezi spirit arose with a peculiar ‘naiveté’, which is utterly necessary in order to walk the fine line between ignorance and cynicism, as Rancière claims. Thus, by giving food to the police, preventing a group of protesters from burning Israeli and US-American flags,¹³ or performing Islamic rituals during the encampments,¹⁴ the protesters engaged in a mode of struggle that challenged government attempts to polarize events and established a plane of civility in the mode of struggle.

An important dimension of this ‘Spirit of Gezi’ that supports its fundamental civility is humor. In a typical coverage of modern protest

¹³<http://www.iha.com.tr/asayis/israil-bayragi-yakmak-isteyen-guruba-teпки/279709> (25 November 2016).

¹⁴http://www.radikal.com.tr/turkiye/gezi_parkinda_kandilli_cylem-1136463 (25 November 2016).

movements, this element is usually summarized under the more general term of ‘creativity’. Yet, as we would like to suggest, there is more to humor in the context of uprisings and rebellion than mere entertainment. From the very beginning of the Gezi protests, the vast majority of slogans, graffiti, and banners were ironic and satirical.¹⁵

However, as we have argued above, there is a difference between jokes, the merely comical, and humor. Instead of using jokes to demean representatives of the ruling party, primarily President Erdoğan, protesters instead chose a different strategy. Some for example, probably with a background in the LGBT movement, applied pink makeup on a billboard picture of Erdoğan, adding the words ‘You are very sweet’. Or, at the very beginning of the protests, when President Erdoğan was on a trip abroad, some observers assumed he had left fearing an overthrow of the government. In a widely circulating picture a protester holds a banner, asking Erdoğan to bring some ‘Pismaniye’—a type of Turkish candy mostly bought on bus trips through the Afyon region—on his way back. What these examples reveal is the aforementioned particular capacity of humor to reject ‘the claims of reality and the putting through of the pleasure principle’ (Freud, 1961, p. 163). Civility here is preserved not by taking reality and its threatening and perilous dimensions seriously, but as a game (Freud, 1961, p. 166). This then is how the institutions or persons that can be seen as sources or originators of the ‘sufferings of reality’ become instead sources of joy.

What supports civility is first of all a peculiar indeterminacy that is also a part of humor. Instead of putting forward sharp political claims, in Gezi the activists ridiculed not only their opponent, but also themselves. Conventional slogans of the left such as ‘shoulder to shoulder against fascism’ were parodied into ‘Shoulder to leg against fascism’—which can and should be interpreted as a way to critically assess the concepts and models of political subjectivity on the part of the protesters. Also, a very popular slogan of the Kemalist movement ‘We are soldiers of Mustafa Kemal’ (Atatürk) has been parodied into ‘We are soldiers of Mustafa Keser’ (a contemporary popular singer). Or, one of the most

¹⁵ <http://www.buzzfeed.com/lemoustache/25-examples-of-the-best-street-humour-from-istanbu-b7x9> (25 November 2016).

influential currents within the movement, the ultragroup 'Carsi' for example coined the motto: 'Carsi is against everything—even against itself.' Under the specific condition of a novel political movement that crisscrosses existing boundaries and affiliations, this indeterminacy is quite productive.

Humorous indeterminacy is a playful method of keeping the political space open. Instead of determining the public discourse and inscribing into it an identity, targets, and a political program, the humor of the activists remained anti-political in a radical sense. Civility is not so much about the absence of violence, but a reflective mode of keeping the political space fluid, of allowing the process of recomposition of the multitude to take place.

Humor and Transformation

Humor can have a transformative dimension. It undermines rules and norms, as an 'action that undermines and contradicts the prevalent belief-system of a community, thus revealing the transformability of the contemporary form of life' (Virno, 2007, p. 129). Drawing on Freud and Aristotle, Paolo Virno argues that jokes are a formally erroneous mode of reasoning. 'Jokes resemble apparent syllogisms or incorrect syllogisms' (Virno, 2007, p. 129). However, under different circumstances they can become the 'main ingredient of counterfactual reasoning' (Virno, 2007, p. 140). From this perspective they are not just a fallacious judgment about the given empirical world, but might open a path to an alternative 'state of things'. As humor does not start from given conditions, but attempts to modify these conditions, it shares the same qualities as innovative actions—a different, minor, or fallacious use of the same material. This potentially transformative aspect of humor becomes particularly evident in a state of emergency, when the difference between rules and their application becomes fluid. The massive occurrence of humorous expression during the uprising might be evidence of the premonition that 'something else is possible' and that when a 'given form of life cracks', then 'the question of giving shape to life as such is back on the agenda' (Virno, 2007, p. 148). As Simon Critchley puts it, humor not only reveals

the situation, it also indicates how it might be changed (Critchley, 2002, p. 16). In this sense, it involves messianic power.

Internal Effects: Dealing with Fear

Another important aspect is the internal, affect-related dimension of humor. When confronted with violence, activists sometimes use humor as a tool to deal with their own fear. Humor marks a difference here because it does not operate as a denial or suppression of emotions of anxiety. When Hardt and Negri emphasize that the fearlessness of contemporary social movements has nothing to do with the martyrdom of twentieth century revolutionaries, they argue that conventional martyrdom was based on upholding death, whereas today it rests on an affirmation of life. As we would like to argue, this relationship can be understood in more detail when taking into account the role of humor. What humor does in an atmosphere that is characterized by aggression and fear is precisely what weakens their negative impact.¹⁶

¹⁶ However, when it comes to norms there is an important remark that needs to be made here. In a conventional sense, norms are a referential address of critique, as we are told by Jürgen Habermas, Axel Honneth, and others. In this sense, confronting reality with the given set of norms is the preferred strategy of social critique. Accordingly, many forms of humor reflect a model of critique that stands in the tradition of enlightenment. In the wake of the events of mid-December 2013, when leaked phone calls revealed the corruption and bigotry of the AKP establishment, a peculiar, nevertheless unsurprising reaction in many parts of society could be witnessed. People who support the government did not seem to be disturbed at all in the face of the evidence. A typical statement made by a taxi driver in Istanbul reads: 'Maybe not every bidding procedure was correct, maybe he [Erdoğan] enriched himself, maybe he had an affair, but what counts is that he worked hard for our country. So we should grant him that. We will vote for him, as long as he wants to govern us'. So, in contrast to what many observers in western media suggest, the support for the AKP cannot be explained as the result of a mere lack of critical information—in the sense that the majority of the population has insufficient access to the internet or that most Turks don't read newspapers, and so on. Where norms are the reference of critique, it is indeed paramount to understand their role in social interaction. As the taxi driver's statement reveals, norms do not necessarily determine the value of behavior. This is also the reason why those forms of humor that rest on the existence or validity of norms have a rather limited impact. They can organize and mobilize the opposition, but will probably fail to interrupt the reasoning of the population that supports the establishment. The failure of irony has to do with the fact that it relies too much on the idea that norms have a monolithic and homogenous nature. In order to better understand the field of resonance produced by humorous interventions, and especially by irony, attention should be paid to the heterogeneity of norms, which can even be in conflict with one another, since norms, at least from a sociological viewpoint, are embedded in and derived from social practices.

Spinoza's theory of affects (2000) provides a larger framework, which helps us understand how 'negative' or paralyzing effects of fear are transformed. At first sight, Spinoza's claim that 'sad passions', like hate or sadness, are dangerous and threaten democracy, seems very similar to any mainstream theory of fear: people are made fearful by the state or the ruling classes in order to silence their potential opposition. But Spinoza's argument goes beyond such standardized accounts because it deems the classical dichotomy between nature and human institutions as inadequate, since for Spinoza sociability consists in the unity of a 'real agreement and an imaginary ambivalence' (Balibar, 1998, p. 88). That is, a unity in which reason and passion are not simply opposed to each other, but represent different yet interacting modes of producing the social. 'Passions', that is, modes of being affected in which we remain passive, derive from the fact that under normal circumstances we will only develop so-called affection ideas. These are the most basic ideas that merely represent effects of these encounters on the body. They are, according to Spinoza, 'inadequate ideas', because we do not arrive at the causes of the encounter.

The affects that reduce or increase our power to act, however, are necessary relational, that is, they are themselves determined by relationships with other individuals, their mutual actions and passions. At the core of individual desires are therefore relationships with others. In other words, any individuation is trans-individual. Thus, feelings do not describe the internal state of the subject, but instead reflect interactions and can be understood as a function of power.

One could indeed say that in a rebellion, people break out of the routine, they engage in chance encounters and have the opportunity to experience a different kind of knowledge, which goes beyond the mere experience of effects. The reason for this is that in the rebellious practice of *commoning*, that is in relating to each other through a medium which represents their common conditions of production and reproduction, people experience the very causes of their own capacity to act, that is, their trans-individual condition or, in other words, the fact that everything and everyone is enchained in some 'causal community'.

From this perspective, humor is more than a psychological trick to simply make protesters function more effectively. Rather, it enables us to

prevent fear from creating hatred or sadness, that is, radically passivizing affects, which are the most common outcomes of a fearful atmosphere. Instead, humor allows us to channel our attention to the web of social relations—relations in which it is not individual subjects or agents that are to be addressed, but rather the forms and operational modes of those relations.

Humor is capable of this work of abstraction because it operates precisely by revealing the structures of the shared life-world. This is what Bergson (1911) meant when he said that the laughing person needs to be emotionally cold: to deliver the work of abstraction one needs to distance oneself from the routines of empathy in the performance of everyday interactions. Like dreams, humor distances us from ordinary life (Critchley, 2002, p. 80). However, in this abstraction, there lies also a revelation of the social world that is common to us all—except when people do not laugh at our jokes.

In this tension lies the political and transformative power of humor: jokes illuminate a shared social world. But humor's commoning effect is often restrained by the fact that shared cultural assumptions are often regionalized, and not only along the lines of national culture. There is something like a 'parochial' element in humor, as Critchley claims, and not only because laughter depends on literally understanding the joke. The joke constantly stages our cultural identity, in this sense it reminds us of who we are. And yet, since humor exposes the grammar of cultural assumptions that are shared, there is also the chance that such assumptions can be put into question. This is why we are suggesting that humor played a major role in the process of recomposing the multitude in Turkey. Its specific features allowed participants of the protest movement to deconstruct the prevailing political identities offered by the political culture in the Turkish Republic and to invent practices—tools—for recomposing the body politic.

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12

Metropolitan Stasis@Real Democracy@ Post-representative Hegemony: On the Sociology of 'Social Non-Movements' and Assemblies

Vassilis S. Tsianos

According to Foucault, the body is the area into which the signature of sovereignty is paradigmatically inscribed (Foucault, 2006, p. 23). However, as is well known, the relation between body and power is not an external one. This is true also for Foucault's concept of freedom. It expresses the precondition for the existence of power relations, in the context of which the capability to act is not imagined as being external to power. Based on his considerations of neoliberal governmentality (see Foucault, 2008), we may recognize how technologies of power operate by interfering with the individuals' capacities of self-regulation: they call on individuals as 'autonomous' subjects to take over responsibility for themselves. Patrick Joyce calls the meaning of this kind of subjectivation, by way of governing freedom, 'governmental freedom' (Joyce, 2003, p. 17). Judith Butler has emphasized this governmental nature of subjectivation processes, which do not simply

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merge into submission or empowerment, and cannot be resolved by the contradistinction of power and autonomous action. In her book, *The Psychic Life of Power: Theories in Subjection*, Butler explores the limits of subjectivation and, with reference to the work of Giorgio Agamben, raises the question of the alignments of desire, which it may be connected to our question about the meaning of subjectivation (Butler, 1997, pp. 130–1).

At the end of the chapter on ‘Althusser’s Subjection’, Butler discusses a willingness ‘not to “be” at all’ (Butler, 1997, p. 130), which may assume a form of linguistic survival in order to ascertain itself. As she puts it, quoting Agamben: ‘There is in effect something that humans are and have to be, but this is not an essence nor properly a thing: *It is the simple fact of one’s own existence as possibility or potentiality*’ (Agamben, 2003, p. 43 in Butler, 1997, p. 131). In her comment, Butler then inscribes a desire into this claim made by Agamben: ‘Agamben might be read as claiming that this possibility must resolve itself into something, but cannot undo its own status as possibility through such a resolution’ (Butler, 1997, p. 131). Butler’s interpretation of Louis Althusser’s allegorical interpellation scene makes us aware that by calling on and reversing the subject, which following this gesture accepts the call and, in effect, is given subject status, the irresolvable link between submission and a desire for social existence and intelligible subjectivity becomes recognizable. Such an insoluble crossover of submission and ‘desire for existence’ (Butler, 1997, p. 21) is also found in the concept of ‘biopolitical productivity’ discussed by Hardt and Negri (2009, p. 165). They too emphasize the immanent relation of ‘subjectivization’ (Hardt/Negri, 2009, pp. 62–3) and power, while focusing on the resistant, productive potentials of that which is unfolded by the command of capital but cannot be completely absorbed by it. Analytically, this is the point where the production of subjectivity may take on the meaning of embodied experience.

By using the term ‘experience’ I do not refer to any psychological concept of experience—such as the emotionalized encapsulation of the subject—but to the concept of ‘continuous experience’ developed by Niamh Stephenson and Dimitris Papadopoulos (2006, pp. 139–79). Both

authors state that, in the context of social-scientific research, 'experience' is, on the one hand, considered a basis that gives expression to subjection or resistance to hegemonic discourses and, on the other hand, experience is understood—in the best-possible late Foucauldian sense—as the end product of discursive formations. At the terminal points of these debates, Stephenson and Papadopoulos (2006, p. 171) state that the figure of experience is either irrelevant for, or identical with, the normative subjectivations of socio-political regulation. In contrast to this, and by referring to their own concept of 'continuous experience', the authors explain that experience is grasped by none of these poles, since it materializes at the level of everyday life:

[I]t is a mode of doing everyday politics which interferes with hegemonic politics by creating connections between actants which circumvent the normative terms of relating. Unlike current dominant forms of sociability which are already captured by neoliberal governmental rationalities, the political importance of these emergent modes of relating lies in the fact that they are sociability in the making. (Stephenson/Papadopoulos, 2006, p. 171)

Without putting the rejection of experience as an alleged foundation of identity and authenticity into question, the authors—with reference to the relative predominance of governmentality studies as well as post-structuralist approaches—discuss the danger that the concept of experience might be left to neoliberal definition. They write that: '[t]he move to discourse as an approach to experience fails to rework the relationship between discourse, experience, and subjectification, and most importantly it fails to disrupt the idea that experience is the basis for privileged self-knowledge' (Stephenson/Papadopoulos, 2006, p. 21). The conceptual explosiveness of the here underlying concept of experience becomes obvious by subjectivating a presence, an Agambenian potentiality, by the latter currently being updated, which is always newly included into a lasting process between humans, objects, bodies, or situations. Indeed, the events resulting from such a process may always be completely different. However, it is only by themselves, at the moment of realization and at the moment of updating in the midst of a continuum of the always-envisioned

situation of the Many. Such a self-distancing, such a dis-identifying, the experience that experience does not move in expected directions, they say, opens our eyes to the emerging moment, to the potentiality of the situation. Thus, the plenitude of possibilities resulting from this perspective at the same time establishes a limitation of those possibilities. These normalize a certain experience that confirms the identity of the respective subject. Instead of pursuing the normalizing need of uniting with others along normatively secured experiences, experience is produced in always different ways, and it is always newly produced in the course and the continuum of an ongoing process of uniting and assembling.

Political thought is rarely confronted with a synchronous assessment of its foundations. However, if this happens, as it is currently happening due to the surge in radical democratic awakening, political thought *encounters its inevitable kairos*. The sociologist Oliver Marchart imagines the challenges for political theory resulting from this encounter with ‘real politics’. He does this alongside the differentiations resultant in the counter-movement of *politics* toward the *political* in terms of the figure of *political difference*: ‘Political thought must reinvent itself as thinking the political. And this is because the political refers to the question of founding that each society is confronted with as soon as the certainties, principles, and values it is based on have proven to be fungible’ (Marchart, 2010, p. 8). One thinker of political difference who understands politics to be a unique accident in the history of forms of sovereign power is Jacques Rancière. According to him, politics break with the police order, with the naming and counting of subjects (Rancière, 1999, pp. 21–42). Rancière confronts the ‘accounting’ of the police with the marking the share of those having no share due to a conflictual act of founding a ‘democratic apriorism’, as Marchart (2010, p. 178) terms it, of equality. As Rancière writes:

What I am trying to convey is that democracy in the sense of the power of the people, the power of those who have no special entitlement to exercise power, is the very basis of what makes politics thinkable. If power is allotted to the wisest or the strongest or the richest, then it is no longer politics we are talking about [...] I think that democracy is an egalitarian presupposition from which even an oligarchic regime like the one we have has to seek some degree of legitimation. Yes, democracy does have a critical

function: it is the wrench of equality jammed (objectively and subjectively) into the gears of domination, it's what keeps politics from simply turning into law enforcement. (Rancière, 2011, p. 79)

This egalitarian kairos of political difference that results from the tension between politics and police, between real democracy and authoritarian representation, is an urgent challenge for both representative democracy and the sovereignty it is based upon. However, sovereignty is not capable of integrating all those spaces and the possibilities of bodies into a new, post-national system of social rights. The social spaces of this post-liberal expression of sovereignty become unrepresentable. The mass protests in Egypt and Tunisia, the Spanish 15-M movement of Plaza del Sol, the Greek summer of Syntagma Square, the mass demonstrations in Tel Aviv, and the global effects of the Occupy Wall Street movement in the USA, as well as the virulent legitimization crisis of the European Union are paradigmatic in this respect. Neither representation nor rights are capable of appropriately treating the lives of the majority of people in the European Union. And where it still appears—in parts of the Northwest of Europe—it is the privilege of a majoritarian minority.

Impossible Europe and the 'Civic Revolts'

In his prosa essay *The Crisis of the European Union*, Jürgen Habermas (2012) locates the crisis in Greece—among others—on the terrain of the disintegrative dynamics of the European project. He states that only the disastrous consequences of speculations on the financial market, opened our eyes to the faulty design of the monetary union:

When the euro was introduced in 1999, some of those involved still hoped that the process of *political* unification would continue. Other proponents put their faith in the ordoliberal textbook, which has more confidence in the economic constitution than in democracy. In their view, observing simple rules for consolidating the national budgets should be sufficient to bring economic development in the different countries (as measured by the unit labour costs) into alignment. Both expectations have been dramatically disappointed. The financial, debt and euro crises occurring in rapid

succession have revealed the flaw in the construction of a gigantic economic and currency area which lacks the necessary instruments to conduct a joint economic policy. (Habermas, 2012, pp. 128–9)

Habermas's intervention formulates an impressive imperative for the democratization of Europe. He achieves this by pointing out the potential of a—yet to be realized—transnational democracy and by ingeniously criticizing the wrong alternative of a post-democratic form of executive federalism. The latter, he claims, might even be imminent as a consequence of the Euro crisis. His plea immediately addresses the dynamics and tensions of the democratic revolt in (Southern) Europe. More explicitly than Habermas, Étienne Balibar observes the radical-democratic revolt and identifies the European state crisis as a successive representation crisis. This is confronted with the danger of a spreading of a 'revolution from above' (Balibar, 2011), a term taken from Bismarck that refers to a radical change to the structure of the material constitution, in which the balance of power between society and state, economics and politics, results in a preventive strategy on the part of the ruling classes. Is this not what is happening with the neutralization of parliamentary democracy, the European Union's institutionalization of budgetary and fiscal controls, and the sacralization of banking interests in the name of neoliberal orthodoxy? (Balibar, 2011)

Étienne Balibar is also an attentive observer of the complex transformations of Greek society. He writes that 'the big question is what will be the direction of the citizens' revolt' (Balibar, 2011) and concludes his essay with the following questions:

Will it attempt to establish counter powers, which are not only constitutional but independent and if need be insurrectional, wherever the management of the crisis has resulted in a concentration of legal or de facto power? Will it be content to demand the reconstitution of the traditional national and social state, today devoured by the debt economy, or will it seek socialist or internationalist alternatives to establish the foundations for a use- and activity-based global economy of which Europe will only be a province? We can bet that it will be the spread and distribution across Europe of inequalities and the effects of recession (and in particular unemployment) that will be decisive factors in answering these questions. But it is the intellectuals and activists

and their capacity for analysis and indignation, which will provide (or not) the symbolic means for revolt. (Balibar, 2011)

Thus, what was the direction of the 'civic revolt' of Syntagma Square? The area I am interested in is the transformation of the political and the inscription of political difference by means of the new social non-movements and their assemblies. I will now outline the new contours of the breakpoints, which have developed at the heart of the political, while referring to the events on Syntagma Square.

On the Sociology of the New Assemblies: Blockade and Metropolitan Panic

Historically, the threatening movement of mass assemblies has been discussed with reference to the image of *infection* (e.g. panic collectives in the financial economy, discussed in Urs Stäheli's (2011) study). From my perspective, it is important to foster a kind of knowledge of the real democratic potentiality of assemblies that both resists pathologization and is capable of understanding moments of uncontrollability as an opportunity. When connected to theories of the masses in the nineteenth century, this kind of collectivity is still sometimes understood as a threat to society. However, at other times it is also analyzed as a concept of the collective with more positive connotations (Blumer, 1946; Borch, 2012). It is interesting that here one implicitly starts to think about an operative and subject-critical concept of the collective and the *continuus* experiences that binds and unbinds it. The assemblies of the new metropolitan movements must at first create their leeway through flexibility and by blockading the organization of the city. Precisely because of this their limits are very much measured by their affective structure, by the range of their intensities (Massumi, 2015). 'Assembly' is meant here as a modality of the common and of togetherness that requires explicit criticism of the understanding of political identity as primarily being formed according to *representation processes* (compare Nigel Thrift's (2008) concept of a *Non-Representational Theory*). Here, the material and operative way in which the 'architecture' of the assemblies functions moves to the

fore. This brings together not only affective dynamics, but also the forms of media and cultural techniques that record the moods of the Many and their assemblies.

Blockade and *panic* are what make these acting assemblies look so threatening. Blockade happens when the urban space, the public space of its inhabitants, turns against itself. This is when the movements that keep it going (traffic, hecticness, speed) and the connections that keep it alive (rhythms of everyday life, division of labor, communication) are blocked, just to mobilize space and bodies as an immediate means of the acting assembly. Assembly and blockade are no longer the atomized (exhausted auto-entrepreneurs) and administered (communities of interest or local parliaments) extreme poles of urban society. Metropolitan blockade means less segmenting and cutting off space rather than multiplying it, and thereby connecting the various parts of the city, creating layers of quietness and action. The city becomes a zone outside of representative political power and oligarchic democracy. Today metropolitan blockades are the cracks in established politics through which the future will intrude. 'The system is coming to its end—let us download the future here and now'. This formula is often used to characterize the spirit of the assemblies of the people of Athens, Madrid, Tripoli, Tel Aviv, and Istanbul. From the point of view of the established powers, when the urban space turns against itself it creates monsters. But from the point of view of those not participating in a given order of political representation and blocking the urban space and polity of this order by means of assemblies, it generates the ecology of real democracy. The fear of the masses that claim the metropolitan space for themselves is what we call 'metropolitan panic'. This panic develops when the fear of the masses grasps the urban elites. With regard to social and political power, panic—as Jackie Orr (2006) has taught us—has always been a destructive, collective social phenomenon. This engenders various responses by the state. Panic must be de-socialized by way of parceling out public space through urban planning; individualized by way of the restrictions of labor and social housing laws; and pathologized by way of affective regulation through pharmacology as well as technological monitoring systems. In the course of this, social techniques are developed that circulate around urban space and represent it as a deviant, exceptional, panic-stricken space. Bio-power becomes

psycho power. But the metropolitan assemblies de-block and re-claim the subjectivity of the panic-stricken, precarious, exhausted inhabitants of the city. Slowness is the way in which this re-appropriation happens. All organizational forms of these assemblies incorporate an aspect of slowness and carefulness when it comes to the process of organization and decision-making. This policy of (non-)representation and presence has its own temporality: what all these different forms of organization had in common—the democracy of the plenum, the committees, the self-organized way of the non-representational mediatization of the lower parliament, and so on—was a sensitivity to the fact that the urgency of the situation in the country must be countered by a kind of reluctance. This was expressed by a careful and prudent speed, greatly different from the speed of assumed urgency and inevitability of, for instance, the Papandreou government in Greece. The urgency of the latter was intended only to legitimate their haphazard and disastrous reforms. Usually, the protagonists of real democracy came together in the evening, after work. Most came from the unorganized world of precarious people, and the political difference these protagonists inscribed into the political has very little to do with the pathologic realism of post-democracy. For the latter, the main point of criticism of radical democracy is the alleged lack of sustainable political organization and optimal institutionalization of the movements taking action. However, for these movements it was less a discourse about being disenchanted with politics but rather a kind of real-democratic infra-politics, that is, a kind of assembly infrastructure against the tyranny of the neoliberal rationality of crisis management.

Slowness leads to the production of subjectivity if the metropolitan space is blocked and re-claimed. Particularly after the destruction of the protest camp by the police and the city council of Athens, some identify the lengthy procedures and often tiring debates during the assemblies as an obstacle that prevented the protests from being effective. Many believe that this was what paralyzed the camp and made it incapable of reacting. But the opposite is true. Real democracy was not practiced as a different kind of parliamentary representation operating by the same temporal and spatial coordinates as the parliament. These blocked and re-claimed spaces have a different kind of temporality, preventing the possibility of being colonized by violence and homogenization. For example, several

times Fascists tried to intervene during the assemblies. It was simply the procedures themselves—the slowness and the coincidental sequence of speaking after having drawn a lot, the variety of topics—that made their presence a failure. It was less the consensus of the assembly itself which prevented them from participating as ‘Fascists’ but simply the very organizational structure. This scared off people who wanted to take part in the assembly while having a perfectly prefabricated idea of its outcome. People dis-identified from the self-images of atomized and panic-stricken individuals, and they become part of a rumor of the acting assembly swallowing the metropolitan space. When panic is de-individualized and re-socialized, it becomes the nightmare of the elites. For the latter, being panic-stricken, the people of real and militant democracy become monsters threatening political power.

In 2011, the face of the monster was the cockroach. It happened during the general strike in Athens, immediately before the important vote of the Greek parliament on a harsh and drastic law on new austerity measures by the Papandreou government: the parliament could only convoke because the riot police made massive use of tear gas and hand grenades to drive apart the masses. The brutal action by the police was countered by appropriate means. The people who had occupied the center for several months were equipped with gas masks, with mouth protectors, diving goggles, and *Maalox* (a medicine against pyrosis which is also used against tear gas). They were chanting: ‘We won’t go away before they do!’ The police sprayed loads of tear gas, as if the protesters were cockroaches to be destroyed by the help of an insecticide. And that was how the protesters described themselves: as cockroaches. Nelli Kambouri put it this way: ‘The more the people were shot at with tear gas, the more energetically they were blocking the capital city’ (Kambouri, 2011). Cockroaches become resistant against insecticides. And thus the people survived the contamination of the air, by becoming cockroaches, by changing their tactics, and withdrawing from the main squares, only to come back after a few minutes. Back and forth, in constantly new, fluid formations, this is the successful formula for metropolitan blockade. No social subjects, as we know them, no political subjects of existent political representation. In this context, the sociologist Asef Bayat speaks of the spectacular appearance of ‘social non-movements’ in the ‘Arab Spring’ that claimed

the street and also the entire metropolitan space. He defines 'social non-movements' as collective action by non-collective actors. In contrast to social movements, they consist of practices of everyday life such as the function of the 'political street'. This provides the infrastructure for precarious daily activities, loose communication networks, and a simultaneous site of acute deprivation and lingering. The contrast between such 'social non-movements' with the everyday resistance of subalterns is of crucial importance. This refers to the most significant function of the urban commons in the context of the moral economy of the precarious and poor. Bayat writes that 'the struggles and gains of the agents are not at the cost of fellow poor or themselves (as is the case in survival strategies), but of the state, the rich, and the powerful', that is the metropolitan elites and their urban privileges (Bayat, 2013, p. 46). He calls this kind of politics of the urban poor the 'art of presence':

[T]he courage and creativity to assert collective will in spite of all odds, to circumvent constraints, utilizing what is available and discovering new spaces within which to make oneself heard, seen, felt, and realized. The art of presence is the fundamental moment in the life of nonmovements, in life *as* politics. (Bayat, 2013, p. 28, emphasis added)

Tellingly, some years earlier, Saskia Sassen also made use of the figure of presence for her account of the situation of the undocumented and disadvantaged in the global cities. *Becoming present to each other* in urban space. This is the possibility of the politics of the street: 'It is the fact of such "presence," rather than power per se, that generates operational and rhetorical openings. Such an interpretation seeks to make a distinction between powerlessness and invisibility/impotence, and thereby underlines the complexity of the powerless' (Sassen, 2006, p. 317). Also in Greece, as is shown by Margarita Tsomou's (2014) studies, a number of 'non-movements' have silently made progress in recent years and have established 'passive networks'. By means of communicative presence and the stubborn re-appropriation of public spaces, exchange economies, and non-state care centers, these counteract the powerlessness of public order. As a consequence of the violent closure of the camps of the Many in Athens and Madrid, numerous commentators—and not only

conservative ones—prophesied the end of the short-lived spring of the real democracy movements. Indeed, something like a fundamental post-traumatic mood spread among activists and this gave expression to the other side of the Many, that of being no longer unhomely. The loss of Plaza del Sol and Syntagma Square also came along with the Many losing their homeliness in the metropolitan space. However, soon this melancholy of the Many was transformed by the creation of decentralized ways of self-constitution. The experiences of the Many multiplied in the context of solidarity economies and care infrastructures in Greece—such as Solidarity4all, which is close to Syriza—and formation of new collectives for the prevention of evictions in Spain like the network PAH. In addition, there was the founding of the Podemos circles, a new kind of infra-politics that transferred the protest nature of the Many from the assemblies to the wider terrain of attempts to form novel left-wing hegemonomies within society as a whole—a post-representative hegemony.

From the Syntagma Stasis to Syriza as a Post-representative Political Party

However, the radicalization of Greek society goes far beyond the formal social and political dynamics that basically characterized the political arena in the context of the two rounds of parliamentary elections in Greece (on 6 May and 17 June 2012). In the run-up to both elections, there was not one political party whose program supported the EU Memorandum. The parties of the old establishment were united in support of a ‘re-negotiation of the Memorandum’. Obviously, this was connected to the attempt to neutralize the policy of Syriza—and the spirit of stasis on Syntagma Square—which strived to have the Memorandum declared invalid. The voters faced the dilemma of having to decide in favor of ‘responsible multilateral negotiations with our European partners’ on the one hand or in favor of a policy of a national solo-effort on the other. The latter—in the opinion of the anti-Syriza block—automatically endangered Greece’s Euro membership. All of this was within the discursive frame that the Memorandum would not last. Not even Syriza’s spectacular though partial success in the elections gives full expression

to this social pressure. Syriza's claim that the Memorandum is invalid anyway—independently of the result of the elections of 17 June 2012—may also be understood as somewhat critically admitting their secondary role and as a recognition of the primacy of social struggles. The policy of having the Memorandum declared invalid represents the crisis, if not the successive collapse, of the old representational politics, from labor unions to political organizations and parties. The socially widespread opposition against the austerity policy is based on a transformation of social obedience. This starts out from the social basis, namely by help of tools and actions that are not simply oppositional but post-representative. These tools and actions are radically asymmetric to the representational kind of politics of the old two-party system. They are direct democratic procedures, as well as non-hierarchical and non-sustainable mobilization structures.

What may be considered the biggest political surprise is doubtless the spectacular electoral success of the left wing. The results achieved by Syriza—16.8 % in May and 26.9 % in June—represent the most decisive turnaround of the political system. In the periods before, but especially between the two elections, Syriza was one of the two most powerful alternatives for government. Soon after the results of the first round of elections (on 6 May 2012) became known, it was clear that the second round would be the most 'Europeanized' national election up to then. Typical for this were the quickly issued recommendations to vote Samaras unanimously supported by the media—the *Bild* tabloid did so even in German!

Paradoxically, the Europeanization of the elections of 17 June 2012 illustrated the limits of the policy of showing solidarity with Greece. Here I cannot discuss in detail the 'policy of fear' that was closely connected to the process of Europeanization. The most important media sold fear as 'news', spreading as an actuality the intention of the European political and economic elites to intervene in the election campaign. This was to prevent, at all costs, a victory of Syriza. On the day after the May elections, when the discussions about forming a government had to be canceled, Alexis Tsipras stated that a new round of elections might become the critical trigger for 'Europeanization from below'. He claimed that new elections might become the stage for a social, pan-European attack

on the austerity policy. Historically, the success of Syriza can only be compared to the first attempt to govern by the left-wing EDA alliance (Koliopoulos/Veremis, 2004, p. 124), which came out of the ruins of the civil war (1946–1949) with more strength and unity. However, many political commentators consider Syriza's success an immediate effect of the transformations in the field of the social struggles and polarizations of the past few years. Many commentators also consider Syriza's sustainable success even after the elections to be due to the radicalization of the social movements, most of all of the 'Movements of the Public Squares'. The latter, as an opposition against Memoranda I and II, have gained much social acceptance in the past three years.

Today Syriza literally represents the question about the relation between social and political dynamics. In other words, in the catchment area of Syriza, we may pointedly ask how far social transformations in the context of the current debt and state crisis might be translated into transformations of the political. In my opinion, however, the answer to this question can neither be a one-sided nor a definitive one. Rather, concerning the issue of Greece where the social and political period of the past two years has accumulated such a multitude of events and radical changes, I intend to momentarily diagnose the impossibility of including the social into the political. At a special election meeting of Syriza, where Slavoj Žižek and Alexis Tsipras were also speaking, the diaspora intellectual Costas Douzinas made an introductory statement. He solemnly demanded the party to recognize that it was obliged to the 'Movement of the Quarters': 'On 17 June those people who are occupying the quarters of Greece will become a nation whose vote will bring Syriza to power'.¹ Even if we take this remark—and of course the euphoria it caused at that meeting—seriously at least concerning Syriza's radical rhetoric-permeated new way of understanding politics, Douzinas' wise or well-meaning message aims at more than an ephemeral, temporary transformation of the political climate. And it also aims at more than a relationship between nation and citizens mobilized only in the short term. Those hundreds of thousands—or what Étienne Balibar terms the crowd of the 'citizens'

¹Douzinas' speech has not been transcribed yet, but is available on video: https://www.youtube.com/watch?v=PEd_sdmjmcw (10 January 2016).

revolt'—in Athens and Madrid are supposed to jointly form one nation for the elections on 17 June 2012 only to then immediately dissolve again to become the multiplicity they once were. This is the hegemonic field of post-representative politics and, in my opinion, Syriza's political success is due to exactly this fact. Syriza was neither capable of representing this multiplicity, that in the course of Syriza's struggle during the past few years has so stubbornly and intensively intruded into public space, nor had Syriza formulated the claim to represent it. Like most other organized forces of the left wing—with the exception of the national-Bolshevik Communist KKE party, which constantly keeps its lonely course and declined to 4.5 % in June from 8.5 % in May 2012—the cadres of Syriza had no choice than to appear somewhat discreetly in the context of recent social struggles and fights, and they did not at all strive for any hegemony over the movement. The Greek and international political, media, and economic elites have been trying to present Syriza as representative of the 'dangerous political classes' and fueled a kind of anti-Communism which had almost been forgotten. However, in practice, the resistance and interventions by 'social non-movements' often aim exactly against the symbolic and normative order of representative politics and its pacifying party culture. What is currently happening in Greece is—as initially stated—a unique social radicalization. The rise of Syriza unmistakably inscribes itself into the dynamics of this social polarization and radicalization without, however, completely representing these trends. This is not least because that what is often demonstrated in the streets and on the squares to a limited but obvious degree also includes conservative and nationalist backgrounds.

In his provocative essay 'German Europe', Ulrich Beck speaks of an ambivalent asymmetry of power and legitimacy in Europe: 'Great power and minimal legitimacy are to be found on the side of capital and of nation-states, minimal power and great legitimacy on the side of the protesters' (Beck, 2013, p. 85). The radical-democratic way of dealing with this imbalance that is respectively the delegitimation of all levels of representation as well as the pandemic of qualitatively new ways of organization and resistance has been the subject of this contribution. I have outlined both the movements that celebrated not only their epiphany by way of the stasis of Syntagma Square, but also the historical election victory of the

post-representative Syriza party that resulted from the connection with the new movements. While they do not necessarily guarantee the persuasiveness and infectiveness of the metropolitan children of anger, they certainly make this unique laboratory of social change in times of crisis incredibly interesting. There is no reason to assume that the viruses of anger will not also spread across other neighborhoods in other geographical contexts. It is my thesis that we may not speak of a return to a naïve trust in representative politics, but rather of post-representative positions. These are articulated by way of electing a left-wing government that is increasingly capable of exerting hegemony. These post-representative politics constitute new relations between ‘societies on the move’ as decentralized strategies of regaining and sustainably defending social territories against the state. I have suggested an understanding of blockade and panic as the infra-politics of coming together that now, in the sense of new forms of being Many, find expression within the affective and generative framework of post-representative politics. As an absent cause, the infra-politics of coming together migrate into the center of gravity of the new left-wing post-representative hegemonies. These politics inscribe the panic and the blockade of the Many into the moral economy of the new left-wing hegemony. Here they, as panic and blockade, de-territorialize the long-lasting presence of the Many: from Syntagma Square to Syntagma! This is how we can decipher Alexis Tsipras’s famous sentence at his speech on the occasion of taking office when he said, ‘We are each word of the Constitution of this country’ (Tsipras, 2015). However, even blockade and panic may be authoritatively mutated. They are precisely the two ordoliberal poles of the technocratic financial-political disciplining of left-wing hegemony. From the perspective of the Many, the political place of these tensions is no longer the rediscovery of democracy but the transformation of national sovereignty itself. The goal is to be able to sustainably defend these new territories of the ‘societies on the move’ at the overall societal level. This would entail post-austerity sovereignty, that is the sovereignty of the Many in their confrontation with the post-national sovereignty of the neoliberal EU oligarchies. Blockade and panic from the fringes of Europe. The post-representative left-wing hegemony is the new democratic sovereignty of the Many against the austerity tyranny of the European elites. It is about enabling geographies of the Many toward a state that has changed

from within. These geographies of the Many will not be strangled by the state-dominated means of participation such as the left-wing NGOs of the leftist state but will stay on the offensive. Such an offensive will be oriented toward a permanent movement between society and government on the terrain of a hard-won and disputed post-representative hegemony. The objective will be to remain politics—to not become police, to stay the Many—to not become a nation again.

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From Mute Objects to Militant Subjects: The Politics of Rebellious Animals

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Photo 13.1 Anonymous. Portland, OR, USA, August 2010

This essay is a revised and updated version of my earlier “We Support Circus Animals Who Kill Their Captors”: Nonhuman Resistance, Animal Subjectivity, and the Politics of Democracy”, see Cohen (2015).

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Animal rights activists and advocates attempt to include nonhuman animals in the human community of subjects through reasoned philosophical tracts and by direct action. On the philosophical side, much of the debate over the last several decades concerning animals—inaugurated by Peter Singer's *Animal Liberation* and Tom Regan's *The Case for Animal Rights*—has focused on the moral status or rights of animals in an attempt to show that dominant moral discourses cannot consistently maintain the species boundary excluding nonhuman animals from claims to equality. Animals ought not to be treated as objects, they argue, because they are sentient subjects (Singer) or subject-of-a-life (Regan). Activists, on the other hand, opt for direct confrontation against institutions that oppress animals in order to raise these similar questions in the public sphere. In so doing, both philosophers and activists aim to expand the boundaries of the human community to include the question of nonhuman livelihood as a viable political question of justice. However, dominant animal rights discourse fails to analyze the boundary of the political community as marked by a historical division between logical animals (humans) and phonic animals (nonhumans). In so doing, this discourse merely enables nonhumans to become mute political *objects* of representation rather than *subjects* of speech, and thus maintains the exclusion of animals from the political community of speaking subjects.

By turning to the work of radical democrats Jacques Rancière and Chantal Mouffe, I argue for a re-conceptualization of animal subjectivity and speech that promises a new framework for attending to the needs and standpoints of nonhuman animals. Radical democratic political theorizing understands politics as a zone of irreducible conflict marked by exclusion. By analyzing historical and ongoing modes of political exclusion from the democratic community, radical democracy promises a more historically grounded method of exploring the way in which animals are currently denied entry into the field of politics. By emphasizing the active historical borders of exclusion, radical democracy points to more pragmatic approaches for deconstructing the borders between nonhuman and human animals in the hope of keeping the political sphere perpetually open to contestation.

After providing this alternative methodology for thinking about animal oppression through the lens of radical democracy, I shift the discussion

from an analysis of border construction to investigate border contestation. I argue that attending to the concerns of animals through a lens of radical democracy requires humans to pay attention to events of nonhuman resistance whereby animals oppose their exclusion from the political community. To do so, the chapter uses Bruno Latour's work on 'speech prostheses' and argues for deploying multiple and potentially conflicting vehicles of speech to make audible nonhuman voices. Through the notion of 'speech prostheses', I show how nonhuman resistance makes the oppression of animals not only an *object* of political deliberation, but also more importantly, transforms the animals themselves into *subjects* of politics. Therefore, the concept of 'speech prostheses' illuminates both how animals contest their political exclusion and also how this contestation enables animals to become subjects of discourse. This combination of radical democratic approaches to borders and Latour's work on speech prostheses ultimately entails rethinking animal subjectivity, as events of border contestation illustrate that nonhuman animals are both *agents* of resistance and *subjects* of democracy.

Radical Democracy and Border Zones

Radical democrats illuminate the internal-exclusions central to the construction of any democratic body, whereby those excluded do not count as subjects (of the community) given their exclusion. Any community that professes inclusion, Mouffe argues, necessarily grounds itself on 'a disavowal of the particular and a refusal of specificity' (Mouffe, 2005, p. 13). The creation of a democratic union requires, she argues, a constitutive outside that forms the borders and limits of the community of subjects. Similarly, Rancière explains 'a count of community "parts"' will always be 'a false count, a double count, or a miscount' given the inevitability of a remainder, of the part of the community that is excluded and therefore has no part (Rancière, 1999, p. 6). Given that any community cannot 'establish a definite suture', Mouffe explains, 'what matters is the possibility of tracing a line of demarcation between those who belong to the demos [...] and those who, in the political domain, cannot have the same rights because they are not part of the demos' (Mouffe, 2000, p. 40,

2005, pp. 52–3). Rather than feign overlapping inclusivity, radical democrats argue that political theorizing should note the inevitable outside, the remaining miscount, of any political regime. This inevitable outside describes the excluded, those who lack recognition and thus status as *subjects* of the community.

Rancière and Mouffe illustrate that any decision within the political terrain will necessarily create and leave unaccounted an excluded group, thus ensuring the *inevitability of conflict*. For Mouffe, the decision to create any ‘forms of unity’ will result in ‘establishing a frontier to define the forces to be opposed, the “enemy”’ (Mouffe, 2005, p. 50). In separating off the excluded remains, the demos undergoes ‘a moment of closure which’, Mouffe argues, ‘is required by the very process of constituting the “people”’ (Mouffe, 2000, p. 43). This moment of temporary closure that constitutes a community orders the discourses, knowledges, bodies, and beings of the demos in opposition to the unaccounted outside. While Mouffe describes this process as the formation of a specific bloc of hegemony (Mouffe, 2000, p. 53), Rancière describes this event as the *logic of the police*, which ‘arranges that tangible reality in which bodies are distributed in community’ (Rancière, 1999, p. 28). Whether articulated as ‘the symbolic ordering of social relations’ (Mouffe, 2000, p. 18) or the ‘order of bodies that defines the allocation of ways of doing, ways of being, and ways of saying’ (Rancière, 1999, p. 29), both Mouffe and Rancière point to the ultimate contingency and thus contestability of any and all political regimes given that any order or arrangement can be reordered and rearranged. While I do not wish to downplay the differences between Mouffe and Rancière, their shared critique of both the necessity of exclusion and of the porousness of community boundaries warns against the complacency of any community that believes itself to be fully inclusive. Their thought indicates that we must focus our attention to the ongoing struggles occurring on and through the peripheries of communities.

What I want to emphasize in this narrative is not the violence that defines the repressed exclusion of the constitutive outside, but rather the manner in which the contestation of and entry into the political community entails a shift of subjectivity for both the included and the previously excluded. For Mouffe, the re-formation of the political community occurs when excluded groups dislocate the dominant hegemony

and (re)-articulate a new ‘political identity’ for those in the newly modified community: inclusion ‘is not a matter of establishing a mere alliance between given interests but of actually modifying the very identities of these forces’ (Mouffe, 2005, p. 70). Since politics requires decision-making in a foundationally contested domain, the formation of democratic subjects rather than the expression of their interests is the main logic of democracy. As with Mouffe, Rancière also identifies the re-formation of subjectivity as the logic of political struggles that contest and re-define the parties to the community: ‘parties do not exist prior to the conflict they name and in which they are counted as parties’ (Rancière, 1999, p. 27). For the included part of the community—those who are counted—politics does not exist with the excluded and uncounted elements: ‘there is no political stage *because* there are no parties [...] Politics is primarily conflict over the existence of a common stage and over the existence and status of those present on it’ (Rancière, 1999, pp. 26–7). The act of contestation is an act of *subjectivation* that ruptures the boundaries of the political field. Contesting the boundaries of the political community means challenging who counts as a *subject* of this community. Contestation is therefore a performative act, since it simultaneously creates the parties that engender the act of rupture. At stake then is not simply the inclusion of the excluded group, but rather the re-subjectivation and re-codification of the community itself. Both Mouffe and Rancière identify the break of community borders and inclusion of the excluded subjects with a process of subjectivation that not only makes marginalized groups political *subjects* of the community, but also re-fashions the *subjectivity* of the entire community.¹

One of the primary battles that defines the hegemonic formation of community borders is the question of who is to count as more than a mere animal. As Rancière argues, ‘one of the stakes of the very dispute that institutes politics’ is the question of animality, namely, the ‘opposition of logical animals and phonic animals’ (Rancière, 1999, p. 22). Who is to count as a political animal capable of speech and who is the animal of bare life that can only express suffering? As I will argue, ‘The

¹ That said, Mouffe seems to believe that this shift of subjectivity takes place over a relatively long period of time, whereas Rancière suggests that it occurs in a moment of rupture.

Animal' represents the constitutive outside of the community, whereby challenging one's place as excluded means confronting the association of one's subjectivity with animality. Having outlined the radical democratic understanding of politics, I turn my focus on those excluded phonic animals *par excellence*. Not animalized humans, from the slaves of antiquity to the so-called savages of America, but rather those animalized animals—real, fleshy, furry, scaly animals.² Using the radical democratic framework that emphasizes border exclusions, conflict, and how contestation of these borders creates political subjects, my goal in this chapter is to demonstrate how nonhuman animals are a part of the community that has no part and to identify the moments of rupture whereby they have attempted to include themselves.

Animal Voice and Animal Speech

According to the logic of democratic politics, every member of the community ought to be included in and able to influence decision-making that affects their lives. As the foundational theorist of liberal democracy John Stuart Mill argues, the 'ideally best form of government' locates 'sovereignty' in the 'community; every citizen [...] having a *voice* in the exercise of that ultimate sovereignty' (Mill, 1991a, p. 246). Here, the democratic ideal is oriented toward total inclusion: nothing about us without us. Yet, even in Mill's thinking about democracy there exists the traces of exclusion necessary for any construction of 'the people'. Not everyone in Mill's narrative can exercise self-governance and sovereignty. Mill figures savages and barbarians to live in a 'condition very little above the highest beasts' (Mill, 1991a, p. 231). The implication of this condition is their inability to exercise the appropriate agency necessary for freedom. In his *On Liberty*, Mill argues that indigenous peoples cannot exercise self-governance because they, like children, have not yet developed 'the maturity of their faculties', meaning the developed capacity for reason (Mill, 1991b, p. 14). As such, the principle of liberty does not apply to them, and 'despotism' remains the only 'legitimate mode of government in dealing with barbarians' (Mill, 1991b, p. 14). While the colonized do have a voice, albeit multiple and terrifying

² For a discussion of animalized animals, see Dechka (2008).

for Mill, they do not qualify as agents of governance, since they do not possess the capacity for *reasoned* speech necessary for liberty and self-governance (Mantena, 2007). At the foundation of Mill's exclusion, and as Ranci re (1999) suggests, at the foundation of western politics as such, rests Aristotle's (in)famous explanation of the political nature of the human animal:

Nature, as we often say, does nothing without some purpose; and she has endowed man alone among the animals with the power of speech. Speech is something different from voice, which is possessed by other animals also and used by them to express pain or pleasure; for their nature does indeed enable them not only to feel pleasure and pain but to communicate these feelings to each other. Speech, on the other hand, serves to indicate what [...] is just and what is unjust (Aristotle, 1992: III, 1282 b21).

On the one side exist logical animals, who can speak about themselves and their condition in the language of justice. In speaking, they perform their political lives by governing themselves as governable objects. As Megan Foley explains, 'this performative constitution of self-representation is a prerequisite for the logic of self-governance [...] that establishes democratic citizenship' (Foley, 2010, p. 390). On the other side exist phonic animals, who cannot speak in the language of justice. These animals only have the capacity for voice, the ability to say in their own way 'this pleases me', rather than the capacity for speech, the ability to say 'this is unjust'. Animals, like Mill's savages and children, can scream and kick and shout and cry. Aristotle even grants that animals can communicate these feelings to one another. However, they lack the capacity to speak and it is only with speech, which bears the mark of reasoning subjects, that the subject can respond to questions of justice and thus self-govern. Unable to speak and thus to exercise *logos*, 'The Animal' cannot join and so remains excluded from the democratic community. Animality thus defines the constitutive outside of politics as the realm of speaking subjects.

According to Mill, not only animals, but also colonized peoples—given their close association with beasts—are excluded from the democratic community. Today, however, those committed to decolonization would deny the exclusion of indigenous peoples from the political community. As such, could we not bring nonhuman animals into the political

community of speaking subjects on the same grounds that indigenous peoples have fought for their recognition? After all, it was partly the domination of the animal in the European colonial imaginary that helped justify the colonial project. The colonial encounter with indigenous peoples did not occur on neutral terrain but already included various histories of association used to ‘*fabricate* the colonized subject’ (Fanon, 1963, p. 2). Consider the white boy who shouted upon seeing Frantz Fanon, “*Maman*, see the Negro; I’m scared! Scared! Scared!” (Fanon, 2008, p. 91). As Fanon argues, the making of Fanon as an object of fear depends on histories of association over-determining the boy’s and Fanon’s encounter: ‘The Negro is Animal, the Negro is bad, the Negro is wicked, the Negro is ugly’ (Fanon, 2008, p. 93). As Abraham DeLeon (2010) demonstrates, the species hierarchy between human and non-humans constructed during the Enlightenment provided the models by which colonizers could transfer practices of domination from nonhumans to animalized natives. The naturalization of the species hierarchy and its transposition onto indigenous peoples from Europe fashioned the discursive apparatuses necessary to justify and enact colonialism.

The colonial project did not just work on the symbolic level, but also required the eradication of the lived material bodies of nonhumans. Winona LaDuke explains that ‘during the 1880s, buffalo killing was part of military policy, and land grabbing was part of America [...] These two policies were key to the colonization of the plains’ (LaDuke, 1999, p. 141). Having killed the buffalo and destroyed the major food source for native people of the prairie, the government not only opened space for western cattle production, but also bound native people to the Indian Department by creating a market through which indigenous people had to purchase their food. Thus, many of the products purchased by the Indian Department and allocated to Indian families originate from livestock raised on stolen native lands. Therefore, the physical destruction of fifty million buffalo constituted a key nexus point in the colonization of indigenous people of the prairie.

From the symbolic to the material, the oppression of nonhuman animals played a necessary role in the colonization and thus exclusion of indigenous peoples from the democratic community. Thus, from the perspective of decolonization, it appears that we have an obvious point

from which to argue for the inclusion of nonhuman animals into the field of politics. However, it seems that we have moved too quickly. To seek the inclusion of animals into the demos by riding on the intersection between animals and the decolonizing project ensures that the animal becomes part of the political field of contestation only insofar as nonhumans can attach themselves to other movements. In other words, do we still have reason to care about the buffalo if we lack its reference to the Lakota people? Would we still struggle for decolonization in the absence of colonized *humans*? Finally, can we pose the question of the animal in animal liberation such that the animal remains not only *intersectional* with other struggles but also *irreducible* to them?

Animal liberation activists have attempted to do so by breaking the dominant hegemony that sees animals as outside of the field of politics. 'Everybody knows', Derrida says, 'what terrifying and intolerable pictures a realist painting could give to the industrial, mechanical, chemical, hormonal, and genetic violence to which man has been submitting animal life for the past two centuries' (Derrida, 2002, p. 395). Guided by these images, activists attempt to re-set the political agenda to include nonhumans by disrupting established patterns of thought through various means, from boycotts to bombings, to undermine the monetary and emotional advantages that accrue from the exclusion of nonhumans (Humphre/Stears, 2006; Young, 2001). Thus, when the Animal Liberation Front breaks the windows of fur stores or rescues animals from slaughterhouses and laboratories, they are demanding that the question of the animal be a political question. In Rancière's language, these activists enact a 'dispute over the object of dispute, the dispute over the existence of the dispute and the parties confronting each other in it' (Rancière, 1999, p. 55). When fur stores respond that their fur is merchandise garnered in a humane manner, the objects of dispute, namely animals as private property as fur, have consequently already become an object of dispute, worthy of political deliberation. These activists are attempting to re-articulate the hegemonic ordering of nonhumans in the status quo. Their actions constitute a 'political activity' that ruptures the policing of the community by 'shift[ing] a body from the place assigned to it'; in demanding that the dead animal be accounted for, they are making 'visible what had no business being seen' (Rancière, 1999, p. 30).

Shifting the objects of politics through the disruption of the status quo, activists engage in political action that challenges the borders of the democratic community and its policing of animal bodies. These animal liberationists contest the political designation of ‘The Animal’ as *object* for human use. That said, the political action undertaken for animals still begs the question of *who* is acting, which subjects are at play, and in what ways are those within the political community re-subjectivated as a result of these actions. As I argued above, subjectivation occurs when those ‘who have no right to be counted as speaking beings make themselves of some account’ (Rancière, 1999, p. 27). The result of a long history of animal liberation actions disrupting the dominant hegemony now entails that humans have the ability and right to speak about animals as an ‘*object of dispute*’ (Rancière, 1999, p. 55, emphasis added). That said, the subjects of the political stage remain the same: where previously humans set the agenda for what counts as politically worthy, now they still do so. Of course, having nonhumans count as worthy objects of political dispute is advantageous over their exclusion. However, the danger of this type of political action—of any action that models itself as an act of solidarity done for another, in the name of another—is that the disruption of the policed objects do not necessitate a reconfiguration of who counts as agents of speech, as subjects of politics. Rancière explains, ‘the problem is knowing whether the subjects who count in the interlocution “are” or “are not,” whether they are speaking or just making noise’ (Rancière, 1999, p. 50). Solidarity actions done on behalf of animals may create new objects of dispute, and they may even re-subjectivate other humans to start caring about nonhumans, but the animals themselves remain noisy objects of representation. The Aristotelian splitting of politics between objects of voice and noise and subjects of speech remains intact.

To be a part of the democratic community, subjects, in order to become subjects, must make it known that they exercise the capacity for speech. Subjects must challenge the regime of violence that denies them subjectivity in order to enter the political field as subjects. As objects of representation, animals remain not just silent but *silenced*. Ironically, it is those who claim to be allies of animals who further intensify this silencing. As evidence one can turn to the common slogan heard throughout the animal rights movement: ‘we speak for those who cannot’; ‘we are

a voice for the voiceless'. With nonhuman animals, the project of radical democracy seems to come up against its limit. The commitment to an inclusive political community wavers when faced with the prospect of confronting those who cannot speak, and who remain simply noise. With animals, then, it seems that all we can hope for is representation for the voice that cannot represent itself.

Is the Rebel Yell a Rebel Speech?

In November 1995, Emily the cow had just arrived at a slaughter-facility in Hopkinton, Massachusetts. Having reached the end of her employment as a dairy worker, her last task was to be grounded into beef and bone-meal. However, Emily decided otherwise. She leapt over a five-foot fence and dashed for the forest. Evading the staff's attempts to trap her with caches of hay, Emily roamed the rural community for forty days. With news reports circulating about her escape, the overwhelming popularity she received from local residents eventually compelled the slaughterhouse to allow her to live out the rest of her days on a large pasture at a local peace abbey when she finally re-emerged from the woods. Emily's story is not unusual, and is but one of the many in a history of escapes from farms, slaughterhouse, and laboratories (Hribal, 2007). Consider also the case of Tatiana, a Siberian tiger confined for years in a small enclosure in the San Francisco Zoo. On 25 December 2007, Tatiana cleared the twelve-foot high wall of her enclosure after three teenage boys persistently tormented her. She snatched one the boys and mauled him to death. Singular in her purpose, she stalked the zoo grounds for the next half-hour, ignoring zoo visitors, park employees, and emergency responders, until she tracked down the two other boys and mauled them before being gunned down by police (Hribal, 2010, pp. 21–31).

How do we explain these episodes of escape, rebellion, and revenge? Are these animals not provoking the wrong of their absence from the common community, bringing into question their place as the part of the community that has no part? According to Rancière, the disruption of the logic of the police 'creates [subjects] by transforming identities defined in the natural order of the allocation of functions and places into

instances of experience of a dispute' (Rancière, 1999, p. 36). In challenging their place in slaughterhouses and zoos, these nonhumans bring to light the assumed naturalness of their oppression and so, I will argue, become political subjects. By forcing questions of the right of slaughterhouses to kill cows like Emily, which the residents of Hopkinton challenged through their support, or of the justice of the torment that Tatiana endures, these nonhumans bring their experiences into the heart of the community and make them objects of dispute. In reordering the bodies of the community into founding new alliances to be cheered or new enemies to be gunned down, these nonhumans appear to rupture the hegemonic modes of thinking and relating and in so doing become political subjects.

It may not be clear to what extent these episodes in fact did rearrange, affect, and rupture the policed order of the political communities and so allow these nonhumans to assume the position of subjects. To give a more concrete example of the manner in which nonhumans can instigate a re-organization of ways of being and living that challenges the dominant hegemony, consider Tyke the elephant (Hribal, 2010, pp. 55–61). Having endured years of bad working conditions, poor food, beatings, untreated injuries, constant travel, and the need to entertain humans, on three different occasions Tyke escaped from the circus, attacked a tiger trainer, and harmed her handlers, groomers, and trainers. Her last instance of rebellion would be on 20 August 1994. During a performance at Circus International in Honolulu, Hawaii Tyke trampled her groomer, tossed and killed her trainer, and then ran out of the arena. After a half-hour chase through the city, police fired eighty-six shots and killed her. Jason Hribal (2007) describes the aftermath:

[H]undreds of lawsuits were filed against the city, state, and Hawthorn Corporation [her employer]. Public discussions intensified. Private individuals, who beforehand never thought about circus performers, were engaged and moved into activism [...] Protests and boycotts were staged [...] In 1994, the federal government confiscated sixteen circus elephants from John Cuneo Jr. the owner of Hawthorn.

Tyke's actions certainly disrupted and re-organized the distribution of bodies within the political community, from legislative and moneymaking

to the activists holding signs. Rancière explains that actions become political and rupture the police order by putting into motion a new 'configuration of *occupations* and the properties of these spaces where these occupations are distributed' (Rancière, 1999, p. 29). Tyke's actions called into question her occupation as a circus performer and launched her experiences into the political field of experience such that they now emerged as objects of dispute. 'It changed my outlook for entertainment', said one witness of Tyke's revenge (Bernardo, 2004). But beyond a mere disruption, Tyke's actions, alongside Emily's and Tatiana's, demonstrate the lack of agreement about the number of parties that are to be counted as parties of the community. The action of workers is political, Rancière says, 'when it reconfigures the relationships that determine the workplace and its relation to the community' (1999, p. 32). These nonhumans are putting into question their roles as laborers, whether in zoos, circuses, or slaughterhouses. Their actions create a 'connection' 'between having part and having no part' in the community (Rancière, 1999, p. 36). In so doing, they announce to their spectators, now sharing a common political stage, the fact of their absence from the official count. In addition, they also re-subjectivate these spectators into the position of activists charged with the duty to address the wrong of the animal miscount from the parties to dispute when disputing the place of animal bodies in slaughterhouses, zoos, and circuses. These animal rebellions designate these nonhumans as political subjects who initiate a re-organization of the whole community by 'build[ing] a relationship between these things that have none, in causing the relationship and the nonrelationship to be seen together as the object of dispute' (Rancière, 1999, p. 40).

An objection arises: in order to become a subject, one must pose the question regarding one's capacity for speech and the possibility of communication; however, there is no speech, no communication, occurring here, only interpretation of animal reactions. Perhaps this objection is correct and my illustration of these accounts injected too much agency, intentionality, motivation, and reflection to the animals. Maybe there is no communication occurring in these accounts, and instead we should assume the posture of Cartesians, who view the screams of animals as only 'the noise of breaking machinery' (Mahaffy, 1880, p. 181). This is the path that Rancière appears to take by defining wrong as the unequal

treatment of beings equally in possession of the power of human speech. As Jane Bennett argues, Rancière ‘both demeans the non-linguistic elements of human expression and excludes nonhumans from political participation’ (Bennett, 2005, p. 141). He maintains an ‘anthropocentric prejudice’ that posits participation ‘on the basis of a model of linguistic competence. And this when language-use is but one of the many modes of *human* communication’ (Bennett, 2005, p. 142). Rancière’s emphasis on *linguistic* speech seems odd, as the radical democratic project of which he is a part does not seem to center politics on this capacity. When groups excluded from the political community strike back and engage in conflict in order to make their exclusion known, the question of speech does not seem to enter. Politics is inherent in the act of conflict, regardless of whether the actors themselves acknowledge or speak this conflict:

Any distinction that can serve as a marker of collective identity and difference will acquire political quality if it has the power, in a concrete situation, to sort people into two opposing groups that are willing, if necessary, to fight against each other. (Schmitt, 2007, pp. 37–8)

The reality of exploitation and oppression pits nonhumans against their masters, which ostensibly does not beg the question of speech in order for one to consider this situation politically significant.

However, for Rancière *naming* is crucial: ‘parties do not exist prior to the conflict they *name* and in which they are counted as parties’ (Rancière, 1999, p. 27, emphasis added). Herein enters what Bennett calls Rancière’s ‘anthropocentric prejudice’ (Bennett, 2005, p. 142). Rancière conflates speech with language and thus assumes that the *naming* of a conflict can only occur linguistically. Consider the fight of autistic people, who flap their hands as a mode of communication and describe the silencing of their hands as the silencing of their speech: ‘Let me be extremely fucking clear: if you grab my hands, if you grab the hands of a developmentally disabled person, if you teach quiet hands, if you work on eliminating “autistic symptoms” and “self-stimulatory behaviors”, if you take away our voice [...]’ (Bascom, 2011).³ As Julia Bascom indicates, the

³ See also the essays in The Autistic Self-Advocacy Network (2012).

body is a medium of speech, not just for autistic people—who rely on this medium more than others—but for all people. The objection above argued that in order to become a subject, one must pose the question regarding one's capacity for speech and the possibility of communication. Having expanded the realm of communication beyond simple linguistic expressions, we now can understand that the body can speak and can pose questions regarding its capacities. From Emily's body jumping over a slaughterhouse fence to Tatiana's mouth mauling her tormentors and Tyke's legs trampling her trainers, each bodily display of rebellion and refusal should be read and interpreted as a moment of speech, of nonhuman animals saying *something* about the place and arrangement of their bodies in slaughterhouses, zoos, and circuses.

Even if we argue that the bodies of both humans and nonhumans can speak, we still have yet to answer the second part of the objection, namely, the claim that there is no speech, no communication, occurring in these episodes, only interpretation of animal reactions. There are two parts to this objection: (1) it may be the case that bodies sometime speak, but bodies also *react* instinctively. The difference between reaction and response is the difference, marked out above through Aristotle, between voice and speech (Derrida, 2002, p. 400). As argued above, this is the primary difference through which animals remain excluded from the political community of speech. (2) Even if it is the case that Emily, Tatiana, and Tyke are saying something, how can we be sure that what they say is something political? After all, Aristotle believes that nonhumans can *communicate*; they simply do not *speak*. Related to (1) then, we can ask, how do we know that the utterance is a political one about justice (speech) and not simply a non-political articulation, such as 'this hurts!' (voice)?

In response to (1), the distinction between reaction and response collapses given the context under discussion. In a heightened political conflict, where terror and oppression are the norm, the political tension ensures that every reaction is also a response. Consider the situation in the colonies: 'Confronted with a world ruled by the settler, the native is always presumed guilty [... and] the native's muscles are always tensed' (Fanon, 1963, p. 52). Beaten by settlers, the colonized may *react* to the violence by striking back in self-defense. However, given the encompassing context of colonialism, striking back against the colonizer is also a *response* to the

colonial situation. Concerning nonhuman animals, slaughterhouses, laboratories, and circuses are also situations of political tension, where violence and exploitation pervade the daily lives of nonhuman animals, and therefore any *reactive* release of aggression or fear is thus also a *response* to the situation in its entirety. That moments of political confrontation dissolve the lines between reaction and response depends on understanding the event in question as permeated with political conflict and struggle. In other words, the *context* of the reaction/response is essential to knowing whether an action is a reaction, response, or both. With this in mind, we can now turn to the second claim: how can we be sure that the response/reaction of nonhumans to their oppression is indeed political?

Compared to expressions of the body, linguistic utterances are perhaps less open to errors of interpretation. However, all modes of communication—whether linguistic or non-linguistic—require *interpretation*. Pure and unmediated communication, Derrida argues, incorrectly privileges ‘the absolute proximity of voice and being, of voice and the meaning of being, of voice and the ideality of meaning’ (Derrida, 1997, p. 12). In other words, spoken words are not ontological guarantees; they do not assure the outward expression of a being’s, whether human or non-human, inner impressions. This disjuncture demands that the work of interpretation will always take place. Just as all speech requires interpretation, interpretative communication extends beyond the narrow confines of linguistic utterances to include other forms of communication such as bodily gestures and non-linguistic sounds. As Gayatri Spivak argues regarding the subaltern who can/not speak, ‘[t]he problem is that the subject’s itinerary has not been traced so as to offer an object of seduction to the representing intellectual’ (Spivak, 1988, p. 285). This is to say that we *cannot* be completely sure that the bodily expressions under consideration are instances of political resistance and rebellion. Likewise, we *cannot* be completely sure that these events are *not* events of resistance.

To overcome this impasse, we need to focus on the particular and specific event at hand and use our critical capacities to analyze the nature of the actions. To dismiss these actions *a priori* as non-political means to take a position without honestly reflecting and thinking about the given situation. In so doing, we take on the a-politicizing guise of party leaders and union heads that describe protesters using militant street tactics, such

as property destruction, as vandals, thugs, or criminals intent on *senseless* and *random* acts of violence (Depuis-Déri, 2013, pp. 14–20, p. 63). In so doing, they uniformly disavow the *political* nature of these tactics by refusing to analyze the target of their attacks. Throwing a brick at a bank window in the age of austerity articulates a political critique against capitalism that throwing a brick at a residential home under threat of eviction would not. Likewise, Emily escaped from a slaughterhouse, not the local peace abbey where she later lived; Tatiana attacked the three teenage boys who tormented her, but she ignored the other zoo visitors; Tyke mauled her groomer and trampled her trainer, but fled from the other circus goers. Singular in their purpose, these animals attack particular targets. To understand the political conflict that these animals engender entails using our critical capacities to analyze and interpret the rebellion that these animals articulate. To do so means *not* to deny *a priori* the capacity for resistance and rebellion that nonhumans may express, but remain open to these capacities by analyzing and critically thinking about their potentiality in particular moments and events.⁴ Reframed differently, we must be cautious of falling into a type of Cartesian dualism, where the analyst sits perplexed searching for the inaccessible animal mind hidden somewhere inside the animal body. As Richie Nimmo (2012, p. 188) reminds us:

The search for the animal's point of view [...] is ultimately a chimera; an unwitting regress into Cartesian skepticism. Knowing others—human or nonhuman—is inescapably an iterative process of interpretation in mediated and embodied interaction, rather than a matter of somehow gaining objective knowledge of what is inside the mind of the other.

In this political framework of openness and uncertainty, where critical interpretation and analysis regain their significance, human and nonhuman animals can express agency and purpose in moments of resistance. I have focused on highly tense episodes—a moment before slaughter, an event of torment at a zoo, and a situation of abuse in a circus. However, the implication is that if these animals expressed themselves as subjects of

⁴For an analogous openness to the capacity for resistance, see Spivak's analysis of Bhuvaneshwari Bhaduri's suicide (Spivak, 1988, pp. 307–8).

politics during these episodes, then surely they are also subjects of politics when these episodes end. In the framework I have been drawing, to qualify as a political agent, one's actions must make 'a difference to collective life and [...] be *irreducible* to a knee-jerk reaction or instinctual response' (Bennett, 2005, p. 134). Accordingly, nonhumans perform actions, produce effects, and alter situations in collective life alongside humans, 'even if the degrees and forms of agency vary among the participants' (Bennett, 2005, p. 145; Latour, 2004, p. 80). Humans do not need to extend subjectivity to animals, since, as the analysis above makes clear, nonhumans demand their recognition by breaking the logic of subjectivity and re-constituting it such that they now count as political subjects. Nonhuman political subjectivation 'decomposes and recomposes the relationships between ways of *doing*, of *being*, and of *saying* that define the perceptible organization of the community' (Rancière, 1999, p. 40). These nonhumans certainly are 'troublemakers', re-constituting the community that identifies them as the part that has no part (Latour, 2004, p. 81).

To be clear, it is not the case that these animals have simply produced *effects* and thus qualify as subjects. This position is more aligned with Actor Network Theorists such as Jane Bennett and Bruno Latour, who attribute agency to anything that has an effect, whether animate or inanimate (e.g. rocks and thunderstorms). Under this framework, agency is spread too thin, 'with agency being seen as simply the ability to act, or to have an effect on, or influence over, an outcome or another "actant" in the network' (Carter/Charles, 2013, p. 325). As a result, everything is an agent and one becomes hard pressed to find anything that lacks agency. Carter and Charles put forward a more helpful conception of agency: 'agency indicates a capacity for action defined as the ability to choose between options (however limited they may be) and to act on the choices made'; 'These capacities or constraints cannot be "read off" from the individual's structural location because their realisation depends partly on the reflexive deliberations of the person, their choices and the roles available to them' (2013, p. 328, p. 331). This is to say that particular and specific beings act, not just, for instance, tigers in general, but Tatiana in particular. To understand her agency means understanding the *targeted* nature of her attacks. Choice among who to strike and the intention to carry out these attacks plays a significant and, more importantly

for our purposes, *understandable* role in her actions. This is to say that when nonhumans attack and their rebellion can be understood within the political context in which it unfolds, we can witness the choices they made and the agency they express.

The argument put forward here is not *just* that animals express agency. Even scholars who claim that nonhumans have agency still attempt to deny them political subjectivity. For instance, in her study of Moon Bears, Kersty Hobson (2007, p. 262), inspired by Actor Network Theory, argues that ‘animals are already part of the heterogeneous networks that constitute political life’, but they ‘cannot take part in institutional decision-making processes or verbally express a preference that we can interpret at such’. Even as animals have *effects* on political life, politics proper is reserved for the verbal. While denying the conception of agency prevalent in Actor Network Theory, Carter and Charles also argue that animals ‘cannot have political influence on the social order’ because they lack ‘human languages, with their grammatical properties [...] A grammar frees symbolic communication from its indexical limits: its limitless combination allow humans to generate new forms of imaginings using non-referential sequences’. (Carter/Charles, 2013, pp. 333–4). Yet, once we do away with the notion that communication must be either verbal or linguistic, it becomes that much more difficult to deny political subjectivity to these nonhuman actors. Tyke, Tatiana, and Emily always had agency, but it was in the moment of rebellion that they became subjects, that they self-subjectivated, that they used their bodies to articulate their absence from the democratic community that claims inclusion and justice.

It is not sufficient to merely acknowledge this new paradigm of animal subjectivity and then say our work is done. Every story of animal rebellion that ruptures the hegemonic police order risks either disavowal or appropriation into that order. A disruption can be recuperated, such that the event may not leave its trace. As Latour warns, the danger of fetishizing the moment of rupture leaves us few tools to ‘decide, on the spot, in real time, what to do next’ (Latour, 1999, p. 227). ‘Despite the impossibility of finding a *final* grounding’, politics, Mouffe reminds us, still ‘calls for [a] *decision*’ to be made (2005, p. 152). As is clear, the (contested) truth of nonhumans as subjects in these episodes represents an ‘*immanent break*’

with the dominant order; “Immanent” because a truth proceeds *in* the situation, and nowhere else [...] “Break” because what enables the truth-process—the event—meant nothing according to the prevailing language and established knowledge of the situation’ (Badiou, 2012, pp. 42–3). Given the dangers of either disavowal or recuperation, how do we thus retain, in Alain Badiou’s words, a ‘fidelity’ to the truth of the event, such that we ‘move within the situation that this event has supplemented, by *thinking* [...] the situation “according to” the event’ (Badiou, 2012, p. 41). In what ways can we retain the event as rupture and the lessons learned, such that the police order does not immediately reconfigure and hide the resistance already witnessed? Once we recognize that these moments *are* rebellions to the hegemonic order, the question becomes, how do we maintain the communication with these nonhuman subjects beyond their breaks? How do we, to use Badiou’s maxim, ‘Keep Going!’ with the truths that these events have forced (Badiou, 2012, p. 79)? Simply put, how are we to make decisions with nonhuman animals if ‘Animals don’t know about any practice of public practical deliberation’ (Stoecker, 2009, p. 268)?

Politics with Audible Animals

At stake here is not the problem of how to give animals speech, but rather of how to make their communications audible to our human ears. It is not just a question of opening up our ears to animals, but also of recognizing that many ears are already attuned to animals, listening to them. In the new framework I have articulated, politics describes not only the world of humans but also the world of nonhumans and of nature. In this world, all speaking subjects suffer from what Latour calls ‘speech impedimenta’ (Latour, 2004, p. 63). Like Derrida, Latour understands that all speech requires interpretation. For subaltern humans and nonhumans, unable to speak on their own terms and in their own languages, *spokespersons* conduct the interpretation of their actions in order to make their speech intelligible and visible:

We are designating not the transparency of speech in question, but the *entire gamut* running from complete doubt (I may be a spokesperson, but

I am speaking in my own name and not in the name of those I represent) to total confidence (when I speak, it is really those I represent who speak through my mouth. (Latour, 2004, p. 64)

The subaltern enters official and intellectual discourse rarely and usually through the mediating commentary of one already versed in these already-established discourses. In the context of Latour's analysis of nature, he points to scientists as these mediating spokespersons. Regardless of who the spokesperson is, spokespersons attempt to make audible the speech of the subaltern. By doing so, spokespersons function as mediators to ensure the continued flow of communication—however staggered and incomplete—among different subjects.

Whether Spivak's responsible intellectuals with postcolonial knowledge or Latour's scientists, spokespersons interpret the actions and make audible the speech of silenced subalterns. I earlier lauded critical thinking and analysis as a tool of interpretation, but unfortunately the term 'critical thinking' suffers from being unhelpfully abstract and vague. Critical thinking is a form of reading, but like reading, it requires a material text from which to read. Spokespersons, who need to learn the art of critical interpretation, thus need a material text/base from which to interpret. This material base Latour calls a speech prosthesis:

The lab coats are not so deranged as to believe that particles, fossils, economies, or black holes speak on their own, without intermediaries, without any investigation, and without instruments, in short, without a fabulously complex and extremely fragile *speech prosthesis* [...] that allow nonhumans to participate in the discussions of humans. (Latour, 2004, p. 67)

Speech prostheses enable us to make audible and perceive the communication of nonhumans. In other words, they translate types of communication that we otherwise cannot hear. Consider the pain, dizziness, and fatigue that someone suffering from a heart arrhythmia endures. Unable to explain the reason for this suffering, this person turns to a doctor. The doctor then picks her speech prosthesis, that is, a stethoscope, and makes audible the irregular rhythms of a heart. Given that the doctor is skilled in the art of interpreting (critical thinking) stethoscopes (speech prosthesis), the doctor can understand the communication of

a heart with arrhythmia. Similarly, biologist Marc Bekoff uses various instruments to explain that dopamine levels increase when rats anticipate the opportunity to play (Bekoff, 2003, p. 929). Does any difference exist between the speech prosthesis used to measure rat dopamine levels necessary for the regulation of happiness and the stethoscope that translates my body's pain? 'No being, not even humans, speak on their own, but *always through something or someone else*' (Latour, 2004, p. 68). Whether in the domain of the laboratory, the doctor's office, or in parliament, speech prostheses make audible the speech of humans and nonhumans.

Spokespersons use their skills of critical thinking to interpret speech prostheses. In so doing, they make audible the speech of nonhuman animals and acquire the label 'spokesperson'. As these instruments translate and make audible speech, there looms the eternal danger of speaking for others. A cat shakes a certain way or a rat's dopamine levels increase and an animal anthropologist illuminates the meaning of this wiggle or a biobehavioralist explains the meaning of the laboratory results to non-scientists uneducated in their art of interpretation. Worse, a cow escapes, a tiger bites back, and an elephant tramples, and a vegan scholar outlines their meaning as rebellion. All the same, these explanations remain interpretations. As 'is the case with all spokespersons', Latour clarifies, '*we have to entertain serious doubt but not definitive doubts* about their capacity to speak in the name of those they represent' (2004, p. 65).

Not all interpretations carry equal weight. The language used in interpretation presupposes, Mouffe argues, the 'acceptance of certain values' and can only work if 'supported by a specific form of ethos', which remains rooted within relations of power worthy of critique (Mouffe, 2000, pp. 68–9). For instance, we have reason to call into question the profit-motives behind a slaughterhouse owner's interpretation of certain speech prostheses that point out how cows voluntarily submit to and even enjoy their self-sacrifice. Herein enters again the importance of critically thinking about the contexts and situations under consideration. In addition, given the exclusions necessary for the formation of communities of discussion, we have reason to expand the list of spokespersons beyond Latour's scientists. Animal Sanctuary workers spend vast amounts of time with nonhumans and demonstrate an intimate knowledge of their emotional lives (The Emotional World of Farm Animals). The Kluane

First Nation maintains that animals regularly speak to them about how they wish to be treated (Nadasdy, 2007). Indeed, scientists, rooted in a particular enlightenment worldview, can only make use of certain types of knowledges; indigenous knowledges would multiply the number of speech prostheses we have available to listen to nonhumans (Nadasdy, 2007, p. 37). Conflicts will remain about interpretation, as 'indisputable speech' does not exist (Latour, 2004, p. 78). Previously denied to the realm of political conflict, nonhuman animals force their entry into political subjectivity and the democratic community. Spokespersons ensure that they can stay there.

Conclusion

I started this investigation by clarifying a particular lens with which to understand politics. Radical democrats Mouffe and Rancière argue that every democratic community necessitates a constitutive outside, a remainder excluded from the 'we' of the community. As such, political thinking and theorizing should focus on the border zones of communities, where conflict, repression, and struggle define the nature of exclusion. In addition, I argued that radical democrats enable us to understand that once the borders of a community break and the excluded manage to fight for their inclusion, the excluded necessitate a shift of subjectivity: not only do the excluded, previously denied political subjectivity, become political *subjects* in the field of politics, but the whole identity and ethos of the community changes as a result of the rearrangement of the meaning, domain, and objects of politics. Following this framework, I argued that the primary mode of exclusion occurs through the division of (political) speech and (non-political) voice by exploring the case of colonialism, where colonizers *animalized* indigenous peoples and thus excluded them from the democratic community of self-governance. Nonhuman animals, being the ultimate example of animalization, remain outside of the political community due to their condition of animality, that is, having only the capacity for voice.

Animal liberation activists and philosophers attempt to break this dominant hegemony that excludes animals by making them worthy

objects of dispute. The danger, I argued, of this type of political thinking and acting is that the disruption of the policed objects does not necessitate a reconfiguration of who counts as agents of speech, as subjects of politics. As such, nonhumans remain silenced and humans become 'the voice for the voiceless'. To overcome this exclusion, I outlined three stories of rebellion: Emily escaping from a slaughterhouse, Tatiana mauling her tormentors, and Tyke trampling her trainers. I argued that in each episode these animals represent the constitutive outside of the political community in question. However, their rebellion contests the borders of exclusion, eventually raising new questions of dispute previously considered unworthy of debate. They all raised the question of the supposed naturalness of the arrangement of their bodies as workers in slaughterhouses, zoos, and circuses—a question that the human community responded to through support (Emily), adversarial combat (Tatiana), and solidarity (Tyke). In each episode, these animals expressed their capacity for agency. Moreover, they re-subjectivated and re-organized the community of which they were a part of but were considered not have a part in. According to the framework set out at the start, to have rebelled against their exclusion and to have raised the question of the justice of their exclusion means that we ought to understand these nonhumans not just as *agents* of resistance but also as *subjects* of democracy.

An objection was put forward suggesting that no speech was present in these episodes. I argued for expanding the domain of speech beyond simple linguistic utterances and to include the body as a veritable domain of communication. Next, I put forward another objection that even if the body sometimes speaks, we cannot be sure that the body *spoke* of justice rather than non-politically *voiced* its suffering. I argued that in moments of tense political conflict the borders between reaction/instinct/voice and response/consciousness/speech dissolve. The question of speech requires critical thinking about the specificity and particularity of the situation at hand. Rather than deny the capacity for agency/response/speech to nonhumans *a priori*, I put forward a political framework of openness and uncertainty, where critical interpretation and analysis regain their significance, and human and nonhuman animals can express agency and purpose in moments of resistance. This framework attempts to manifest

radical democracy's promise to listen to the excluded other by providing the analytical disposition logically necessary for being open to listening to the speech of nonhumans.

Having put forward this framework, I asked, how could we maintain a community of subjects with humans and nonhumans beyond these moments of tension and rupture? Using Latour's analysis on speech prostheses, I argued for including nonhuman spokespersons as the mediators and intermediaries of nonhuman communication when engaging in discussions that concern them. Thus, nonhumans now join us at the table discussing the ethics and politics of their continuing exclusion through spokespersons. Always incomplete and partial, speech prostheses remain contestable and open to various interpretations. Similarly open to challenge and critique, spokespersons enable nonhumans to remain part of newly formed spaces they have created through rebellion and resistance. '[I]n seeking to learn to speak to (rather than listen to or speak for) the historically muted subject', the anti-specieist 'systematically "unlearns" [human] privilege' (Spivak, 1988, p. 295). In this view of politics, animal liberation is no longer about being 'a voice for the voiceless' but about solidarity with the militants already fighting their oppression in laboratories, slaughterhouses, zoos, and circuses.

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Part IV

For an Other Subjectivation

14

The Incorrigeble Subject: The Autonomy of Migration and the US Immigration Stalemate

Nicholas De Genova

‘¡Aquí Estamos, y No Nos Vamos!’ [Here we are, and we’re not leaving!] So rings out the resounding affirmation of migrant presence in the contemporary USA. Here indeed is a defiant and joyful affirmation of the irrepressible and inextricable presence of migrants—in this instance, specifically, Latin American migrants—within the space of the US-‘American’ nation-state. These migrants’ bold proclamation of their presence stakes a claim to space and asserts a sense of entitlement to appropriate and inhabit the USA, to make it a space of belonging. In effect, these migrants also declared that their own histories were truly inseparable from the larger interrelation between the USA and all of Latin America. When migrants chanted this slogan during the unprecedented mass mobilizations of 2006, as they marched literally in the millions in cities and towns all across the USA to defeat what would have been the most punitive immigration law in US history, they thereby repudiated the notion that, as migrants, they could be treated as ‘foreigners’, people ‘out of place’—displaced, disposable, and deportable.

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In the context of the monumental 2006 migrant protest mobilizations, the ubiquity and emotive power of the ‘¡Aquí Estamos!’ chant can be understood in terms of a queer politics of migration (De Genova, 2010b). For the assertion ‘Here we are, and we’re not leaving!’ is quite consonant with the renowned chant of queer mobilization: ‘We’re here, we’re queer, get used to it!’ Both are defiant affirmations of presence that literally ask for nothing, petition for nothing, appeal for nothing, and demand nothing. This comparison is especially illuminating when considered in light of the second half of the migrant struggle chant—which follows ‘¡Aquí estamos y no nos vamos!’ with the rejoinder, ‘¡Y si nos sacan, nos regresamos!’ [Here we are, and we’re not leaving! And if they throw us out, we’ll come right back!]. Here, we appreciate all the more clearly that what was at stake in this chant was precisely the question of migrant ‘illegality’ and undocumented migrants’ susceptibility for deportation. By implication, they proclaimed: ‘We’re here, we’re “illegal”, catch us if you can!’ In this spirit, migrants matched their affirmations of presence with the assurance that even if they were to be deported, they could never in fact be truly expelled, and their presence could never be truly eradicated: they would come right back. Thus, this politics of presence in the USA was also a transnational politics of mobility, articulated from ‘here’ (‘Here we are!’) but also, simultaneously, from beyond the border, from outside the space of the nation-state, from the other side of the horizon of deportation (‘We’ll come right back!’).

Another migrant mobilization chant that expressed the exuberance of the 2006 protests evokes the problematic of ‘the count’, suggested by Jacques Rancière (1999, pp. 14–5; 2004, p. 305): ‘No somos uno, no somos cien—Somos millones; ¡Cuéntanos bien!’ [We’re not one, we’re not a hundred—we’re millions; Take a good count of us!]. Despite an apparent desire to be included within ‘the count’ of the police, in Rancière’s terms, there is at work here a kind of menacing gambit, which dares the order of the police: count us—IF you can! In effect, the migrants in their multitudes proclaimed: we are the part that has no part; yet, we are here, we exist—and we’re not going anywhere! According to this more disruptive logic, the migrant multitude acknowledges the political rationality of ‘the count’, only to underscore their flagrant and flamboyant disregard for it. Here, migrants effectively proclaim (and demonstrate) their

own un-countability, their ‘countless’-ness. To announce ‘We’re millions’ is in fact not to stipulate a real (literal) count so much as to incite the collapse of the official count. It affirms the impossibility of counting this disruptive but unmistakably enormous part that has no part within the count. Such a challenge accompanies the parallel assertion that the ever-deportable mass of undocumented migrants is so innumerable that they truly could never be expelled (deported), under any circumstances. More fundamentally, therefore, this assertion inflames a real situation in which countability has become unintelligibility, and in which migrants can audaciously proclaim: we’re not going anywhere; you can’t get rid of us. Anticipating another slogan of the ensuing struggles over US immigration politics, Latino migrants (in their millions) were boldly announcing that they were ‘Undocumented but Unafraid’, deportable but insurgent nonetheless.

Both chants—‘¡Aquí Estamos!’ and ‘We’re here, we’re queer’—can be understood to be radically counter-normative and anti-assimilationist affirmations of the already established fact of presence. But they are likewise affirmations of a kind of defiant incorrigibility. They proclaim, in effect: not only are we ‘here’, but also we are different, we have no proper place within your normative or legal order, but there’s nothing you can do about it—you can never get rid of us. This sort of identification with migrant ‘illegality’ is remarkable in many respects. Unlike the common slogan ‘No Human Being Is Illegal’, very notably, here, you have people who have been illegalized boldly calling attention to exactly that fact, and politically grappling with the very consequential reality of that socio-political human condition of being ‘illegal’. As I have shown in my previous work on what I call ‘the legal production of Mexican/migrant “illegality”’ (De Genova, 2002, 2004, 2005), migrant ‘illegality’ has been historically rendered to be effectively inseparable from the Mexican/migrant experience in particular (and a much wider Latino migrant experience, more generally). Therefore, during my ethnographic research in Chicago in the 1990s (admittedly, a more ‘innocent’ era!), one could find bumper stickers, caps, and t-shirts that proudly announced (in Spanish): ‘100% Wetback’ [‘100% Mojado’], or declared defiantly: ‘Illegal—So What?’ [‘Ilegal—¿Y Qué?’] (De Genova, 2005, p. 239). The irresistible recurrence of the ‘¡Aquí Estamos!’ chant during the mass mobilizations

ten years later was therefore a mass expression of those sorts of audacious Latino/migrant affirmations of their 'illegal' identity. From the vantage point of the dominant anti-Latino racial nativism, this might be considered to be a kind of shamelessness. But this shameless and unapologetic subjectivity in the face of injustice has another name, and that name is dignity. Hence, it is productive to reflect a bit further upon the particular sort of subjectivity that is at work here, which we might consider to be the incorrigible subject of this politics of incorrigibility.

For, indeed, not only is this the self-styled subject of the migrant protests against the US immigration regime and the anti-terrorist pretensions of the Homeland Security State; this is also the incorrigible subject of Political Economy itself. Not only is this the audacious expression of specifically Latino political mobilization, in other words, but it is also, simultaneously, the articulation of the constitutive and inextricable presence of labor (migrant labor)—within, but also against, capital. How else to explain the designation of 1 May, International Workers' Day, as the 2006 protests' focal point for nationwide mobilization, summarily reinvented by the migrants' struggle as the 'Day without an Immigrant' boycott and general strike? The autonomous subjectivity of migration here reveals itself to be always also the autonomy and subjectivity of migrant labor, in effect, declaring (to capital): here we are—there's nothing you can do about your fundamental dependency upon us; you owe your very existence to our energies and vitality, so you could never get rid of us. This is, after all, the defining contradiction of the capital-labor relation—that living (human) labor is the source of all economic value.

Labor has always and everywhere been the truly integral and indispensable motive force driving the processes of capitalist production—the real expression of human subjectivity, creative capacity, and productive power—the conscious and willful subject driving the objective processes of 'the economy', and hence, a volatile and always at least potentially insubordinate force. Labor within capitalist social relations is, in this sense, always simultaneously labor for capital and also against capital, leaving both labor and capital deeply ensnared in a contradictory, interdependent, and fraught condition (Bonefeld, 1995; Holloway, 1995).

Thus, capital's subordination of labor is the premier political problem. Indeed, this problem derives, first and foremost, from the labor process

itself: the urgent and crucial necessity of subordinating the conscious attention of the laborer to the task at hand. The subordination of labor is, above all, the subordination of precisely the subjectivity of the laborer. The capitalist labor process requires that labor be purposeful and consistently (more or less constantly) trained upon its object, that it be attentive, disciplined, dutiful, and docile (Marx, 1976, p. 284; compare De Genova, 2010a). On the other hand, the less satisfying and interesting the work, the more that it provokes the virtually inevitable excesses and excursions of the laboring subject's subjective dispositions—her imagination, her curiosity, and her desire for distraction and stimulation. In these ways, then, in the context of estranged labor, there is a permanent tension between the imperatives of the labor process and the needs and desires of labor's subjectivity. The subject of alienated labor tends to be a subject persistently thinking about the fact that she'd rather be doing something else, a subject who feels in fact compelled to do something else, with every opportunity—an incorrigible subject.

In this light, it is possible to return more specifically to migrant labor, and the contested and thus mobile (restless) controls at the margins of the state's territorial space, which constitute key features of border regimes.

The defining drive of capital accumulation is that it must operate on an ever-expanding scale. This of course means that capital is periodically challenged, in the event of labor shortages or political crises of labor subordination, with the predictable need to occasionally recruit more workers (or different ones), to mobilize labor—to set large masses of workers in motion, often in the form of migrations. This periodic imperative to recruit new workers, however, operates intermittently with capital's more routine need to reliably stabilize and maintain a more or less captive and tractable workforce. Thus, more commonly, labor subordination requires labor's immobilization—the effective suppression of what Sandro Mezzadra, among others, has poignantly depicted as working people's freedom to 'desert' or 'escape' their predicament and seek better prospects elsewhere (Mezzadra, 2001, 2004; compare Holloway, 1994, p. 31; Mitropoulos, 2006; Moulier-Boutang, 1998, 2001; Moulier-Boutang with Grelet, 2001). States have played an instrumental role historically in trying to orchestrate the international choreography of labor control. In effect, the various territorially defined ('national') states seek to marshal

their respective differences in competition with one another as devoted participants in capital's universal drive to subdue all resistances and coerce labor's recalcitrant subjectivity into productive submission to the imperatives of accumulation. The unbounded (effectively global) mobility of capital, then, demands that labor's freedom of movement be more or less regulated, when not inhibited altogether. In either case, however, the mobility of labor tends to be subjected to coercive strategies, most frequently (albeit not exclusively) exercised today through the border enforcement techniques of state power.

Borders make migrants because borders produce differences in space, and capital precisely capitalizes upon those differences. This is why capitalism in fact requires borders and could never promote a truly borderless world. Contrary to the notion that the interests of employers demand more 'cheap' migrant labor and therefore can be understood to be somehow in conflict with the interests of states intent on controlling their borders and restricting migration—a notion that naturalizes the pernicious insinuation that there is something intrinsic about those migrant workers that makes their labor 'cheap' (Burawoy, 1976, pp. 1056–7)—I am proposing instead that we discern the more fundamental complementarity between these apparently opposed mandates of the state and capital. It is precisely border policing and immigration law enforcement, after all, that generate the variegated spectrum of differences among distinct categories of migrants and thereby render some migrants 'illegal', vulnerable to the recriminations of the state, and thus, presumably tractable. In other words, it is the state that produces the crucial conditions of possibility for the 'cheap'-ness of their labor-power. Here again we recognize the scene of exclusion (associated with border policing) to be inseparable from its obscene underside, the fact of (illegalized) migrants' subordinate inclusion (De Genova, 2012, 2013a).

There is no denying that we live in a world today of fortified, militarized, and securitized borders, a world that perhaps more than ever before resembles what Hannah Arendt memorably called 'a barbed-wire labyrinth' (1968, p. 292). The human freedom of movement is beleaguered if not besieged, as never before. This is true, even as we also witness unprecedented schemes for the managerial facilitation of selective cross-border mobilities (of which the European Schengen zone of relatively

unrestricted mobility—albeit more or less exclusively for ‘Europeans only’—is, of course, a much-celebrated example). However, we must guard against some pervasive fallacies. The first fallacy would be to see only what is most obvious, only what is flagrant and flamboyant, and only that which makes an ostentatious spectacle of itself and commands our attention. The first fallacy is to perceive only the political, juridical, and military enactments of state projects upon territory, which so commonly manifest themselves as the patrol and enforcement of relatively exclusionary borders. These sorts of Border Spectacle (De Genova, 2002, 2005, pp. 242–9; 2012; 2013a) make a robust and grandiose display of their technologies and techniques of ostensible exclusion, above all directed against the most humble of human border crossers. But they also conceal something. Border patrols and the diverse efforts of state powers aimed at border control have everywhere arisen as reaction formations. They are responses to a prior fact—the mass mobility of human beings on the move, the incurrable subjectivity and autonomy of migration, and the manifest expression of the freedom of movement of the human species. Even to designate this mobility as ‘migration’ is already to collude in the naturalization of the borders that serve to produce the difference between one or another state’s putative inside and outside, constructing the very profoundly consequential difference between the presumably proper subjects of a state’s authority and those mobile human beings branded as aliens, foreigners, and indeed, ‘migrants’ (De Genova, 2013b). But there is one fact that must not be lost in the shuffle: the movement of people around the world, and hence across these border zones, came first. The multifarious attempts to ‘manage’ or control this autonomous mobility have come always as a response. Confronting the statist perspective of a global regime of ‘barbed-wire borders’, the basic human freedom of movement could only ever seem to be perfectly incurrable.

A second pitfall that we must avoid is perceiving these efforts at border control as purely exclusionary. Much of what these border controls actually do is a work of filtering human mobility, sorting and ranking the movement of people around the world into a differentiated hierarchy of more or less permissible and more or less prohibited varieties of mobility (Kearney, 2004). Thus, the spectacles of border policing and immigration enforcement present themselves as essentially exclusionary,

but conceal what is frequently a massive process of inclusion, albeit a kind of inclusion that seeks to subordinate the autonomous human freedom of movement into sufficiently docile and tractable categories of purportedly desirable or undesirable, deserving or undeserving, and welcomed or unwanted human mobility. In this way, the border and immigration regimes that have proliferated—largely, only over the last century or so, and often much more recently than that—are less about simply precluding or eliminating the freedom of movement and rather more about facilitating it according to various formulae for control and management.

Yet another diversionary effect of the Border Spectacle must be taken into account: while increasingly militarized and securitized borders around the world conceal various state projects for the selective importation of migrants, in spite of their ostensible premier task of exclusion, they also conceal the fact that even those migratory movements which are officially prohibited, branded as ‘illegal’, and supposed to be absolutely unwanted and rejected are in fact, objectively speaking, actively encouraged and enthusiastically facilitated. So-called illegal and officially unauthorized migrations are, to various extents, actively and deliberately imported and welcomed by prospective employers as a highly prized variety of labor-power. In other words, the Border Spectacle and its grand performance of exclusion is accompanied almost everywhere by the ever-expanding fact of illegalized human mobility.

This is well illustrated by the increasing fortification of the US-Mexico border. Take, for example, the following description of the border fence that separates Nogales, Arizona, from Nogales, Mexico (published in December 2013):

The border is sealed tighter than ever, the result of billions of dollars spent with the prospect of billions more if [new] immigration legislation passes Congress. The fence is new, the technology up-to-date, the military hardware—planes, drones, all-terrain vehicles—abundant. (Downes, 2013)

This would seem to be a depiction of the Border Spectacle at its most spectacular, indeed. And yet, in the very same article, one encounters the following (rather frank) assessment:

The fence [...] is a see-through wall of vertical steel rods 15 to 18 feet high [about 5 and a half meters], set four inches apart [about 10 centimeters] in a deep bed of concrete. It is a rusty ribbon that runs up and down dusty hills and streets, cutting one city into two and jutting into the desert for a few miles east and west. An impenetrable barricade it is not. A climber with a rope can hop it in less than half a minute. Smugglers with jackhammers tunnel under it. [...] As a monument to futility and legislative malpractice, however, it achieves perfection. [...] There is unavoidable cruelty and death. [...] The fence shunts migrants miles out into the burning, freezing desert. There they die, trying to make their way [...]. (Downes, 2013)

Nevertheless, in spite of the dominant discourse that the US immigration system and border enforcement regime are ‘broken’—and in spite of the perennial appearance of the US-Mexico border’s inadequacy or dysfunction—this perfect ‘monument to futility’ (in the author’s words) is a border (like most other borders around the world) that has long served quite reliably, effectively, and predictably as a filter for the unequal exchange of various forms of value (Kearney, 2004; compare Heyman, 2004). The filtering character of borders is especially visible in those instances (such as the one described here) where the intensified enforcement at border crossings of easiest passage relegates illegalized migrant mobilities into zones of more severe hardship and potentially lethal passage. The escalation of migrant and refugee deaths along the US-Mexico border zone bears a striking resemblance to the parallel proliferation of migrant deaths instigated by the unprecedented extremities and severities of the European border regime—particularly through the Mediterranean Sea and externalized across the entire expanse of the Sahara Desert (Andersson, 2012, 2014a, 2014b; Bredeloup, 2012; Dunn, 2009; Lecadet, 2013; Nevins, 2010; Stephen, 2008). In a *de facto* process of artificial selection, these deadly obstacle courses serve to sort out the most able-bodied, disproportionately favoring the younger, stronger, and healthier among prospective (labor) migrants. The militarization and ostensible fortification of borders, furthermore, prove to be much more reliable for enacting a strategy of capture than for functioning as mere technologies of exclusion. Once migrants have successfully navigated their ways across such borders—and this has been abundantly verified by the reinforcement of the

US-Mexico border—the onerous risks and costs of departing and later attempting to cross yet again become inordinately prohibitive (Durand/Massey, 2004, p. 12; Massey, 2005, pp. 1 and 9). Rather than keeping illegalized migrants out, the militarization and securitization of borders simply tend to trap the great majority of those who succeed to get across, now caught—indefinitely—inside the space of the migrant-‘receiving’ state(s) as a very prized kind of highly vulnerable, precarious labor.

Again, the cross-border mobility of migrants is deeply inflected by those migrants’ own heterogeneous projects. The border regimes that work to variously manage these transnational flows are always fundamentally reacting to the impulses and motives of migrants whose subjective dispositions and mobility projects are basically autonomous. At the center of every border regime, therefore, is a diverse array of incorrigible migrant subjects, whose very subjectivity and autonomy are the decisive and defining target—to be subordinated, disciplined, and subjected. That is to say, the disciplinary effect of these regimes of border policing and immigration law enforcement is necessarily directed at ‘correcting’ the obstreperous and incorrigible (migrant) subjects whose aspirations, desires, and elemental freedom always exceed and overflow the narrowly construed role to which migrant workers are routinely relegated, as effectively subordinated labor.

Nevertheless, we could rightly say that this is generically true of all labor, which after all is the more general incorrigible subject of Political Economy. We therefore have to attend all the more deliberately to the question of what exactly is ‘political’ about the capital-labor relation, a relation that otherwise might appear to be strictly and purely ‘economic’. I have already suggested that the beginning of an answer to this puzzle resides in the fundamental problem of subordinating the subjectivity of labor to the material and practical requirements of the job at hand. Labor subordination is the key site where we can examine the politics of the production process itself. Now, I’d like to turn this incorrigible subject of labor inside out, once more, in order to see the subjectivity of labor in a more concrete and historically specific way, which will bring the questions of migration and race more sharply into focus.

As the veritable source of all value, it is not unreasonable to say that labor-power is the premier commodity in the global circuitry of

capitalist exchange. But the global movement of homogenized, abstract labor is finally embodied in the restless life and death of labor in a rather more 'concrete' form—which is to say, actual migrant working men and women. Capital can never extract from labor the abstract (eminently social) substance that is 'value' except with recourse to the abstraction of labor-power, which however can only be derived from the palpable vital energies of living labor—real flesh-and-blood working people. The accelerated transnational mobility of labor-power, therefore, is inseparable from the migration of actual human beings. Their 'migrant' (or non-citizen) status is a decisive (bordered) site where state power intervenes to mediate the terms and conditions for their subordination.

It is precisely the non-citizen status of migrant labor, therefore, that compels a still more incisive analysis of what exactly constitutes the political in the 'political' economy of migration and borders. For, if it is true that were there no borders, there would be no migrants; then it is likewise important to note that transnational migrants exist as such (as 'migrants') only because the borders that they cross are fundamentally meant to produce and uphold the spatialized differences between states. Hence, migrants exist always in a precisely political relationship to the jurisdiction of a state power (De Genova, 2002). However, once we begin to examine the historical specificity of actual nation-states and the migrations that cross their borders; moreover, we similarly can only account for the global inequalities of wealth and power at stake by also referring to the precisely postcolonial—and thus profoundly racialized—particularities at work in the historical production of distinct ('national') 'populations' and the distinct 'group' identities of various categories of migrants.

The effectively global mobility of capital exudes a pronounced indifference toward the particular locations and forms of the labor process where it invests in favor of a maximization of surplus value, and is in this sense exceedingly versatile. This willingness to seek a profit anywhere and everywhere, and likewise this capacity to accommodate virtually any form of exploitation within the larger process of capital accumulation, has sometimes misled some commentators to imagine, falsely, that capital is truly 'cosmopolitan' and, thus, 'color-blind' or otherwise impervious to the various racial (or 'ethnic'), national, linguistic, cultural, religious, or gendered differences among distinct categories of working people. But

this is precisely where the politics of the labor process is to be located—in the social relations among the embodied, ‘concrete’ particularities of actual working people (living labor). The homogenized abstraction of labor-power, which is utterly necessary for the larger functioning of the capitalist production of (economic) value, can be generated in practice only under the aegis of the social production of real heterogeneity and inequality. In other words, the relations of economic production must always be understood in terms of the social and political production of difference (Roediger/Esch, 2012; see also De Genova, 2010a).

In Europe much like in the USA, the postcolonial condition is nowhere more forcefully manifest than in the racial subjugation of migrants. The border of the European Union, much like the US-Mexico border, has the character not merely of an international (or inter-continental) boundary line but of a new reconfiguration of the proverbial color line. Indeed, recalling the escalation in migrant deaths in these border zones over recent years, we may be reminded here of Ruth Gilmore’s poignant proposition that this indeed may be taken as the very definition of racism: ‘Racism’, she contends, ‘[...] is the state-sanctioned or extralegal production and exploitation of group-differentiated vulnerability to premature death’ (2007, p. 28). Thus, borders that systematically expose particular populations to the risk of premature death, according to Gilmore’s definition, may be understood to be precisely instrumentalities of racism. If it is possible to suggest this sort of analogy, however, it is not reducible to the mere (naturalized) fact of ‘racial’ difference between migrants and their so-called host societies. Rather, the significance and consequentiality of race for these migrants could only be activated and could only acquire such intensity as a result of the enduring coloniality of the inequalities of wealth and power between the formerly colonized countries and the imperial metropolitan destinations of these migrations. The incorrigible subject of the autonomy of migrant labor, the premier target of this sort of border regime, thus crucially intersects and substantially coincides with the incorrigible subjectivities of the complex cross-section of postcolonial racial formations, once the migrants have made their way across the borders and deep into the putative ‘interior’ of the destination country. The various racializations of these migrant groups demarcate the differential inscriptions of the border on their bodies (Khosravi, 2010, pp. 97–120).

In effect, they are made to carry the border on their backs and wear the border on their faces, ever increasingly subjected to various degrees of border enforcement wherever they may go.

This chapter started with a discussion of the politics of incorrigibility that I attribute to the migrant political mobilizations in the USA, and folded that into a consideration of the incorrigible subject of labor. The mass migrant mobilizations of 2006 completely and decisively derailed the proposed law that had already passed in the House of Representatives and was still being debated by the Senate, and no comprehensive immigration legislation has been feasible since. In short, in the face of the incorrigible subjectivity of the migrant struggle in 2006 and its extended aftermath, the political establishment in the USA was profoundly crippled. The insurgency of migrants (disproportionately non-citizens with no voting rights, including literally millions who were—and largely remain—‘illegal’)—and the politics of sheer incorrigibility so forcefully manifested in that mass movement—produced a political crisis around immigration policy, which has remained fundamentally irresolvable. It is important to note nonetheless that the insurgency of migrant labor in 2006 was met—immediately—with an aggressive escalation in immigration policing in the interior of the USA, particularly in the form of workplace raids and subsequent deportations (De Genova, 2009). Although these large-scale raids were subsequently discontinued under Obama, the transformation of routine traffic stops by local police into occasions for immigration surveillance and apprehensions dramatically expanded. This sweeping deportation dragnet was initiated under the administration of George W. Bush, but it has since become a disgraceful hallmark of the Obama presidency.

As of December 2013, Obama had presided over more than 1.9 million deportations—radically more than any other president in US history (Preston, 2013). In spite of Obama’s duplicitous claims that immigration enforcement has become more targeted and selective, purportedly going after ‘criminals, gang bangers, people who are hurting the community, not after students, not after folks who are here just because they’re trying to figure out how to feed their families’ (Obama with Romney, 2013, p. 492), the detention and deportation dragnet actually broadened substantially—with only one-fifth of deportations involving convictions for

serious criminal offenses, whereas roughly two-thirds have committed only minor infractions (usually nothing more significant than a traffic violation), or none whatsoever. Notably, a very significant proportion of those ‘removed’ would historically have never been formally charged with any (non-criminal) immigration infraction. This group accounted for as many as one-quarter of those deported during the final year of the Bush administration, for instance. However, under Obama, 90 % of those deported are now officially charged with an immigration violation, thereby prohibiting them from returning to the USA for at least five years, and exposing anyone who might subsequently be caught returning ‘illegally’ to a prison sentence (Thompson/Cohen, 2014). Yet, remarkably, in a rather predictable reflex of the intransigent partisan politics in the USA, when the most recent figures for Obama’s deportation record were made public (toward the end of 2013)—showing a 10 % decrease in deportations from the previous year—many Republicans responded with the contention that Obama is actually deporting too few undocumented migrants. Robert Goodlatte, the chairman of the House Judiciary Committee, said that the recent deportation figures were ‘just more evidence that the Obama administration refuses to enforce our immigration laws’ (Preston, 2013). When the most vigorous enforcement of the deportation regime in US history can be castigated as nothing less than a ‘refusal’ to enforce immigration law, it ought to be plain that immigration lawmaking and legislative and policy debate has arrived at a veritable stalemate.

The US immigration stalemate is evident, above all, in the utter incapacity of the US Congress to pass any multifaceted national-level legislation since 2006.¹ On 20 November 2014, Obama finally announced executive action to institute a reprieve from the immediate threat of deportation for select categories of undocumented migrants (notably, amounting to fewer than two-fifths of the total estimated population, and contingent upon numerous eligibility restrictions and compliance with penalties). Indeed, on this occasion, he addressed himself emphatically to the

¹ The sole exception is the perfunctory Secure Fence Act of 2006 (Public Law 109–367), which was remarkably narrow in scope: this law was singularly dedicated to providing for the further presumed fortification of the US-Mexico border with hundreds of miles of new physical barriers to be added to the existing 125 miles of fence.

legislative stalemate: ‘To those members of Congress who question my authority to make our immigration system work better, or question the wisdom of me acting where Congress has failed, I have one answer: Pass a bill’ (Shear, 2014). Congratulating himself for heightened immigration enforcement yet simultaneously dissimulating about the fact of staggeringly unprecedented numbers of deportations during his presidency, moreover, Obama disingenuously asserted that deporting millions is ‘not who we are’: ‘Mass deportation would be [...] contrary to our character’ (Obama, 2014). Predictably, while de-emphasizing immigration enforcement in the interior and proposing modest relief for some undocumented migrants already resident, the executive action prescribes yet another expansion of policing at the US-Mexico border aimed at the interdiction of new ‘illegal’ arrivals (inevitably including countless returning migrants who were previously expelled by Obama’s prolonged deportation dragnet).

In conclusion, then, the material and practical techniques and technologies of contemporary regimes of border policing and immigration law enforcement must be seen as political tactics, only finally apprehensible in relation to another ‘objective’ reality: the embodied subjectivity of ‘irregular’ or ‘illegal’ migrants. These humble border crossers represent the incurrable subject of virtually all contemporary border regimes, in response to which the multifarious objective infrastructures and practices of border patrol must be understood to be reaction formations. The freedom of movement of human beings around the world—the autonomy of migration that is everywhere in evidence, on an ever more mass scale—indubitably confronts a truly horrifying panoply of material and practical impediments and obstructions. Nonetheless, as autonomous subjects, with their own aspirations, needs, and desires, which necessarily exceed and overflow any regime of immigration and citizenship, migrants’ mobility projects enact an elementary freedom of movement to which borders are intrinsically a response, however brutal. Yet in spite of it all, everywhere, on a global scale, human beings continue to prevail in their mobility projects, unceasingly and tirelessly establishing migration as a central and constitutive fact of our global postcolonial present. Thus, our freedom of movement as a species asserts itself anew, staking a claim to the space of the planet as a whole. The incurrable subject of migration,

which is inevitably also the incorrigible subject of labor, is finally revealed to be the incorrigible subject of human life itself. '¡Aquí Estamos, y No Nos Vamos!' [Here we are, and we're not leaving]. So ... where shall we go from here?

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15

Deaths, Visibility, and the Politics of Dissensus at the US-Mexico Border

Benjamin Nienass and Alexandra Délano

Introduction

Since 1994, there has been a dramatic increase of US government measures to fortify and militarize its southern border, most notably through the increase of border patrol agents and surveillance technology as well as the construction of fences along popular border crossings for irregular migrants, especially in urban areas. Joseph Nevins (2002) describes this development as the transformation of a zone of transition into a line of strict demarcation. Designed as a policy of ‘prevention through deterrence’ (United States Border Patrol, 1994; see also Andreas, 2000),

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the main result of these policies has not been a decrease of undocumented migration but rather an increased loss of human lives. Through a so-called funnel effect (see Jiménez, 2009), migrants have been redirected to the hot and remote terrain of the desert and mountains as well as dangerous river crossings left unpatrolled because they are considered natural barriers. As a result, the number of migrants dying from dehydration, heatstroke, hypothermia, and drowning has increased sharply since 1995 (Cornelius, 2001). Estimates vary, but between 200 and 500 people have died every year along the US-Mexico border since the late 1990s, even during periods where overall migration from Mexico to the USA has slowed down. The total number of deaths in the past 20 years is estimated between 5000 and 8000, but there is no accurate account of the people who have lost their lives trying to cross the border (Reineke and Martínez, 2014). Many of them remain unidentified due to the quick decomposition of bodies in the desert before they are found, as well as to the absence of a comprehensive DNA database to match them with reports of missing persons (Reineke/Martínez, 2014, pp. 61–2).

Some observers have described the deaths as ‘unintended consequences’ of US immigration control policies (Cornelius, 2001), but others consider them to be ‘predictable and inhumane outcome(s)’ (Jiménez, 2009) or even ‘intentional results of border militarization strategies’ (Michalowski, 2007, p. 66). However, they have increasingly been approached through a frame of a humanitarian crisis (Jiménez, 2009; Binational Migration Institute, 2013), and this framing has been partly responsible for a focus on immediate response and support systems (including governments on both sides of the border, NGOs, and volunteer groups), often directed toward the recovery of bodies and the identification of remains (see also Magaña, 2011; Martínez/Reineke/Rubio-Goldsmith/Parks, 2014).

Others have placed the appeal of border militarization and its undeniable effects in larger debates about waning sovereignty (Brown, 2010) and subsequent ‘legitimation counterattacks’ (Michalowski, 2007) or in specific US-American cultural contexts of ‘regenerative violence’ (Michalowski, 2007). Michalowski, in particular, explains support for border militarization as part of a cultural script that aims to restore the USA to a state of pre-9/11 conceptions of invulnerability (Michalowski, 2007).

Most conceptual accounts of the migrants' exposure to lethal forces address the biopolitical implications of these deaths in the desert. Modern biopolitical power is based on the formula 'to make live and to let die' (Foucault, 2003, p. 241). Stuart Murray (2006, p. 197) has reformulated the Foucauldian formula in this way: 'Life must be made, death is neither made nor unmade; it just happens as it were'. In part, according to public perception, the deaths at the US-Mexico border were deaths exactly in this sense—they simply happened, without evoking questions of collective responsibility, north (and south) of the border. Nevins (2003, p. 179), for example, claimed that border deaths are widely accepted as a 'fact of life' across the USA. But the dramatic quantitative shift has created new realities for numerous state and non-state actors. As Magaña (2011, p. 159) claims, 'the intense physicality and sheer volume of the casualties registered along the U.S.-Mexican border makes them too tragic or horrific to ignore altogether'.

What is initially most striking about this 'intense physicality' is that these bodies became an acknowledged presence, a material reality in the USA, only at their moment of death. Many of these bodies, mostly those unidentified, are buried in cemeteries and potter's fields or even in private ranches near the US-Mexico border, often far removed from the public eye. Yet some of the activism at the border has focused on making these bodies more visible not only to raise awareness about the issue of border deaths, but also to mourn and show respect toward the migrants who have died in their attempt to get into the USA as well as the families who may still be looking for them.

Interventions like these, we suggest, can be understood as a disturbance of a consensus, a *politics of dissensus* in Jacques Rancière's sense. Following Rancière (2010, p. 36), consensus is not to be understood here as the outcome of a specific debate or explicit agreement, but as the 'partition of the sensible': the assignment of specific roles by a police order that designates only certain acts as visible and only certain speech as audible, and that ultimately relies on the 'absence of voids and of supplements'. Consequently, political action, the staging of dissensus, always has an aesthetic component in that it undermines existing configurations of the sensible and brings into perception what the partition has so far kept out, for fear of disruption. In this specific case, our senses are confronted with

dead bodies—with their graphic disfiguration after death in the desert, and for those handling them, with their smell, a smell that does not leave one's clothes for days and weeks (Lovato, 2013).

Bringing the Dead into the Streets

The sight of crosses at immigration rallies and demonstrations in Mexico and the USA has become commonplace in response to the increasing number of deaths. Artists and advocates on both sides of the border have placed coffins and crosses on the border fence to call attention to the issue. Faith-based groups such as Humane Borders or Frontera de Cristo in Arizona use white crosses in ceremonies to represent and commemorate the dead (e.g., each Tuesday at sunset, members of Frontera lay white crosses on the Pan-American Highway that leads to the Douglas Port of Entry in Arizona). For years, advocacy organizations such as Border Angels have placed colorful wooden crosses with the words 'no olvidado' (not forgotten) at one of the potter's fields where unidentified migrants are buried, in Holtville, California (Photos 15.1 and 15.2).

Like many other migrant rights organizations, the Coalición de Derechos Humanos in Tucson, Arizona, organizes a yearly pilgrimage on 2 November, the Mexican Day of the Dead, to raise awareness about the deaths at the border as a consequence of US-American enforcement policies and to pay their respects to the migrants who have died. Their eight-mile walk in South Tucson ends with a ceremony blessing white crosses representing border crossers that have died in Arizona. New crosses representing the deaths of the current year join the crosses from previous years. Each cross has a name or, in the case of unidentified border crossers (as they are officially referred to), the label 'desconocido/a' (unknown). Reflecting on the symbolism of the crosses, Kat Rodríguez, director of the organization, explains that they represent a life: 'for some of those people a cross is the only evidence that they existed, because their family doesn't know they are dead, and the medical examiner doesn't know who they are; they just know it was a body or remains. So for us, it is a symbolic way to bring attention visually to the human costs of militarization' (Personal Interview, 16 May 2013, Tucson, AZ). Rodríguez considers that establishing a permanent space like a chapel for the crosses,



Photo 15.1 Tomas Castelazo. US-American-Mexican border. Tijuana, Baja California, Mexico



Photo 15.2 Alexandra Délano. Holtville, CA, 1 April 2013



Photo 15.3 Katy Brandes. Coalición de Derechos Humanos, Day of the Dead ceremony, Tucson, AZ, 5 November 2011

or keeping their Day of the Dead celebration confined to the cemetery where most of the bodies are buried or cremated, would be a mistake (Photo 15.3):

I don't think they are there [in the cemetery] and I don't think that's where people would see what we want them to see. The pilgrimage we do on the Day of the Dead is through the city, where people can see us and make a connection [...]. That's where something like that belongs. [...] Some of those who have died would want somebody yelling and screaming about the fact that the deaths are happening. I think sometimes the dead don't want to be silent and I don't think we should allow the silencing around the dead. And I think that's part of the problem. This silence. All this talk about immigration reform but not one word about the deaths. All this talk about border security and not one word about the results of it, the human impact of it. All this talk about we're a nation of laws, but is this the country we want where hundreds of people are dying horrific deaths? (Personal Interview, 16 May 2013, Tucson, AZ)



Photo 15.4 Camilo Godoy. Immigration Reform demonstration. Washington, DC, 21 March 2010

Precisely to draw attention not only to the number of deaths, but also to the horrifying circumstances in which people die trying to cross the border, some advocates have moved from the abstract representation of deaths through crosses and coffins to using images of dead bodies and remains. Photos of human remains circulate on placards at immigration demonstrations from the border to Washington, DC. In Texas, the Border Network for Human Rights places images of decomposing bodies next to crosses along sections of the border fence as part of their Day of the Dead procession and vigil (Photos 15.4 and 15.5).

Rodríguez argues that ‘it should be the numbers themselves that speak’ (Personal Interview, 16 May 2013), but years of documenting and publicizing the fact that hundreds and thousands of lives have been lost at the border have not led to a different response in the wider public or at the policy level, despite growing attention from the media. Even local officials, such as Chief Deputy Sheriff Benny Martínez, increasingly use the images of bodies to lobby their representatives in Washington, DC (in this case to provide more funding for Brooks County, which has experienced



Photo 15.5 Saul Soto. Border Network for Human Rights, Day of the Dead demonstration

the largest increase in deaths in recent years) with little or no effect. In a report by the Brooks County Sheriff's Department entitled *Immigration and Narcotics Encounters 2009–2013*, which Martínez shared with us during a personal interview (Personal Interview, 5 June 2013, Falfurrias, TX), graphs and tables documenting the number of people that have died and the cause of death are placed next to dreadful images of bloated, charred corpses, some covered with flies, others chewed on by animals. The county report presents these images next to the phrases 'Not a way to die!!!' and 'This is NOT the American Dream!!!' Martínez explained that he used this report in meetings in Washington DC to ask for more resources for an overstretched and unprepared county office that has to deal with an increasing number of deaths, but to no avail.

Katherine Verdery (2004, p. 305), in her influential account of the political life of dead bodies, has claimed that bodies have 'the advantage of concreteness

that nonetheless transcends time'. They encourage identification, often as symbols of political order, yet they often refuse a full appropriation and as such can also present a political life out of order: they remain present as specters, arousing feelings of awe that, Verdery claims, are part of their political and symbolic efficacy (Verdery, 2000). In this vein, the activism that focuses on making the bodies visible to a wider audience than familial mourners needs to be understood as an aesthetic and political practice that aims to provide alternatives to the spectacle of the border, but perhaps also to a 'mere' humanitarian 'spectacle of pain mitigation' (Athanasίου, 2005, p. 45). Rancière's (2010, p. 69) notion that a political subject 'is a capacity for staging scenes of dissensus' allows us to think of these moments also as specific instances of political subjectivation and hence transformation; a lodging of different worlds, in Rancière's sense.

Border as Spectacle (and Counter-Spectacle)

Following, among others, the work of Nicholas de Genova (2013), we can say that borders are produced and legitimated through the symbolic practices surrounding them. De Genova (2013, p. 2) introduces the notion of 'border spectacle' as the set of practices setting the scene for what he describes as the 'putative necessity for exclusion', where the naturalness of exclusion is validated through 'complexes of language and image'. This premise allows us to understand the public staging of acts of visualization and mourning as counter-spectacles, as a process of dehabituating existing visions of the border (in the literal and figurative sense). Similar to Lucaites, who speaks of adjusting 'the citizen's optic' in border regions, so that we see beyond 'patriots' and 'criminals' (Lucaites, 2012, p. 229), de Genova (2013, p. 4) powerfully describes the border spectacle as a site in which the presumed violation of law by the migrant lends his or her 'illegality' a 'fetishistic objectivity'; the border becomes a crime scene; the criminal: the illegal immigrant. In this process, the border itself gets a quasi-sacred character.

In the case of border deaths and their increased visualization, what happens when this sacredness is confronted with another version of a crime scene (of the state)? And how can we perhaps even think of the

political ability of these border victims, the political ability of the dead, if we will?

De Genova (2013) has convincingly argued that the border, despite all state spectacles, is not a purely ceremonial, monumental space (in Henri Lefebvre's sense). That is to say, it is not as rigidly controlled a space of interaction as the spectacle of border control wishes to imply. In this contested space, making the increasing numbers of victims, their bodies, and their graves visible to a wider public can challenge both border policy and 'statecraft' (Auchter, 2014) in several ways. Weber and Pickering (2011, p. 43) have described the memorialization efforts at the border as tributes that make the lives of the migrants intelligible, but also as contestations of the 'absoluteness of sovereign claims over the border'. Auchter views the commemorative efforts by activists along the border as a visual challenge in the double sense. They confront the border as a state's commemorative site for the mythological founding moment of territorial sovereignty. And, perhaps even more powerfully, they highlight dead bodies that do not fit in, that cannot be fully appropriated by the state because they challenge not only the state's biopolitical power, but also its role as the 'arbiter of ontology' (Auchter, 2014, p. 117), its authority not to 'let die', nor to 'make die', but to decide what counts as life and death in the first place. The dead, Auchter (2014, p. 29) claims, remain specters, refusing to follow the ontological divide pursued by statecraft.

Judith Butler's account of grievable and non-grievable life (Butler, 2003, 2009), in particular, has been a sounding board for those attempting to understand the political potential of a politics of mourning and haunting at the US-Mexico border (Auchter, 2014; Magaña, 2011; Weber/Pickering, 2011). Butler starts from the premise of a shared vulnerability to loss and a shared task of mourning that follows from it and she asks if these could be the conditions for finding a new basis of community. This 'we', according to Butler, is a 'we' we cannot argue against: the body puts us at risk, at risk to others, and Butler's question is whether this insight 'can lead to a normative reorientation for politics' (Butler, 2003, p. 17). Her call seems based on an almost primordial bond as vulnerable beings, although she also specifically raises the question of how this commonality can reveal different distributions of vulnerability. Even more important for the case of US border deaths, however, is Butler's closely linked discussion of different distributions of *grievability* (Butler, 2009).

Two Politics of Mourning?

How do we mourn the nameless and the faceless? Butler's concern in *Precarious Life* (2006) was the nameless victims of US wars. But her framework can be equally interrogated here, especially if we follow observers like Michalowski who have employed the idea of a 'regenerative violence' in the US-American context, placing border policies in a prevalent 'cosmology that underlies policies that address social problems through a language of *war*' (Michalowski, 2007, p. 72, emphasis in original).

Butler describes the silence about the victims of US wars as follows: 'If there is a discourse, it is a silent and melancholic one, in which there have been no lives and no losses [...] and this failure of recognition is mandated through an identification with those who identify with the perpetrators of that violence' (Butler, 2003, pp. 24–5). One potential site of dissensus for those participating in pilgrimages, processions, vigils, and demonstrations such as those described earlier is thus to engage in what Butler calls 'offensive speech' (Butler, 2003, p. 24): the defiance of norms that prescribe the ungrievability of regenerative violence. Here, mourning becomes a politics of dissensus in Rancière's sense, for whom politics, above all, is a challenge to both the 'visible' and the 'sayable' (Rancière, 2010, p. 37).

However, Butler's claim is not all that easily transferred into this context. In her example, the public reception of state violence is conditioned by the lack of images of some of its victims. This is (no longer) necessarily the case for the deaths of the border crossers. Even Joe Arpaio, the Sheriff of Maricopa County, Arizona, who gained notoriety for his immigration sweeps which resulted in an investigation by the Justice Department on charges of racial profiling, weighed in on the border deaths by stating that 'every life is precious [...] it is our duty to preserve the peace and protect the public, no matter their national status or citizenry' (Arpaio, 2013), when he announced the placement of white crosses in the desert built by prison inmates in his county.

Perhaps there are two different types of public acknowledgement at stake here then. 'Bodies that are not properly mourned and buried become specters: haunting and restless reminders of life out of order',

claims Erika Doss (2010, p. 102) in her study of memorials in the USA. In this sense, the politics of mourning could become first and foremost an act of closure, turned easily into a public performance of regret about a humanitarian intervention that has come too late and which eschews political questions. These acts of regret can be as easily performed by Joe Arpaio as by anyone else. We can also think here of other examples, such as the Australian case of the Christmas Island boat disaster of 2010 that caused the deaths of 48 migrants, to which the government responded with psychological damage control through counseling for local residents (Weber/Pickering, 2011, p. 76), employing a strategy of containment with regard to a collective trauma that could have raised political questions instead.

But from some of the activists, we often get a different kind of relationship to the dead. For example, since 2004, every May, a coalition of advocacy groups organizes 'The Migrant Trail: We Walk for Life', a 75-mile annual walk from Sásabe, Sonora, in Mexico to Tucson, Arizona, 'to bear witness with our migrant sisters and brothers who have walked this trail and lost their lives' (The Migrant Trail; Coalición de Derechos Humanos). As stated by the organizers, the intention of the walk is not to simulate the experience of migrants or to serve as an educational experience as traditionally understood: 'We all walk for different reasons and find common ground in our witness to the inhumanity of death' (The Migrant Trail). Some of the participants have pledged to continue to walk every year until the border deaths stop. 'We walked in silence listening for the voices of those that had walked before us', said one participant (The Migrant Trail).

This suggests the political potency of the memorial efforts by activists described above: not, in fact, to engage in proper acts of mourning and burial to halt the haunted and restless specter of dead bodies, but on the contrary, to give them an even wider circulation and to thereby also defy what Eng and Kazanjian call an overly 'restrictive enclosure of melancholia as pathology' (Eng/Kazanjian, p. 5). Similarly, Athanasiou (2005, p. 48) describes Israel's *Women in Black* as not 'interested in "getting over" or "letting go" political loss nor willing to succumb to the absorption of unavowable political trauma'. Here, the politics of mourning are not about proper burial, but about the re-presentation (year after year in the case of

the Migrant Trail or the Day of the Dead processions, or weekly in the case of Frontera de Cristo) of a life out of order, and about the presentation of a void against 'the partition of the sensible', a partition that does not allow for a visibility of voids or the 'glaring absence' that structures public life, in Butler's terms (Butler/Athanasίου, 2013, p. 196).

As such, these mourners also exemplify the increasing acknowledgement of a (political) bond between the living and the dead that memory scholar Doss has recently called attention to (Doss, 2010, p. 80; see also Booth, 2011). The dead *and* undocumented are a 'part that has no part' (Rancière) in a dual sense; they challenge the logic of counting not just once, but twice. Dissensus 'places one world into another', says Rancière (2010, p. 38). Here we see a double lodging: of the dead and the living and of the undocumented and the formal citizen.

In a continuation of Butler's call for a politics of mourning, Stuart J. Murray (Murray, 2008, p. 206) has suggested to take into account the political agency of death itself, 'as a power that might act on us to bind [us] together'. Murray asks:

Might this ethic promise be an alternative political representation, one that refuses the negation of embodied experience and challenges the seemingly absolute morality of biopolitical life? A politics of death might, then, be a strategy for the productive rethinking of biopolitics, from the technological apparatus that kills [...] to the media apparatus that defines its terms and mobilizes public perception and morality (Murray, 2008, p. 206).

Similarly, '[l]ending one's body to the other's loss', Athanasίου (2005, p. 46) writes, 'can turn a bad death, unmourned and unwitnessed, into a good death'. As if responding directly to Murray's call, a participant of the Migrant Trail describes his experience of the 75-mile hike over seven days as follows: 'The Trail makes it real. In walking, I connect with the reality of death, physical and emotional pain, and disastrous government policies' (The Migrant Trail; Coalición de Derechos Humanos). This moment of connection defies a simple politics of representation and reflects a process of subjectivation through a lodging of worlds, 'a capacity for enunciation not previously identifiable within a given field of experience' (Rancière, 1999, p. 35).

To begin to understand what kind of political subjectivation is at stake in these processes, both Rancière and Butler's ideas can be of help. In their 'demonstration of equality' (May, 2008, p. 70), the activists described above refute a classification that removes any political agency from the undocumented migrants who were exposed to lethal forces in border regions. They demonstrate that this moment of subjectivation can reach beyond simply evoking 'the equality of every *speaking* being' (May, 2009, p. 5, emphasis added), by granting agency to those lifeless bodies whose ontological non-status is often intentionally secured by the state (see also Auchter, 2014). Moreover, as May (2009, p. 8) has claimed, a Rancierian understanding of political subjectivation based on the demonstration of equality does not necessarily follow a logic of identity politics, but describes the subversion of distinctions imposed by a specific police order. In creating moments of connection like those on the Migrant Trail, activists seem to go beyond a mere logic of *speaking for* the dead or any pretense of fully reliving the migrant's experience: this is a collective endeavor of the living *and* the dead.

Following Butler, we could say that as political subjects we are 'moved by what is *outside us* [...] in ways that disconcert, displace, and dispossess us' (Butler/Athanasίου, 2013, p. 3, emphasis added). For Butler, furthermore, this dispossession by the other follows from another dispossession, namely our dependence on external forces in matters pertaining to the sustenance and deprivation of our livelihoods. In short, '[w]e can only be dispossessed because we are already dispossessed' (Butler/Athanasίου, 2013, p. 5). This link seems to be exemplified in the confrontation with the realities of the migrant trail, where our realization of the complete dispossession of the migrant allows for the realization that we are in turn dispossessed by the encounter with the migrant and affected by her vulnerability.

Yet, caution about the broader political potential of the acts we described above remains in order, as we know all too well that there is no necessary link between public practices of mourning and wider evocations of political responsibility. A strategy focused simply on a politics of shaming that depends too heavily on the assumption that those

in charge of border policy will be driven to change course in the face of these public performances has been proven to be politically naive. In light of these concerns, transformation through mourning would then be reserved for those who were already seeking it by engaging in pilgrimages or demonstrations in the first place. Furthermore, as Auchter (2014) has claimed, visibility and the recognition of different distributions of vulnerability are not always straightforwardly related. The bodies, according to Auchter, 'need not be brought into the realm of visibility to be significant' (2014, p. 119). In fact, according to Auchter, it is the very resistance to the state's insistence that 'visibility is a prerequisite to ontology' that may give the bodily remains their haunting power (Auchter, 2014, p. 119).

We have argued here, however, that there is a politics of dissensus in the various practices of visualization and embodiment that we described, even if transformation seems often limited to those already seeking it. And yet, the moments in which noise turns into speech are often surprising and counter-intuitive. In Sheriff Arpaio's case, the crosses that were placed in the desert were clearly not meant to convey vulnerability, but rather as a deterrent, a 'reminder to those foolish enough to make the desert crossing in the face of the punishing reality that the desert kills' (Arpaio, 2013).

This mingling of humanitarian concerns with strategies of deterrence may be another visual representation of 'death as policy', a reflection of the United States Border Patrol's Strategic Plan of 1994 that unabashedly acknowledged the power of Operation Gatekeeper to put migrants in positions of fatal danger. Arpaio's visual effort turns the border once again into a crime scene; however, arguably one that moves away from the individualized responsibility of the border crosser and indeed highlights the state's willful employment of bodily harm to migrants. Perhaps we could end, preliminary, with this insight: that the aesthetic resources for a new configuration of the sensible, a counter-spectacle at the border that reveals the state's dedication to regenerative violence and gives a voice to the dead, may not only emerge from intentional political activism, but potentially also from within the spectacle of the politics of consensus itself.

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16

Radical Democratic Disobedience: 'Illegals' as a Litigious Political Subject

Andreas Oberprantacher

'Only the Dead May Remain'

'Solo los muertos pueden quedarse' [Only the dead may remain]—with these words the Spanish newspaper *El País* commented on the Italian government's resolution to commemorate the lives of nearly 400 people who drowned on October 3, 2013, while crossing from Misrata to Lampedusa by posthumously granting them Italian citizenship at a state funeral. This resolution was nothing less than obscene, as it illustrated the concerted interest in exploiting catastrophic situations for staging grief with the support of media. Apart from that, the event was also alarming in regard to the question of how people are currently being *given place* (see Derrida, 2000, p. 25) in the European Union whose right of residence is not legitimated by any valid travel document. The Italian government's resolution to grant this final civic honor to countless (and, in a legal sense, also *nameless*) deceased *clandestini* is significant insofar as it coincided with the determination to record the names of all the

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survivors of the maritime accident in the registry of those suspected of being ‘illegals’. This measure, taken in accordance with the provisions of the *Bossi-Fini Law*,¹ classified them as *deportable* (compare Peutz/De Genova, 2010, p. 6), and thus it facilitated their forced removal.

In consideration of this dramatic scene, which recalls passages from Hannah Arendt’s *The Origins of Totalitarianism* (although under differing geopolitical auspices, compare Arendt, 1976, pp. 293–7), it is imperative to contradict the rather conventional idea that it was somehow a natural ‘tragedy’ which occurred off the coasts of Europe. Rather, it was an artificially arranged ‘neo-Baroque’ dramatic tragedy in the sense that a combination of national and para-governmental missions are tolerating, if not provoking, situations of uncertainty—‘in the gloomy tone of intrigue’, as Walter Benjamin (1998, p. 97) once noted in a related context.

This chapter traces various acts of radical democratic disobedience on the part of people whose right to be here is repeatedly being repudiated, as they are generally disqualified as ‘illegals’. Living at the edge of civil society, these ‘abject’ subjects of neoliberal postmodernity are constantly confronted with the fear of deportation, which, more often than not, results in the formation of a wordless servility, along with a profitable disposability (see De Genova, 2010, p. 47). The lines of argument are developed over three stages. First of all, the chapter addresses a few basic doubts in terms of the initial premise: to what extent can one speak of ‘illegals’, bearing in mind the risk of discursively consolidating, that is, of reifying, discriminatory approaches? The problems of such a designation and definition will be discussed in the first part. In the second part, the text critically investigates the argumentative ‘straits’ that are currently generating extremely ambivalent images of the situation of people who are governed as ‘illegals’: on the one hand, images of helpless victims are conjured, while on the other, images of cunning criminals are

¹The so-called *Bossi-Fini Law* is based on an initiative of the former government members Gianfranco Fini (*Alleanza Nazionale*) and Umberto Bossi (*Lega Nord*). It came into effect on 10 September, 2002, and dramatically deteriorated the situation for those without valid entry or residence permits in Italy. Aside from the fact that third-country nationals are usually obliged to produce a work contract in order to obtain a regular residency status, the law, which remains in effect in modified form, provides also for the following: that measures for the identification of *clandestini* be expanded, that relatively few residence permits be issued, that the options for an administrative detention of ‘illegals’ be augmented, and that, as part of bilateral agreements, more Mediterranean ‘smuggler boats’ be pushed back.

deployed. In the light of different scenes of demonstrative *disagreement* (see Rancière, 1999), the third part more broadly responds to the question of what it amounts to when people who are generally imagined as ‘supernumerary’ or ‘uncountable’, to put it in polemic terms, are *subjectivating* themselves and making themselves count as a litigious political subject of a democracy to come (Derrida, 2006, pp. 80–2).

‘Illegals’ as a Paradigmatic *Slogan*

In commemoration of Arendt’s warning, who regarded the term ‘displaced persons’—popularized in the period after World War II—to be politically suspect (Arendt, 1976, pp. 279–80), Giorgio Agamben stressed in an interview almost 50 years later that it is:

no coincidence that laws [regulating the apprehension of ‘illegals’] do never speak of citizens, and be these ‘foreign citizens’. Instead, vague formulas are used, such as ‘apprehended persons’. From the beginning, such people are regarded as being in transit and thus they are treated as if the basic principles of nationality and citizenship did not and could not apply for them. And the same holds for the victims of displacements. Any subject position in civil law has been suspended for them. (Agamben, 2001)

In fact, there are good reasons to assume that the circulation of vague and defamatory slogans like ‘illegals’ is indicative of a social situation in which two taxonomies, used predominantly in the postwar period to ‘integrate’ foreigners in the nation-state, are losing their normative value and thus tend to become mutually indifferent: the taxonomy of *refugees* on the one hand and that of *migrants* on the other. The tendency toward a general confusion of such seminal terminologies² in connection with the emergence of countless people without a secure residency and working status across the European Union as well as the USA is relevant to the extent that it can be read as a crisis of permeability and thus also of constitution of the Body Politic. Even if it is true that there will always be persons

²Designations with pejorative connotations such as ‘economic refugees’ or ‘asylum industry’ are particularly hateful variants of this confusion, whose purpose is to preemptively disqualify the democratic aspirations of people without valid documentation.

who are *released* from insecure situations into the status of a persecuted ‘convention refugee’ or into that of a foreign ‘guest workers’, there is also plenty of evidence that a life in clandestinity is the norm for far too many.

With some amount of discomfort that should not go unnoticed at this point, this text makes use of the problematic term ‘illegals’ while placing it strictly between quotation marks. Given the quasi-omnipresent risk of a reification of existing conditions through scholarly discourses, the quotes are the noticeable expression of a genuine difficulty, for which there is no satisfactory solution in the following: how can different situations in which people are *governed* as ‘illegals’ be thoroughly researched, carefully disentangled, and sensibly discussed without insinuating with the use of this disputed noun that some people *are*, simply put, illegal, or that it is somehow legally justifiable to declare them as ‘illegals’? In this sense, the quotes are stressing two aspects: on the one hand, they can be read as an indirect *citation* of all the defamatory, disqualifying, and discriminating elocutions that circulate in the media while the horrible specter of illegal infiltrations, impending mass arrivals, or abject shadow populations threatening ‘us’ is summoned. On the other hand, they can be read as a grammatical *intervention* signaling that such words are not *natural* occurrences, but rather that it is a suspicious wording which paradoxically has been ‘naturalized’ in everyday conversations.

Between Criminalization and Victimization

Taking these concerns into due account, this chapter addresses the dubious slogan ‘illegals’, which is currently circulating in various languages (*illegal aliens*, *sans-papiers*, *clandestini*, *sin papeles*, etc.) and evidencing that there is a popular social discontent, if not discord, with respect to the foundation (and representation) of civil society. This latent discontent may well have to do with the modern narrative of the rule of law becoming more and more questionable in the face of so many situations of legal uncertainty (see e.g., Rosa, 2015; Brown, 2010; Lorey, 2015). Accordingly, the current emergence of countless ‘illegals’ at the margins of civil society is indicating that people with insufficient documentation and financial means, who are almost regularly being pushed into zones

of clandestinity, appear as supernumerary to the extent that they do not count as relevant subjects of civil law. In other words, the increasing *indifference* of legal institutions reveals that between migration and refuge—as contingent categories of classifying foreigners according to a specific state territory—there is a considerable residue of people who are becoming lawless (*abandoned/bandits*; compare Agamben, 1998, pp. 58–61, pp. 104–5). As ‘illegals’, these people are frequently confronted with enforcement measures or just ‘tolerated’ (in the sense that their deportation is momentarily suspended; see Riecken, 2006). The hyphen, which in Jean-Luc Nancy’s words connects ‘being-with-the-others’ (Nancy, 2000, p. 37) and may evoke a sense of conviviality among ‘us’, becomes a line of division for all those who are being governed as ‘illegals’ as their right of being here (with ‘us’) is severed by a multiplicity of demarcations. Consequently, it makes no sense to pretend that there can be a ‘fixed’ definition of the vague slogan ‘illegals’. It is more likely a free-floating cipher, which is as variable as all the *plastic* frontier operations (compare Weizman, 2010) that are currently executed in order to manage—in humanitarian terms—the (seductive vision of) rapid ‘streams’, ‘floods’, and ‘waves’ of people without valid travel documents as a quasi-‘natural’ challenge (see Kuster, 2007, p. 188).

This ‘unhomely’ shifting of vocabularies too illustrates that people *are* not just illegal, but rather *become* illegal according to changing societal interests, which are invested into changing border regimes. Apart from the fact that countless people are identified as ‘illegals’ even before they cross any official border without adequate documentation, it is often people who enter legally (e.g., on a tourist visa or with a temporary work permit) and who become ‘illegal’ upon expiration of their visa, or in the case of unemployment. In this flexible and variable context, it would be absurd to assume that there is no interest involved in the presence of uncountable ‘illegals’ who hire themselves out in Almeria’s Mar de Plastico, in California’s orange groves, in Dubai’s construction sites, or in Hong Kong’s domestic households. The officially proclaimed ‘undesirability’ of people (compare Agier, 2011) who are treated as ‘illegals’ corresponds more often than not with an unofficially condoned ‘desirability’. This paradoxical interaction reflects the circumstance that human life at the limits of law can be turned into a disposable resource,

that is, into 'bare' human capital. According to this governmental logic, human labor power becomes a more servile and, eventually, more profitable commodity, the easier it is to threaten people with deportation (see De Genova, 2010, p. 47).

Unlike what popular commonplaces such as that of a 'Fortress Europe' or a 'Great Wall' of the USA are usually suggesting, it is thus paramount to pose the question why 'repressive' images (compare Foucault, 1978, p. 10) are currently prevailing and why they are eventually also determining the perception of border fortifications. The imagery of menacing accumulations of 'illegals', who are repeatedly suspected to be members of human trafficking rings, if not terrorist complots, is effective to the extent that such an imagery provides excellent reasons for financing further a technologically sophisticated security infrastructure operated by governmental agencies in alliance with multinational companies. Moreover, such imagery is also effective in that it significantly contributes to solidify the idea of 'illegals' being an anonymous mass of bodies that has nothing of relevance to say. Contrary to this trend, it is indispensable to problematize many of the images concerning the emergence of 'illegals', which are currently circulating in the media as well as in academic texts, in order to fashion a different aesthetic sensibility.

In addition to all the images of devious 'illegals' that are being used to criminalize uncountable people, those images that tend to victimize border crossers by portraying them just as victims of discriminatory social conditions should be criticized. A criticism of the widespread tendency to victimize people as 'helpless refugees' or 'deprived migrants' does not imply, however, that there are no good reasons to address the violence that frequently occurs in frontier zones. It is indeed imperative to call attention to the fact that the Mediterranean, as well as the Sonora Desert, and many other places around the world are turning into anonymous mass graves, in which those who died crossing borders will not come to rest. However, it is politically paralyzing when everyday violence is discussed in such terms that those—potentially or actually—affected by it are simultaneously denied the ability to be anything other than silent victims of discriminatory social conditions. Such tendencies are indeed dubious, as chances are wasted to realize that people who are usually imagined (and treated) as a silent mass of bodies are also engaged in acts

of radical democratic disobedience. For it is precisely such passionate acts of dissent that present an unexpected invitation to think differently about publicity and participation in a world that is becoming global in unequal terms. In other words, it is a question of democratizing the (national) *borders* of democracy, as Étienne Balibar (2004, pp. 109–10) put it, in consideration of ‘illegals’ who are able to act as civic subjects even though they do not count as relevant subjects of civil law.

Scenes of Demonstrative Disagreement

In the third part of his essay *L'invention du quotidien* [*The Practice of Everyday Life*], Michel de Certeau deals with *urban practices* in order to contradict the perspective of a ‘panorama-city’, which is nothing more than ‘a “theoretical” (that is, visual) simulacrum, in short a picture, whose condition of possibility is an oblivion and a misunderstanding of practices’ (1988, p. 93). While the rather detached perspective of a ‘panorama-city’ corresponds to ‘the fiction that [...] makes the complexity of the city readable, and immobilizes its opaque mobility in a transparent text’ (de Certeau, 1988, p. 92), de Certeau emphasizes the importance of changing perspective by learning to move on the streets and to experience ‘a certain strangeness that does not surface’ (1988, p. 93). For the ‘ordinary practitioners of the city’, he writes:

live ‘down below,’ below the thresholds at which visibility begins. They walk—an elementary form of this experience of the city; they are *walkers*, *Wandersmänner*, whose bodies follow the thicks and thins of an urban ‘text’ they write without being able to read it. These practitioners make use of spaces that cannot be seen; their knowledge of them is as blind as that of lovers in each other’s arms. The paths that correspond in this intertwining, unrecognized poems in which each body is an element signed by many others, elude legibility. It is as though the practices organizing a bustling city were characterized by their blindness. The networks of these moving, intersecting writings compose a manifold story that has neither author nor spectator, shaped out of fragments of trajectories and alterations of spaces: in relation to representations, it remains daily and indefinitely other. (de Certeau, 1988, p. 93)

The story of the hunger strike that was started on a crane in the North Italian town of Brescia at the end of October 2010 and lasted more than two weeks under conditions of severe rain and wind is not such a highly unusual story as one might perhaps expect. It is a story of rather ‘usual’ exceptions (see Piacentini, 2011) that were also faced by those *clandestini*, who, at a height of 35 meters and in varying numbers, refused to take food in order to attract attention to their situation. In the sense of de Certeau’s sensibility for urban practices, the hunger strike of a handful of ‘illegals’ may be translated as an objection within the ‘immense texturology’ (de Certeau, 1988, p. 92) of a city, which comprehends itself, more often than not, according to the rhetoric of New Public Management, that is, along the lines of terms such as ‘efficiency’, ‘controlling’, or ‘community care’, while labeling all critical interjections from the margins of lucrative city quarters as ‘uncivilized’.

The readiness of some *clandestini* to occupy a crane in the middle of the city and to stage their disobedience against discriminatory amendments contradicts the predominant urban ‘texturology’ insofar as people of different provenance but ‘without papers’ suddenly made their unlawful presence public on an abandoned construction site: they joined in a hunger strike and articulated political positions, and in doing so, they distorted a number of social conventions. With the slogan ‘Se permesso non sarà, resteremo sempre qua’ (which may be translated either as ‘As long as no residence permit is granted, we will remain here’ or as ‘Even if it is unlawful, we will remain here’) they evidenced—together with others more who supported their demonstrative disagreement with chants, banners, blog entries, or radio broadcasts—that countless people residing in city centers and peripheries are forced to do exhausting jobs in the shadow of acclaimed tourist ‘attractions’, without being able to confide in the right to remain and to be duly rewarded for their efforts. Up on the crane became visible and audible what usually remains invisible and inaudible below: that the urban space is something other than a ‘text’, which can be read, in the interest of civil society, as if it was a neoliberal instruction for speculation that all must abide by according to their respective competences.

The hunger strike in Brescia further highlights that in such a tense situation it would be no use to endorse a definition of politics that reflects

the idea of consensual speech acts, without wasting any word on how violent such procedures of conformity can be, especially for people who are repeatedly ‘questioned’ by law enforcement agencies. As an audacious event, the occupation of the crane took place in a social climate that generally favored the view that *clandestini* (in Italy and elsewhere) are just an impoverished population living at the margins of civil society. In other words, there was an ‘overlapping consensus’ that it made no sense to involve people as equal subjects in the discussion of public affairs whose right to stay was rendered insecure. On the one hand, they were viewed as ‘victims’ of miserable circumstances and transferred to more or less professional welfare institutions, which, in turn, were put in charge of taking care of them. On the other hand, they were increasingly identified as ‘criminals’ and threatened with imprisonment and deportation as a consequence of the so-called *Bossi-Fini Law*, and the successive ‘security package’ (*pacchetto sicurezza*) introduced by *Maroni*.³ As inconspicuous ‘subworkers’, they were, however, good enough to perform the so-called 3 D jobs, that is, works that are *dirty, dangerous, and demanding*. The hunger strike of the *clandestini* in Brescia distorted a number of social conventions insofar as it evidenced their litigious readiness to disagree with a neoliberal governmentality, according to which some people are little more than inexpensive bodies that may be either consumed or deported according to changing needs.

What took place for over two weeks at a construction site in the middle of Brescia and caused a stir in the Italian media can be seen, using an expression introduced by Stefan Nowotny, as an empowering moment of *clandestine* publicity (see Nowotny, 2005). The staged disobedience of people who are discredited as ‘illegals’ is significant as it makes public, in the midst of global tendencies of precarization and marginalization, that other arenas of politics are indeed possible. As Nowotny writes, it is critical to realize that the idea of the public is regenerated ‘from the constitutive and practical relation to a non-public’ (Nowotny, 2005, p. 77).

³In addition to the *Bossi-Fini Law*, the so-called ‘security package’, which resulted from an initiative of former Interior Minister Roberto Maroni (*Lega Nord*) and was passed on August 8, 2009, represents a further deterioration of the situation of *clandestini* in Italy. Amongst others, the ‘security package’ provides that illegal border crossings should be criminalized and treated as a criminal offense punishable by law.

It makes sense thus, to quote de Certeau once more, to view the hunger strike in Brescia as one of the many possible:

microbe-like, singular and plural practices which an urbanistic system was supposed to administer or suppress, but which have outlived its decay; one can follow the swarming activity of these procedures that, far from being regulated or eliminated by panoptic administration, have reinforced themselves in a proliferating illegitimacy, developed and insinuated themselves into the networks of surveillance, and combined in accord with unreadable but stable tactics to the point of constituting everyday regulations and surreptitious creativities that are merely concealed by the frantic mechanisms and discourses of the observational organization. (de Certeau, 1988, p. 96)

In terms of an instrumental definition of politics, which rates the success of political action in agreement with the completion of a purpose or the achievement of a goal, one could jump to the conclusion that the occupation of the crane on the part of a handful of ‘illegals’ was futile in the end. After 17 days of hunger strike, the result is sobering to say the least: the discriminatory amendments of the year 2009, which promised temporary residence permits—a restricted amnesty better known as *sanatoria* (‘regularization’) in Italy—only to a minor number of irregular domestic workers, were not revised so as to grant amnesty to all ‘illegals’ residing in Italy, as was repeatedly demanded. The institutional roundtable discussions with local authorities and unions were also delayed indefinitely. Meanwhile, several *clandestini* were deported (others were briefly detained and questioned; see Piacentini, 2011, pp. 31–6). But if the hunger strike is rather appreciated as a rebellious or—in the sense of Michel Foucault’s analyses of power (see 1978, pp. 95–6)—a ‘resistant’ node of diverse political strands, which, usually running underground, may intersect, connect, intertwine, and eventually surface in public, before dissolving and recombining again, then the occupation indeed makes sense. Apart from the fact that the concerns of the *clandestini* involved in the protest became manifest, the dissenters were also able to publicly address their miserable living conditions. And, what is more, the ‘illegals’ on the crane demonstrated their ability to challenge the discriminatory social conditions and to engage in radical democratic alternatives.

In this sense then, the hunger strike in Brescia evidenced that people who are being governed as ‘illegals’ are not just a silent ‘object’ of vicious circumstances that tend to either victimize or criminalize their very existence. There are indeed innumerable episodes which, in addition to a vast abundance of barely noticeable efforts of daily subversion, signal that people, whose right of being here (*Da-sein*) is being disputed, are repeatedly becoming visible as political subjects: from the occupation of the Parisian church Saint-Bernard de la Chapelle by *sans-papiers* (1996) to the *Caravan for the Rights of Refugees and Migrants* in Bremen (1998), the movement of the *sin papeles* in Catalonia (2001), the institution of a *Universal Embassy* in Brussels (2001), the Woomera liberation operation in Australia (2002), the *Campaign Against Deportations, Deportation Centers and Deportation Camps* in Berlin (2002), the hunger strike in the reception camps on Nauru (2003), the *Gran Paro Estadounidense* in the USA (2006), the jailbreak from the *Centro di permanenza temporanea ed assistenza* on Lampedusa (2011), the first *European March of Sans-Papiers and Migrants* to the European parliament in Strasbourg (2012), to the ongoing *Refugee Strikes* and *Refugee Tent Actions* (since 2013) in Germany and Austria. Any attempt to accurately ‘enumerate’ these entangled stories will be in vain, since all these intertwined ‘nodes of resistance’ are not only illustrating an extraordinary diversity of scenes of demonstrative disagreement, but, moreover, these nodes are also unequally connected with one another in the contemporary web of power.

While certain interventions gain some degree of notoriety, such as the hunger strike in Brescia, where the parties involved were capable of mobilizing popular sentiments, motivating a considerable amount of supporters, arranging transversal coalitions, and generating an echo in the media for their dissent, many other interventions are relegated to a diffuse penumbra. In the case of the disobedience of ‘illegals’, it is thus pertinent to speak of a heterogeneous, that is, a *shaded* clandestine publicity. This shading has to do with the fact that the conditions of possibility of a clandestine publicity vary from situation to situation, and consequently, it would make little sense to presuppose something like a ‘fundamental’ disobedience on the part of ‘illegals’. It is critical to bear in mind thus that such scenes of demonstrative disagreement are not grouped around a

central subject, event, or topic, but rather become noticeable as the result of a combination of various and repeated acts of ‘becoming public’.⁴

The various scenes of demonstrative disagreement on the part of ‘illegals’—as temporary, unstable, or precarious as they may appear—contribute to denaturalize the idea of a ‘native’ Body Politic. They do so by exposing the contingency of bourgeois institutions and, at the same time, by confronting these institutions with a hyperbolic desire that cannot be satisfied under the given conditions. This desire, which may manifest itself as an uprising desire in periods of political tension, but that is latently present also at other times, can be termed a democratic or, better, a *radical* democratic desire. What is being articulated by ‘illegals’, when they charge the names that are either given to (e.g., *sans-papiers*) or taken from (e.g., *refugees*) them by starting to use such names as political names in the face of the discrimination they are experiencing, is nothing less than this: an indefinite plurality, that is, a plurality without essence (compare Rancière, 1999, pp. 43–60; Lorey, 2015, pp. 9–10; Saar, 2013, pp. 329–410). It is an indefinite and somehow also a *diasporic* plurality of people, who are not being bound together by any attribute (identity) in particular, but who are assembling the multitude of their existences in the name of alternative participations.

Apart from the vast strike following the *Gran Paro Estadounidense* (*Great American Boycott*), which was launched on May 1, 2006, in several cities of the USA (see Butler/Spivak, 2007; compare De Genova in this volume), also the numerous *Refugee Strikes* and *Refugee Tent Actions*, which are taking place in various European cities since 2012, are exemplifying that people commonly dismissed as ‘illegals’ are indeed acting as political subjects. In this case too, however, it is imperative to beware of discourses that take notice only of spectacular events, which are then almost instantly processed into a narrative that replicates a stereotypical imagery of heroism. As is the case with the *Gran Paro Estadounidense*,

⁴ A certain amount of caution is appropriate, however, when discussing the radical democratic disobedience of ‘illegals’. It would amount to an uncritical glorification of heroism, for instance, to disregard the fact that clandestinity tends to reproduce discrimination. It is certainly no coincidence that so many sexually loaded images of ‘illegals’ as virile young bodies are circulating at the moment, that is, stereotypical images, which over-determine certain situations, while neglecting others (for example that of irregular female domestic workers).

the *Refugee Strikes* and *Refugee Tent Actions* too are a composite phenomenon that is not merging into one solid form of radical democratic politics. Quite to the contrary, such scenes of demonstrative disagreement should rather be discussed as a distributed 'politics in movement' without a unique center.

Within a few months, in several European cities, hundreds of people with no (secure) residency status decided to make their miserable living conditions public by vacating the temporary housing facilities in which the authorities had tried to confine them. They traveled long distances from the periphery to major city centers, where they occupied national landmarks and presented political demands. The caravan of *Refugees* that formed on 8 September, 2012, in the German town of Würzburg and eventually reached the capital Berlin, after several months of rallies, hunger strikes, and protest camps, was not so much an exclusive event, but rather a joint in a complex and distributed subjectivation, which links different European cities. A related event took place in the Austrian city of Traiskirchen, for example, where on 24 November of the same year another hundred people decided to vacate the so-called Federal Care Office East (*Bundesbetreuungsstelle Ost*) and to march to the capital Vienna. After gathering in front of the Asylum Court and settling in the Sigmund Freud Park, from where they were expelled by the police with reference to a local 'camping regulation', the *Refugees* decided to occupy the nearby Votive Church. These two movements were in turn preceded by the first *European March of Sans-Papiers and Migrants*, which was initiated in early June 2012 in Brussels. In this case too, people who were disqualified as 'illegals' took part in a march that extended across several countries while sharing a common desire: to demonstrate in favor of a Europe in which all people are equally able to enjoy the right of abode and the freedom of movement, irrespective of their origins.

So as to emphasize the political moment of their initiative, the protesters (most of whom had no secure residency status and were thus almost constantly at risk of being apprehended, arrested, and possibly deported) decided to march across Europe and assemble in front of the European Parliament: from Brussels via Liege, Maastricht, Luxembourg, Schengen, Florange, Jarny, Verdun, Metz, Mannheim, Heidelberg, Sinsheim, Karlsruhe, Offenburg, Freiburg, Basel, Bern, Wünnewil, Chiasso, Torino,

and Bussoleno to Strasbourg, they repeatedly crossed national borders together, which otherwise would have been off-limits for each of them individually. Moreover, they participated in a variety of other actions that drew attention to the precarious situation and demands of people who are living in Europe with virtually no rights.

In all of these exemplary cases, people who are governed as ‘illegals’ repeatedly and deliberately violated provisions—whether this be laws or other (sometimes extra-legal) measures—that are limiting their right of abode and freedom of movement: in the case of the first *European March of Sans-Papiers and Migrants*, it was part of the demonstrators’ political action that they publicly crossed interstate borders between member states and associated states of the European Union without the necessary authorization (since none of these borders ceased to exist for ‘illegals’, despite the provisions of the Schengen Agreement). In the case of the caravan of *Refugees* that started from Würzburg, the demonstrators explicitly violated the *residency requirement (Residenzpflicht)*, as certain federal states of Germany require asylum seekers to stay within a designated area. In the case of Traiskirchen again, the *Refugees* did not comply with the *territorial restrictions* for asylum seekers whose residency status is yet to be determined by the authorities.

It should be noted in this respect that the radical democratic disobedience on the part of ‘illegals’, who are assembling, marching, and insurging on the street and in front of national landmarks, is already unfolding with the different movements in which they participate as litigious political subjects. In other words, the disobedience cannot be reduced to the different political demands that are being articulated. As Judith Butler argues in her essay ‘Bodies in Alliance and the Politics of the Street’, which departs from Arendt’s problematic disjunction of *speech* (the realm of freedom) and *body* (the realm of necessity) in the context of *The Human Condition* (1998, pp. 175–247), it is critical to realize that political actions do (necessarily) involve bodies that ‘congregate, they move and speak together, and they lay claim to a certain space as public space’ (Butler, 2011; compare also Celikates, 2015). At the same time, it is at least critical to recall, as Butler further accentuates, that ‘conditions of persistence and of power’ (Butler, 2011) are unequally distributed in the web of power. Discriminatory conditions that are experienced and

eventually even *embodied* in everyday life are not destiny, however. Such conditions are being disputed whenever ‘bodies on the street’, as Butler puts it, ‘redeploy the space of appearance in order to contest and negate the existing forms of political legitimacy’ (Butler, 2011). In all those moments when people decide to publicly demonstrate their clandestine lives in the name of the right of abode and the freedom of movement (i.e., in the name of *equaliberty*; see Balibar, 2014), they exemplify a spontaneity that is political. In other words, such scenes of demonstrative disagreement illustrate that politics is a ‘matter of subjects’ (Rancière, 1999, p. 35), that is, of modes of *subjectivation* (the English translation of Rancière’s book makes use of ‘subjectification’), and that it eventually corresponds to a ‘reconfiguration of the field of experience’ (Rancière, 1999, p. 35) on the part of a ‘multitude’ which did not count. The *multitude* that emerges when people are articulating their disagreement is not identical with itself, however. Rather, the multitude manifests a ‘gap’, as Rancière states, ‘between an acknowledged part [...] and a having no part’ (Rancière, 1999, p. 36). To the extent that this ‘gap’ is experienced, that is, *subjectively* measured and politically charged,

[a]ny subjectification is a disidentification, removal from the naturalness of a place, the opening up of a subject space where anyone can be counted since it is the space where those of no account are counted, where a connection is made between having a part and having no part. A political subjectification is the product of these multiple fracture lines by which individuals and networks of individuals subjectify the gap between their condition as animals endowed with a voice and the violent encounter with the equality of the logos. (Rancière, 1999, pp. 36–7)

What was subjectivated following the three departures from Brussels, Würzburg, and Traiskirchen can indeed be termed an enormous ‘gap’: it is the gap between that miserable position to which people without a secure residency status are usually confined—be it as ‘asylum seekers’ or as ‘foreign subworkers’—and all those empowering moments when people assemble on the streets, participate in marches, occupy places, and create another democracy.

When the people involved in the marches from Würzburg to Berlin or from Traiskirchen to Vienna commenced to call themselves *Refugees*,

this preference should consequently not be mistaken for an opportune identification—as if these people who vacated desolate premises are nothing other than dissatisfied asylum seekers who wanted to express their grievances and demand for a more humane treatment (for which there are many good reasons). It is an act of subjectivation insofar as the demonstrative proper name *Refugees* designates also the gap that extends between all the ‘fundamental’ rights, invested in major institutions of the European Union, and a catastrophic governmentality ensuring that people without a secure residency status may be repeatedly subjected to harassing administrative measures, confined to miserable living quarters, and threatened with disappearance into a legal limbo. In this sense too, the name *Refugees* reflects the political chance of a subjectivation that takes places when people are contesting, if not displacing the arrogant discourse of ‘convention refugees’ on the one hand and its inflammatory counterpart of ‘economic refugees’ on the other, while at the same time occupying an alternative position that did not yet exist. People, whose presence did not count before, are now making themselves count as political subjects, who no longer wish to be sponsored or represented by charitable institutions. Instead, they assemble in the double name of freedom *and* equality and make the radical democratic desire which drives their actions public.

In consideration of the dire situation of the *sans-papiers* in the late 1990s, which unexpectedly turned into a political movement, Balibar repeatedly stressed that these “‘excluded” amongst the “excluded” (and they are certainly not the only ones), have stopped appearing as simply victims and have become actors in democratic politics’ (Balibar, 2013). What Balibar addressed in his short speech delivered in 1997⁵ on the occasion of the occupation of the Saint-Bernard de la Chapelle Church in Paris on the part of several hundred undocumented *sans-papiers* amounts to a sensibility that is quite different from that dominating in the media. It is imperative, as Balibar argues, to beware of the rather conventional idea that ‘undocumented aliens’, who demonstratively express their disagreement, demand nothing but a more *humane* treatment, that

⁵This speech was revised and republished by Balibar in February 2013 on the occasion of the *Refugee* Protests in Vienna and in other European cities.

is, less demeaning interactions with authorities, better housing conditions, or even more careful deportations. As is the case with the *Gran Paro Estadounidense*, the *Refugee Strikes* and *Refugee Tent Actions* are also a manifestation of a radical democratic desire. In other words, ‘illegals’ such as the *Refugees* who initiated a series of actions across Europe ranging from marches to occupations are evidencing that basic rights like that of citizenship ‘are not’, as Balibar writes in the context of the movement of the *sans-papiers*, ‘primarily granted or conceded from above but are, in an essential respect, constructed from below’ (Balibar, 2004, p. 48).

Such scenes of demonstrative disagreement are indeed exemplifying a political dispute over democracy as a form of life based on civil interactions that cannot possibly be limited definitively according to principles such as that of nationality. This political dispute became evident again when the participants in the first *European March of Sans-Papiers and Migrants* assembled in front of the European Parliament in Strasbourg just before the temporary end of their demonstration. This scene is significant insofar as the members of the European Parliament—of which it is not clear what *demos* it represents and on what constitution it is based—were confronted with the claim, presented on the part of the demonstrators, that the fundamental rights invested in major institutions of the European Union are, in principle, their rights too. Also in Berlin and in Vienna, the protesters gathered in front of the national parliament and other government buildings so as to confront these historic institutions of representative democracy with a radical democratic desire that cannot be ‘nationalized’ but that is nonetheless capable of becoming public. All of these scenes are singular moments of a *presentist* activity, which, according to Isabell Lorey, interrupts the logic of representation while simultaneously marking an ‘exodus’ from limiting discourses that are the epitome of political modernity:

In the limited context of the discourses of liberal democracy we encounter the perpetually same decision: *either* political representation and organisation *or* unpolitical presence as aesthetic and social immediacy, as the spontaneism of the movement resistant to sustainable organisation. Exodus from this old way of thinking means two breaks in the dramaturgy of time: first the break with chrono-political stages of development, which channel political action in the direction of traditional political representation. [...]

secondly, the break with linear and continuing narratives of time (as called for by post-colonial theories), in order to practice an untimely and unpostponed non-Eurocentric becoming of democracy in the now-time. (Lorey, 2014)

The time-spaces that were generated in the course of the *Refugee Strikes* and *Refugee Tent Actions* (and various other ‘caravans’) can be regarded as sites of radical democratic politics that cut a breach into the ‘chronotopology’ of predominant social relations, especially as the *Refugees* erected camps in the middle of European capitals, so that the precarious living conditions of ‘illegals’, otherwise obscured and silenced, became visible and even *present(ed)*. It is in this sense not a minor detail, but rather an integral part of political action, that the demonstrators—from Strasbourg via Berlin to Vienna—pitched tents, spread on camping mats across squares or parks, and warmed themselves with sleeping bags. For it is camping mats and sleeping bags that make up, along with tents, a significant part of what currently determines the life of the ‘part of those who have no part’ (Rancière, 1999, p. 11). These means of life attest, due to their very vulnerability and volatility, that in a society which is turning into a project-polis, insecurity and injurability are becoming disturbingly common side effects of a governmental precarization (see Lorey, 2015; Marchart, 2013). Countless people are affected and at risk in this state of insecurity, but especially those governed as ‘illegals’.

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Several of the *Refugees*, who were involved in the *Refugee Strikes* and *Refugee Tent Actions*, were eventually arrested and subsequently deported. In this case too, it was one of the main tactics of the authorities to ‘expose’ the demonstrators as members of human trafficking gangs and to ‘sentence’ them in media show trials, so as to discredit and defame all the actions of *Refugees* who dared to challenge the authorities. Notwithstanding the enormous—and legally baseless—intimidation, which is perhaps an indication that a handful of ‘illegals’ is apparently capable of calling into question the idea of a social consensus, the hunger strike in Brescia as

well as the other interventions addressed in this article are, in truth, paradigmatic scenes of demonstrative disagreement. These scenes can be called radical democratic acts, because it was repeatedly people who do not count as valid subjects according to civil law that assembled and made their presence public. As has been illustrated with this discussion of diverse moments of subjectivation on the part of ‘illegals’, such acts manifest a hyperbolic desire that cannot be nationalized, for it *transgresses* all the unseen borderlines which are repeatedly drawn between human rights and civil rights in order to deny a truth that may count: the *political* truth ‘of the equation Man = Citizen’ (Balibar, 2014, p. 50).

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17

Subjectivating the ‘Other’? Critical Art Practices, Migration Politics, and the Public Sphere in EUrope

Andrei Siclodi

The now years-long crisis on EUrope’s eastern and southern borders—where thousands of migrants arrive every day after often months-long, perilous trips, or cross under combat-like conditions—continues to evoke one aspect at the level of EU-political discourse as conveyed by the mass media: viewing the migrants (and here I am intentionally *not* differentiating between political refugees and so-called economic migrants) as unlawful intruders and cultural aliens, if not barbaric subjects (media coverage also frequently portrays them as a subject-less mass). As Étienne Balibar (2003) and Sandro Mezzadra (2005) pointed out with reference to the legacy of former colonial powers, and Ljubomir Bratić (2010) regarding the need for political anti-racism in historically ‘colony-free’ nations such as Austria, this view of migrant subjects has an inner logic when it comes to constituting the (nation-state connoted) European Self, as it generates the necessary ‘Other’ to do so. One problem in civil society’s contact with the ‘Other’ is the often-involuntary perpetuation of

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this particular viewpoint. The incoming ‘Others’ are identified as people in need of enlightenment; it is generally believed that they should be informed of their rights and obligations, but also schooled in cultural habits and differences. This clarification is meant to prepare migrant subjects for ‘integration’, which most citizens would call the strived-for goal. Though well-meaning, this same process unintentionally perpetuates an image of these individuals as inferior and victimized ‘Others’, this time as ignorant subjects.

Abetted by mass media, these identity attributions to migrants have become firmly entrenched in the unconscious of many EU citizens—regardless of class or supposed ethnicity. Tellingly, the viewpoint is propagated mainly at the national level. While there are astonishing similarities between the regionally connoted arguments, the historical and social premises would be different for each region in EUrope. These articulations occur in a mass media-constituted, transnational public sphere dominated by a strictly formal system of regulation, which is not least due to the advanced capitalization of both private sector and public broadcasting media journalism (Knoche, 2014; Fuchs, 2015). While a ‘decapitalization’ of this industry appears a distant prospect at best, recent decades have seen an emergence of both institution- and artist-organized ‘exclaves’ within the art world (here I am referring mostly to the visual arts), within which a non-capital-driven exchange of information and the dissemination of critically reflected knowledge can take place. In the following, I would like to discuss current possibilities of visual art practices that position themselves as counter-public(s) to normative, hegemonial publics and could provide viable models, offering ways to imagine an encounter with the ‘Other’ beyond the ‘integration paradigm’ (Bratić, 2010, pp. 41–59). To this end, I will first discuss the connection between the terms ‘public’ and ‘space’ to determine their relevance in locating artistic practice bordering on the political, as ‘counter-public’ in the sense of an anti-hegemonic manifestation according to Laclau and Mouffe (2001). Against this background, I will also be looking at the radical mediatization of what is now called the public sphere, and the resulting consequences for the art context (1). Following this, I will discuss two figures of artistic articulation as counter-public, namely the strategy of ‘over-identification’ used by the Dutch philosopher collective

BAVO, and art-activist intervention in agonistic public spaces according to Chantal Mouffe (2). Finally, I will show how artistic articulations that use such strategies open emancipatory possibilities for migrant subjects both within and outside of the art context, and facilitate independent, autonomous speech. To this end, I will be focusing particularly on a performance by artist Ana Hoffner, who in her practice has connected her own identity-story as a queer and migrant subject to (art-)historiography and political activism, thus discursively showing the possibilities of emancipatory self-empowerment and articulation (3).

1.

When we look at the art context, with its specific traditions and ways of thinking, as a knowledge production context occurring in interaction with other knowledge production contexts, then it is imperative to consider the social settings where these interactions can be experienced. Viewed from an art historical perspective, artistic knowledge production shifted with the radically expanded concept of art in the 1960s, moving from its historical site (the artist's studio) to public spaces, which is to say spaces that are accessible to the public or generated by it, but are not necessarily dedicated art spaces in the traditional sense. Because of this, it is worthwhile, in the present context, to pay special attention to the term 'public' in conjunction with that of 'space'. The connection or possible points of overlap between these terms could productively tie aesthetic acts to questions of the political, bringing us closer to the answer to our question.

When we speak of the public sphere in Western democracies today, our school- and family-based socialization often leads us to think of a more or less *monolithic* space; within whose limits, socially relevant issues are discussed, and decisions are made. We generally imagine this space as strictly separate from the sphere of private life, so that we can safely say we are still moving within the classic bourgeois notion of the public sphere as Jürgen Habermas described it in his influential essay *The Structural Transformation of the Public Sphere* (Habermas, 1991). Interestingly, this concept of the public also holds for those who grew

up in a Soviet-socialist system, even if the ‘public’ in this case was associated with a partial (because partly self-imposed) ban on free speech and expression. It therefore inevitably raises the question of whether this traditional, historic notion of ‘public’ still fits the current social and political circumstances of today.

If we assume that ‘public’ manifests itself as spatialized thinking and communication, then we need to discuss the conditions and characteristics of this space. At least since the general theory of relativity was formulated, ‘space’ can no longer be considered an absolute, three-dimensional construct that is independent of the viewer or of time. Still, in the collective consciousness of the so-called Western world, relatively little has changed over the past century with regard to this absolute notion of space as an unchangeable container. We continue to rely primarily on our senses, which tell us that the ‘space’ in which we move and live our lives may have subjectively ‘shrunk’ thanks to massive acceleration, yet it still remains in the three-dimensionality of traditional ideas. If, however, one understands space as something dynamic, as something ‘that defines, at a certain point in time, each provisional result from the arrangements of bodies on the basis of action’ (Löw, 2001, p. 35), then we can find opportunities for observation and action that allow us to better understand how power structures social space—a social space that is still politically conceived and negotiated mostly on the basis of the (now epistemologically obsolete) absolute concept of space.

Based on this idea of space, the ‘public’ can no longer be conceived as something uniform and predefined, but must be understood as a pluralistic multiplicity, and conceived as a dynamic and fragmented structure consisting of different articulation and negotiation spheres that interact with and continually renegotiate their relationship to one another. According to this view, ‘public space’ becomes an overarching term describing the limits within which the partial public spheres coexist and interact with one another *at any given time*. This idea contradicts the possible universalist claim to an overall view of the world. Nevertheless: this public space constitutes itself as a place of social discourses whose physical and medial foundations are on the one hand shaped by the old bourgeois separation between the private and the public (this is the historical component that is reflected especially in architecture), and on the other

hand structured by the totalitarian claim of neoliberal capitalist expansion (this is the current component, the success of which stems above all from the media and economics). This public space is itself the result of efforts made by a dominant (because normative) public.

Structured by conservative and neoliberal forces, the 'public space' as we experience it today in EUrope represents a kind of stabilization attempt that ensures the continuation of normative public spheres, but is also meant to contain the 'murmurs' within or between public spheres that use its structure. A pellucid example of this normative-stabilizing practice is the meanwhile almost compulsory mediation of 'public life' via the consumerist programming of information and opinion in mass media television and the Internet, which—according to Oskar Negt and Alexander Kluge—represents 'the translation of the bourgeois public sphere into modern technology' (Negt/Kluge, 1993, p. 96). While 'experts' drill the television audience with content programming, 'information dissemination' on the Internet happens via privately run, profit-maximizing 'platforms', whether in the form of search engines (Google, Bing, and Yahoo), or social media (Facebook, Twitter, etc.; see Fuchs, 2015). The expressions possible in the television format are subject to rigid formal rules, through which 'free speech' is either necessarily reduced to a 'core statement' or subjected to a strictly limited amount of airtime. The application of consumer doctrine to knowledge transfer forces news selection and design to package information in entertainment formats. Thus the clear line separating information and opinion is becoming increasingly blurred, while objective and in-depth coverage is losing ground to infotainment-based news formatting. At the other end of the spectrum, we can identify the articulations in 'social media' that—due to their ostensibly open structure—are bound to confront the user with an overabundance of unfiltered 'information', fostering an indifference, which is psychologically justifiable, to the value of this information.

These articulations could now be understood in terms of what Laclau and Mouffe would call a hegemonic constitution of public space (Laclau/Mouffe, 2001), as a powerful stabilizing network whose medial differentiation (which is too often confused with 'pluralization') tries to obscure the growing structural uniformity behind it. The internal 'murmuring', or what manifests between different public spheres, or in a space that

has not yet constituted itself as a public space, is thus the articulations of those oppressed by the hegemony or excluded from participating in public discourses. These articulations can only happen in places where the hegemony is unable to take drastic measures or where they are not recognized as antagonistic articulations. One of these places is the art field and, due to its historical genealogy, the visual arts field in particular (see Sheikh, 2005). Here, parallel to the aforementioned development of the mass media at least since the turn of the millennium, we can find much greater interest in aesthetic strategies that rely directly on the processing and revision of materials and insights that have emerged through investigation, and that publish these using journalistic or journalism-similar formats (Cramerotti, 2009). The questions as to what 'reality' is and how it is depicted or shown become increasingly important. Like the media of information dissemination, art also makes use of images and other evidence of the reality (in short, of documents) to conduct its own (visual) discourses about the Real. And yet a trust in the document has been deeply shaken for some time now, and it will probably remain that way in the future. The reason for this is that there is no longer any 'outside'—no reliable refuge beyond the reality of globalized capitalism from which we could evaluate the evidence within the system. Or, as artist Hito Steyerl aptly puts it:

We have long been, so to speak, embedded in the television, and the grainy images with which we live have settled like a luminescent layer of dust upon the world and become indiscernible from it [...] Traditionally, documentary was the image of the world: now it is rather the world as image. (Steyerl, 2008, p. 8)

Information and opinion are becoming increasingly blurred; the documentary image is losing focus, we can no longer draw a reliable distinction between reality and fiction using traditional means. Given this situation, the question arises if art could be seen as the one intrinsic, stabilizing (temporary?) refuge for a demanding 'counter-public', able to provide a framework in which the necessary *dispositifs* for formulating and articulating a social criticism, now partly impossible in the mass media, can be located and activated.

The answer might be affirmative because, as literary scholar Michael Warner has noted, 'counter-publics' do not act as fully oppositional forces against normative publics. They are, to an equal degree, also relational, not least for the simple reason of reference to the articulation of criticism:

Counterpublics are 'counter' to the extent that they try to supply different ways of imagining stranger sociability and its reflexivity; as publics, they remain oriented to stranger circulation in a way that is not just strategic but constitutive of membership and its affects. (Warner, 2002, pp. 121–2)

This observation is important because it reveals that the concept of counter-public is not based on the classic, bourgeois notion of universality and rationality, but often on its opposites: particularity and affect—two pillars that are also eminently important for the practice called 'art'.

2.

This does not, however, mean that 'art' per se constitutes a counter-public. It has rather to do with the innate potential that initially legitimizes art as a unique form of public sphere. The art world offers a space for negotiation that exists not as something uniform, but instead shows more of an *agonistic* character (see Sheikh, 2005, p. 11). Mouffe developed the concept of 'agonism' as an alternative to Carl Schmitt's concept of antagonism from the late 1920s. While the antagonism describes a friend-enemy relationship, agonistic relations are based on the principle of opposition, whereby opponents recognize the legitimacy of the opponent and seek to enforce their own interests in the battle between incompatible hegemonic projects, but are not—as Schmitt put it—out to annihilate the counterpart (Mouffe, 2000, pp. 98–105, here esp. pp. 102–3). The agonistically conceived social sphere 'art' contains both normative publics and counter-publics pursuing different, sometimes manifest antagonistic policies. Activist art practices, for example, are difficult to reconcile with an art that aims primarily to produce works shown in galleries and at art fairs, and offered for sale. The ideological battles take place not only at the imaginary level, but are also directly related to the connections and

overlapping of the art world with different publics, which have a primarily economic and thus existential influence on actors within the 'art' sphere itself. The imperative of art's autonomy—on the basis of which artists can articulate social criticism in other public spheres—must in this regard be formulated primarily as a desirable ideal. Though unreachable in reality, pursuing this ideal is fundamentally necessary, if only for reasons of self-protection against exploitation by other publics.

So how could one formulate an artistic practice that, as a counter-public, opposes the normative spectrum in the sense mentioned above? The fundamental question that arises addresses the effectiveness of artistic acts outside of its own public. Which strategies (based on particularity and affect) should be taken into account? At this point, I would like to introduce two convergent approaches that may provide a useful answer: the strategy of 'over-identification' formulated by the theorist group BAVO, which is based on an idea by Slavoj Žižek, and the notion of an artistic activism in 'agonistic spaces' as propagated by Chantal Mouffe.

BAVO are of the opinion that an effective, artistic critique of social relations, as produced in the last two decades of capitalism, can be exercised only in the over-identification of artists with the target of their criticism. This implies, among other things, the refusal of any form of coalition with the object of their criticism—which would be justified as in the awareness that, although an artist cannot change the system per se, he or she can repair it in small spots—and instead fully merging with the target. Unlike so-called 'NGO art', which aims to establish a 'feel good' practice of criticism, artists should try to appropriate and perform the ugliest and most extreme elements of the established order:

Instead of fleeing from the suffocating closure of the system, one is now incited to fully immerse oneself in, even contributing to the closure. To choose the worst option, in other words, means no longer to try to make the best of the current order, but precisely to *make the worst of it*, to turn it into the worst possible version of itself. It would thus entail a refusal of the current blackmail in which artists are offered all kinds of opportunities to make a difference, on the condition that they give up on their desire for radical change. (BAVO, 2007, p. 28)

BAVO cite the intervention 'Please Love Austria!' by Christoph Schlingensiefel as an example of such a practice. At the invitation of the Wiener Festwochen in 2000, shortly after the formation of the internationally contested black-blue coalition government between the People's Party (ÖVP) and the Freedom Party (FPÖ) in Austria, Schlingensiefel staged a public election campaign modeled after the TV show *Big Brother*. Every night, viewers would vote on which of the asylum seekers living in one of several setup containers in front of the Burgtheater would be sent back to their own countries of origin. With a suspended banner bearing the slogan 'Foreigners out!' Schlingensiefel literally visualized the rhetoric of the extremist right-wing FPÖ, which had just come to power. He used a megaphone to publicly trumpet all the racist and xenophobic slogans and opinions that the public is aware of, but are only explicitly articulated in private. The reactions of passersby or the assembled crowd were an essential component of the project—they were recorded and published in a book and a video documentary (see Lilienthal/Philipp, 2000, and the website http://www.schlingensiefel.com/index_eng.html).

Chantal Mouffe takes a different approach in her analysis of an effective artistic activism in the context of an 'agonistic' democracy. Agonism, as Mouffe defines it, attempts to reconcile the conflict between liberalism and democracy that underpins our political systems as discussed by theorists such as Jürgen Habermas and John Rawls (who Mouffe also criticizes) through, for example, a displacement of pluralism into the private sphere (Mouffe, 2000, p. 92) and an insistence on the importance of rationality in the public realm (Mouffe, 2000, p. 94), by recognizing antagonistic relationships in public and their simultaneous 'domestication'.

Envisaged from the point of view of 'antagonistic pluralism', the aim of democratic politics is to construct the 'them' in such a way that it is no longer perceived as an enemy to be destroyed, but as an 'adversary', that is, somebody whose ideas we combat but whose right to defend those ideas we do not put into question. (Mouffe, 2000, pp. 101–2)

Every political (and thus also social) order is an expression of hegemony, or a specific pattern of power relations (Mouffe, 2000, p. 99). The task of a critical art practice would thus be to actively participate in a challenge to the dominant hegemony (Mouffe, 2007).

Mouffe's 'hegemony' can, in our context, be considered the reason and drive behind the formation of both dominant and thus normative publics as well as counter-publics. The subjects and their identity formation are crucial to these formation processes:

Once we accept that identities are never pre-given but that they are always the result of processes of identification, that they are discursively constructed, the question that arises is the type of identity that critical artistic practices should aim at fostering. Clearly those who advocate the creation of agonistic public spaces, where the objective is to unveil all that is repressed by the dominant consensus are going to envisage the relation between artistic practices and their public in a very different way than those whose objective is the creation of consensus, even if this consensus is seen as a critical one. According to the agonistic approach, critical art is art that foments dissensus, that makes visible what the dominant consensus tends to obscure and obliterate. It is constituted by a manifold of artistic practices aiming at giving a voice to all those who are silenced within the framework of the existing hegemony. (Mouffe, 2007)

While BAVO demands of artists a total identification with the negatives of the ruling system (neoliberal capitalism) in order to heighten its public visibility and thus initiate a process of awareness, Mouffe finds that the task of a critical art practice is to foment dissent within the agonistic public sphere, with the aim of unmasking the existing oppression through the dominant hegemony on one hand, and on the other hand, giving those subjects a voice that is not also shaped or suppressed by the dominant hegemony. Both BAVO and Mouffe aim at a destabilization of the ruling system, even though the pragmatism of over-identification does not fit neatly into the agonistic concept (although it is well-suited as a process for generating dissent).¹ With these two approaches, we can determine that art as a counter-public has to be effective not only in relation to the dominant public within the system of art, but also and especially in relation to other, simultaneously existing publics, which are highly infiltrated by the neoliberal-capitalist spirit. To be

¹ Both BAVO and Chantal Mouffe cite, among others, the group the 'Yes Men' as a practical example of their theories, showing the similarities of the approaches for all their theoretical differences (see BAVO, 2007, pp. 29–32; and Mouffe, 2007).

effective here means to disrupt the oppressive imaginary of a society maintained by capitalism, thereby initiating a subjectivation that can lead to a (self-)destabilization of the existing power structure.

3.

Given what has been said, the initial question as to how an encounter with the 'Other' could happen beyond the 'integration paradigm' (Bratić, 2010, pp. 41–59) appears in a new light. The field of art, or at least the spaces in it that form as a counter-public, seems to offer a viable platform for articulations from migrants who would otherwise have no chance of being heard publicly in any self-determined way. This is possible because, as Simon Sheikh has noted:

[T]he field of art has become [...] a field of possibilities, of exchange and comparative analysis. It has become a field for alternatives, proposals and models, and can, crucially, act as a cross field, an intermediary between different fields, modes of perception and thinking, as well as between very different positions and subjectivities. (Sheikh, 2009)

Thus, within this context (and from it), it is possible as a migrant subject to publicly and critically articulate one's own opinions on mainstream social topics that also affect migrant subjects. Given the precarious situation in which many migrants find themselves, this context offers a freedom of speech that they also share with many other, likewise precarious subjects, since most artists live also in a state of precarity. It is no coincidence that protagonists of critical art practices repeatedly form alliances with self-organized associations of migrants (a good example in Austria is MAIZ from Linz, an independent organization run by and for women with migrant background²) or any structures created for a humane articulation of migrants. Another example is 'The Silent University',³ an art project initiated by Turkish-born artist Ahmet Ögüt that, since 2012, has offered refugees and migrants the opportunity

²<http://www.maiz.at/en> (20 July 2015).

³<http://thesilentuniversity.org> (20 July 2015).

to share their respective knowledge and original training with an interested public, first at the Tate in London and later in other art institutions in many European cities (Öğüt, 2012). This opportunity to speak at least temporarily resolves first the subaltern position of ‘those to be integrated’—a position into which migrants are constantly being pushed by politics and bureaucracy (Bratić, 2010)—and converts it into a temporary autonomous zone, within which the disciplinary techniques of ‘integration’ can have no effect. Second, it shows the ‘normality’ of the existing conditions, whereby migrants are to be integrated into a social framework dictated by the majority society (and only there) as a socially constructed ‘naturalization process of consensually-mediated power relations’ (Bratić, 2014, p. 4). Third, it facilitates a knowledge transfer that cannot usually happen within the institutional structures of Western knowledge production.

Finally, the art field also offers migrants the opportunity to articulate themselves in a genuinely artistic way that can be perceived as such, and thus not only has political but also symbolic capital. A good example of this kind of practice is the performative work of the artist Ana Hoffner.⁴

In several performances between 2008 and 2012, Hoffner linked her own biography as a queer, migrant subject to (art-)historiography and political activism, thus highlighting possibilities for emancipatory self-empowerment and articulation in a discursive way. In the spirit of ‘historicization as a strategy’ that can take a ‘look back at one’s own desire and the continuities that have taken place outside of one’s own subject position’ (Bratić, 2014, p. 3), she applied in these performances the artistic strategies of reenactment and lecture performance in order to ground her actions in a historical context, and to exemplify the possibility of a migrant identity becoming an emancipated subject articulating one’s own biography. The means of expression applied here can be seen as an act of over-identification that reproduces the state’s ideology and violent handling of migrants, but from a reverse perspective. To understand this approach, it is necessary at this point to figure out what reenactments and lecture performances are. Afterwards, I will discuss a concrete performance by Ana Hoffner: ‘Was ist Kunst—A Product of Circumstances?’ from the year 2010 (Hoffner, 2011). On this basis, I will underline the emancipatory possibilities inherent to this practice that could serve as a model for a migrant subjectivation.

⁴<http://www.anahoffner.com> (20 July 2015).

Reenactments are, generally speaking, (re)productions of historical events in a way that is as accurate and authentic as possible. Reenactments in the visual arts may refer to both non-artistic events of the past and also to artistic performances. The reenactment trend in the visual arts of the first decade of the twenty-first century had its roots in performance art and conceptual art of the late 1960s and 1970s, and thus in an artistic practice that in part both reproduced and criticized the seriality (= identical reproduction) of capitalist production conditions. Critic and art historian Sven Lütticken refers to reenactments as 'historicist Happenings' (Lütticken, 2005, p. 27), whose starting point is always the isolation of a situation in its repetition. Through this, history becomes the 'spoils of the present', whereby the artist stabilizes the own status by relating history to himself or herself. 'Artistic reenactment spotlights an affirmative compulsion to repeat under the sign of subjectivism', writes art historian Kerstin Stakemeier (2009). She goes on to suggest that this repetition compulsion can only break from the structure of historicism by becoming a Happening again, that is, an active intervention instead of a retelling, thereby producing difference—perhaps the key argument of a reenactment—and making it visible.

The lecture performance is essentially a lecture format whose rigid aesthetic language is expanded or blended with (physically) performative aspects. Because they are based on written language, more precisely, on pre-structured scripts meant to convey specific content to the audience, the performances have a pronounced work character. However, this is just one facet of the format, since it always exceeds (linguistic) limits of a classic (image-based) presentation and ties the performativity of language to a somewhat differently situated (physical, visual, auditory, etc.) performativity. Inherent to the lecture performances is the connection between artistic expression and knowledge transfer, or knowledge production. As literary scholar Sibylle Peters notes, the format of lecture as performance was (re)discovered in the late 1990s, not only in scenic performance, but also in the visual arts and science: '[...] lecture performance became a field in which very different disciplinary backgrounds, media approaches and discursive frameworks begin to overlap and question one another' (Peters, 2011, p. 181).

In 'Was ist Kunst—A Product of Circumstances?' Ana Hoffner speaks to the audience as lecturer. The only scenic props are a lectern and a small pedestal. The performance begins with a welcome address to the

audience and a request that they save their questions for the end of the lecture (Photo 17.1). Hoffner makes clear that this performance is a lecture performance, and that her versions take Xavier Le Roy's 1999 lecture performance 'Product of Circumstances' as a point of departure (Le Roy, 2006). Le Roy originally studied molecular biology and worked for several years as a laboratory scientist before abandoning this career in 1990 to devote himself exclusively to dance, which he calls 'thinking as physical experience' (Le Roy, 2006, p. 247). In 'Product of Circumstances', he recounts his own development from scientist to dancer. Hoffner describes this lecture performance and its backgrounds:

[...] 'Product of Circumstances' was originally performed in the year 2000 [sic!] and consists of the presentation of an autobiographical text about the artist and his simultaneous careers as both biologist and dancer. While researching cancer cells in a laboratory, Le Roy began taking dance lessons and decided to become a dancer.

Le Roy's recounting of his biography moving between biology and dance is complemented by movements of a fragmented body. The demonstration of the alienation of a specific body part from the rest of the body supports the discursive intersections that come to light during the lecture performance and contradicts the division between science and art. The performance effectively crosses borders; the application of text is in no regard conventional in contemporary art. Le Roy initially abandons the boundaries of his own operation in favor of a formal failure, but it is precisely that failure which ultimately affirms his artistic standing. Crossing the borders completes the entire sphere of modern life for the public and makes the performance a successful production. (Hoffner 2011, p. 77)

Between the two paragraphs, Hoffner recreates a movement from Le Roy's original performance: she swings her right forearm faster and faster in a circular motion and suddenly catches it with her left arm (Photos 17.2 and 17.3).

Starting from Xavier Le Roy's dual identity as scientist and artist, the content of Hoffner's lecture slowly moves away from Le Roy toward a general comparison between the science and art worlds and the localization of so-called 'artistic research':



Photo 17.1 Ana Hoffner, *Was ist Kunst—A Product of Circumstances?*, lecture performance held on 30 June 2011 at Künstlerhaus Büchsenhausen, Innsbruck. Photo: Florian Schneider



Photo 17.2 Ana Hoffner, *Was ist Kunst—A Product of Circumstances?*, lecture performance held on 30 June 2011 at Künstlerhaus Büchsenhausen, Innsbruck. Photo: Florian Schneider



Photo 17.3 Ana Hoffner, *Was ist Kunst—A Product of Circumstances?*, lecture performance held on 30 June 2011 at Künstlerhaus Büchsenhausen, Innsbruck. Photo: Florian Schneider

The separation of science and art is no longer difficult for advanced capitalist processes of production. On the contrary, capital reproduces itself through a dissolution in which hybrid entities, such as artistic research, emerge. Artistic research identifies a process in which a specific aspect of society and politics is researched and made perceptible by artistic means. This process is indicated by a transition of discourse from work aesthetic to production aesthetic as the reception of artistic practice. As long as an artistic work can be talked about, it is understood as a medium for cognition.

The subsequent question of what actually composes art was constitutive for the division between science and art. A permanent challenge of artistic forms secures the supremacy of an establishment of truth based on knowledge systems that can be stabilized through outsourcing insecurity/untruth to the artistic field. Through the overlapping of both systems, the question ‘What is art?’ becomes a comprehensive question for all spheres of life and not only for the art market. Today, ‘What is art?’ means ‘What is life?’ As this question was posed by a bourgeois society oriented by representative politics and must be answered by an ingenious artist through divine inspiration, the law manifests itself in its purest form today, in its validity without meaning. The mere question is valid, placing the answer beyond a system of truth/untruth. (Hoffner, 2011, pp. 79–81)

While Hoffner’s voice always remains unemotional and business-like during the lecture, the first pronunciation of the sentence ‘What is art?’ is pronounced in a loud and aggressive tone. Afterwards, Hoffner speaks about the performance ‘What is Art?’ by Belgrade artist Raša Todosijević, which was performed in various sites and situations between 1976 and 1981. In it, Todosijević unremittingly repeats the question to a female person in authoritarian-sounding German until he loses his voice (Sretenović, 2012, p. 112). In some versions of the performance, he also continuously slaps the female subject.

At this point, there is a new section in Hoffner’s performance, beginning with the statement: ‘What is life? A biologist and dancer can rephrase the question successfully. What is with me?’ In what follows, Hoffner explains autobiographical material from the position of a ‘speaking subject’ with a migrant background. She references language learning for migrants in school as an extinction mechanism against migrant emancipation, which is operated by the Austrian educational establishment and art institu-

tions. Moreover, the mechanism of the hegemonic process of 'integration' is exemplified by the complexity of the 'migrant silence':

Migrant silence is not a state, but rather a complex procedure that must continually be produced. It works best with the help of migrants themselves. Through the creation of a situation in which linguistic capacity becomes the condition *sine qua non* for access to all spheres of life, wishes and desires can be steered in a direction that is presented as the only possibility. They should be managed through migrant self-discipline. In other words, I had no choice but to learn German, therefore I learned to want it, so that it would become my own desire in the end, which caused me to speak so that I am understood in this position now.

To learn to speak, in order to be capable of artistic expression, I first had to be silenced. In that process, this language became a part of me; it is inseparably connected to my body. It can no longer be detached. Nevertheless, it is the same as an alienated body part. Can one talk about a product of circumstances in that case (Hoffner, 2011, pp. 81–3)?

Hoffner climbs on the podium again and repeats the circular arm movement. She continues the presentation and explains the subaltern position, into which migrant subjects are pushed by the permeability of the hegemonic order after language acquisition, and from which they are to tell the story of their victimhood: 'The goal is, therefore, not to construct a speaking subject, as in the case of Xavier Le Roy, but rather a victim of his or her own history, who is under surveillance by the public' (Hoffner, 2011, p. 83).

Hoffner draws an analogy between the cancer cells Xavier Le Roy observed under a microscope during his time as a molecular biologist and her own position as migrant subject 'under the microscope of state monitoring bodies'. According to Hoffner, it is ultimately monitoring bodies behind interventions such as 'Operation Spring',⁵ and responsible

⁵'Operation Spring' refers to the Austrian Second Republic's largest criminal police action in the fight against organized drug trafficking. The operation, which started in the spring 1999 and continued into the year 2000, led to the arrest, charging, and in some cases conviction of many people of African descent. Trials for the some 100 accused included numerous dubious pieces of evidence, which served as the basis for convictions—a fact that the judicial system itself later criticized. Antiracist organizations suspected 'Operation Spring' to be a racially motivated campaign waged by Vienna police against the black community in Austria (which was very active at that time following the death of Marcus Omofuma at the hands of Austrian police in a deportation airplane) and staged self-organized demonstrations (for more on the history of 'Operation Spring', see Laimer,

for the deportation of migrants as a final disciplinary measure. Hoffner begins the last section of the performance with the following words:

What happens when I try to use the language I learned to formulate the question myself? In the next step of this lecture performance, I will try to find out, in the full sense of artistic research, whether I can succeed in rejecting the designated position of the native informer. This will expose whether this border-crossing will find recognition. (Hoffner, 2011, p. 85)

At this point, Hoffner bellows ‘What is art?’ at the public; the circular arm movement passes into a slapping of people in the audience (Photos 17.4 and 17.5). After a few minutes, this section of the performance is over. Hoffner stands on the podium again and says: ‘As someone else rejected his position the public resolved the situation this way. Therefore, a question is consistently reformulated, in order to silence the “riotous”: WHAT IS LIFE?’ (Hoffner, 2011, p. 85). Hoffner binds her own mouth with adhesive tape and folds her arms behind her back (Photo 17.6). About one minute later, the performance is over.

Ana Hoffner’s lecture performance ‘Was ist Kunst—A Product of Circumstances?’ cannot be regarded as a pure reenactment, nor is it a simple reenacting-morphing of two different performances (by Xavier Le Roy and Raša Todosjević) that have nothing to do with one another, neither historically nor thematically. The focus of the performance is in fact the construction of the speaking subject as a migrant, exemplified through Hoffner’s own biography. For this, she employs a subtle appropriation of actions and aspects that stem from performances by Le Roy and Todosjević, but under different conditions, altered by the artist herself.

The beginning of the performance is almost identical to Le Roy’s start in ‘Product of Circumstances’. Yet this is immediately followed by a break with the reenactment, because Hoffner switches the narrative levels and right away begins to speak about Le Roy’s performance and his transition from scientist to artist. After that, Le Roy is quoted physically; the

2000; for more on Marcus Omofuma, see <http://www.irr.org.uk/news/analysis-deaths-during-forced-deportation> [20 July 2015]).



Photo 17.4 Ana Hoffner, *Was ist Kunst—A Product of Circumstances?*, lecture performance held on 30 June 2011 at Künstlerhaus Büchsenhausen, Innsbruck. Photo: Florian Schneider



Photo 17.5 Ana Hoffner, *Was ist Kunst—A Product of Circumstances?*, lecture performance held on 30 June 2011 at Künstlerhaus Büchsenhausen, Innsbruck. Photo: Florian Schneider



Photo 17.6 Ana Hoffner, *Was ist Kunst—A Product of Circumstances?*, lecture performance held on 30 June 2011 at Künstlerhaus Büchsenhausen, Innsbruck. Photo: Florian Schneider

rotating arm makes its first appearance. Based on the biographical context of Le Roy and his already historicized accomplishment as the founder of the lecture-performance format, Hoffner forges a connection between the logic of this practice, which she sees in the collapsed separation between science and art in the service of capitalist progress, and its obvious manifestation in the new format of 'artistic research'. Accordingly, because the capitalist reproduction of social relations no longer provides a separation between science and art (as this makes art much easier to domesticate) and is all the more intent on spurring social differences with a simultaneous concentration of capital accumulation, it seems legitimate from this perspective to no longer ask about the quality of art under these conditions, but about the quality of life—entirely in line with the cancer cells under Xavier Le Roy's microscope. Hoffner derives the question as to what life is in a narrative way, from Raša Todosjević's own authoritative query, with a good reason. Todosjević is also an artist who manifestly revolted against dogmatism and conformism in art, and located the origins of this attitude in the repressive mechanisms of the education system (in his case, in Yugoslavia) (Sretenović, 2000, p. 109). The performance 'Was ist Kunst?', which formulates an authoritarian (if not totalitarian) discourse in the German language directed against a mute, female, subaltern target *object*, raises doubts as to the integrity of the institution of art as such, in the framework of which these kinds of actions occur. This doubt meets that of Xavier Le Roy, whose critical position with respect to the scientific community flows in the course of his lecture performance into a critique of the art world where, having arrived in the 'society of the spectacle', he is forced to play the role of the dancing biologist.

The intertwining of autobiographical details with historical details from the two reference performances positions the speaking subject (artist Ana Hoffner) in a genealogy whose initially fictional character gains more and more credibility as the performance wears on. This happens, for instance, through subtle strategies of referencing one performance ('Just like Le Roy, I too learned a language'; Hoffner, 2011, p. 81) with a simultaneous description of circumstances from the other ('Through, above all, self-discipline, but also in cooperation with the disciplinary devices of the public school system, as I grew up in this country and studied here'; Hoffner, 2011, p. 81), both with the aim of explaining her own posi-

tion—not only from her individual, isolated history, but also to embed it in the art discourses of the West and the East. This construction of the 'we', this boundary-crossing “internalization” of the reenactment as deconstruction of self-reflexivity’ (Rickels, 2009, p. 72) that now, in the framework of the lecture performance, only creates the speaking subject through the articulation of sublimated consciousness (migrant self-control, migrant silence), triggers emancipatory potential and the empowerment of the appropriated language, but also reverses the hegemony’s authoritarian attitude against itself, and ironically posits this procedure ‘in the spirit of artistic research’.

The significance of works like ‘Was ist Kunst—A Product of Circumstances?’ by Ana Hoffner lies primarily in the fact that they have the capability to make a process of emancipation visible and comprehensible. Their political dimension lies in the *experienceability* of the tremor in the existing epistemic foundations of social hegemony. Through this direct experienceability, they ask a responsible audience to do its part, to participate in this process of emancipation. In doing so, they create an opportunity for displacement, in terms of a moving closer together of positions from which the involved and the not-involved, those affected and the addressable speak. Knowledge produced in this way is at the same time also an inherent act of subjectivation. This knowledge differs fundamentally from academic knowledge, for example, which (due to its standardized and normative nature) can be more easily exploited by others, both ideologically and economically.

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