# ETICA & POLITICA
# ETHICS & POLITICS

## XXII, 2020, 3

**Edizioni
Università
di Trieste**

M o n o g r a p h i c a   I

## THE ONTOLOGY OF THE SUBJECT IN GIORGIO AGAMBEN

M o n o g r a p h i c a   I I

## DIRITTO, INFRADIRITTO, CONTRODIRITTO. STRUMENTI DI REGOLAZIONE E TUTELA DEI DIRITTI FONDAMENTALI

V a r i a

M o n o g r a p h i c a  I

# THE ONTOLOGY OF THE SUBJECT IN GIORGIO AGAMBEN

# POLITICS IS AN ONTOLOGICAL ISSUE
## GUEST EDITOR'S PREFACE

## CARLO CROSATO
*Department of Philosophy and Cultural Heritage*
*Ca' Foscari University of Venice*
car.crosato@gmail.com

**ABSTRACT**
According to Giorgio Agamben, in order to become a subject, and consequently to give itself a history, the individual must first say itself, and by saying itself it is destined to inhabit its most authentic ethical dwelling in an ever-partial and situated way. Such ethical dwelling is identified as the impotent and totipotent infancy which, translating itself perpetually into act, is inaccessible in its breadth and in its complete availability to pure use. The present issue of «Etica&Politica/Ethics&Politics» aims at probing Agamben's ontology of the subject in critical terms, drawing its premises from previous or external studies to the Homo sacer series, and investigating its political repercussions in Homo sacer.

**KEYWORDS**
Agamben, politics, ontology, ontology, politics

With the launch of the *Homo sacer* series, Giorgio Agamben became a reference point for the international philosophy. Thanks to translations in many languages and the diffusion of his thought in many countries, Agamben has been known, studied and criticized more abroad than in Italy. His contribution to the development of political philosophy towards a new and promising way, as well as his introduction of new concepts in the field, are widely acknowledged. His thinking does not simply shed light on the rules of the political game. At the same time, he does not merely denounce the exclusion of a large mass of individuals from that game. The subjects that Agamben observes with greater interest are placed on a hybrid margin between the inside and the outside: they are not protagonists, yet they are not even completely extraneous to the political discourse which is actually established on their marginalization.

Agamben's political philosophy is, first of all, an observation of structural movements and internal logics assumed by the historical forms of politics. The programmatic line exposed at the beginning of the *Homo sacer* project is to

complete and correct some of Michel Foucault's intuitions about biopolitics, understood as the geometry of modern power. The modern era is the moment in which the relation between power and life becomes more evident. Yet, on a closer inspection, power captures life since ancient times, declining this relation in various ways but always tracing a zone of suspension on which the decision between an inside and an outside can be taken.

While Foucault observed the infra-juridical plots that fill the wider meshes of the law, Agamben looks at the outer edge – which is never completely external –, describing a zone of indistinction from which a sovereign decision defines life. As a matter of fact, he reflects on the interweaving of sovereign and biopolitical logic in order to identify a relationship between power and life which, before becoming normative, is primarily ontological.

Therefore, the topic extends beyond a strictly political issue. In 2002, in *L'Aperto*, Agamben returns on a variety of issues already touched in his previous studies and shows how the same logic of exception is not only at the basis of the birth of law and politics, but also of the human being itself: the definition is a space to be constantly conquered through the set of distinctions and articulations that have always marked the boundary around the concept of man, both as a natural datum and a political task.

The human being, conceived as a borderline concept which is never reducible to an elementary dimension, is rather to be understood as a process of humanisation or animalisation, in which life oscillates between its natural data and the attempt to give itself a history – until the contemporary moment when the historical task has ended up coinciding with the natural datum. In the effort to give oneself a history, life becomes human, and the human being rediscovers itself as a subject, that is, an individual aware of its own location as well as of the affirmation of its concrete form of life.


According to Agamben, the bond that politics establish with the living being and with human life primarily shows the way the West gives shape to its own categories and objects. Agamben polarizes political thinkers: some define him as heretical or impolitical, whereas some others consider him a sort of prophet. In order to understand his political philosophy, it is necessary to embed it in a much wider and more complex ontological framework, which the success of the *Homo sacer* series has obscured for a certain period, but in which Agamben calibrated the logical tools of his criticism of politics and, most of all, of metaphysics, language, and history.

Agamben's political philosophy is an ontology, because it consists in a critical look aimed at exploring the way man thinks and speaks, thereby giving itself a history. In other words, politics is first and foremost an ontology because it deals with the ways in which the human being defines, finds and prepares a well-

defined dwelling for itself. In Agamben's thought, the conception of the human being goes beyond the status of an "animal endowed with language": the human is such by receiving a language that is not its own, and with which it initiates the history of the forms of life.

Rejecting the image of a subject that has always been self-adherent to itself, Agamben identifies the language as the transcendental dimension in which the process of subjectification initiates. Only in the immediate self-presence of the enunciation – a process of appropriation of the symbolic and linguistic apparatus – the human being determines itself as a subject. Such process of subjectification, however, is indissolubly linked to a process of desubjectification, since the subject, in recognizing itself as such only by saying "I", and therefore placing itself in the enunciative instance, recognizes itself only as an infra-linguistic and self-referential function. As a consequence, the human being as a subject constantly finds itself confined in a form of life that makes its existence possible, thereby destining it to historical determination.

In order to become a subject, a human life, and consequently to give itself a history, the individual must first say itself, and by saying itself it is destined to inhabit its most authentic ethical dwelling in an ever-partial and situated way. Such ethical dwelling is identified as the impotent and totipotent infancy which, translating itself perpetually into act, is inaccessible in its breadth and in its complete availability to pure use.

The present issue of «Etica&Politica/Ethics&Politics» aims at probing Agamben's ontology of the subject in critical terms, drawing its premises from previous or external studies to the *Homo sacer* series, and investigating its political repercussions in *Homo sacer*: the paradox of sovereignty, the figures of inert resistance, the destituent gesture through which Agamben imagines a very problematic overcoming of the metaphysical-nihilism bound and, with it, of the subject-object dichotomy.

Is it possible to think of a political life free from any figure of a relationship, which is both lived "together" and beyond any kind of relationship? With what ontological categories is it possible to think such a life? What does it mean to overcome the subject-object dichotomy? How can we access such a form-of-life, if every decision to access it is already a cut into the totipotential dimension? In what way the deactivation of Western ontology allows a way of emancipation, and how can such emancipation be lived by a subject who is no longer a subject but a simple contemplation of power?

# A MATHEMATISED ARCHAEOLOGY OF ONTOLOGY
## AGAMBEN'S MODAL ONTOLOGY MAPPED ONTO BADIOU'S MATHEMATISED ONTOLOGY

**WILLIAM WATKIN**
*Arts and Humanities*
*Brunel University, London*
*william.watkin@brunel.ac.uk*

**ABSTRACT**
This paper looks at the central portion of The Use of Bodies called An Archaeology of Ontology. Specifically, it concerns itself with Agamben's historiographic approach to ontology as regards the construction of ontology via the concepts of presupposition, relation and mode. Placing these comments within the frame of the whole book, the study of use of bodies in part I and form-of-life in part III, the paper suggests that, contrary to Agamben's own assertions, it is possible for an ontology to escape the historical destiny mapped out for it by First philosophy and foreclosed by Kant. This possibility makes itself known if one accepts that Agamben's definition of the ontology to come as a modality of the use of bodies as a habitual form-of-life, is indeed another way of stating that said ontology is directly mappable onto Badiou's work on existence as categorical functional relations between objects in Logics of Worlds. For use of bodies read functions between objects, and Agamben's modal and Badiou's mathematised ontologies suddenly fall into a powerful if restless alignment.

**KEYWORDS**
Agamben, Badiou, ontology, category theory, philosophical archaeology

There is no doubt in my mind that, as the years pass, *The Use of Bodies* will be seen as one of Giorgio Agamben's masterpieces. The signs are already auspicious, it is, after all, the concluding volume of the immense, epoch-defining *Homo Sacer* sequence that ends with probably the clearest statement yet of what Agamben conceives of as the politics and philosophy to come, after the successful indifferential suspension of the major signatures of the metaphysical tradition. Yet there are also more obscure augurs encoded in the book, specifically about Agamben's relationship to his great rival and friend, Alain Badiou. For those well-versed in the full body of work by both men, the very title *The Use of Bodies* is surely meant as an oblique, yet unmistakeable, comment by Agamben on Badiou's mathematised

ontology and his categorical theory of worlds. As I have argued in one of the two sister pieces to this article, for use of bodies read functions of objects and you have, basically, the summary of Badiou's *Logics of Worlds*. In the same piece I also show that the analogical method Agamben adopts from Enzo Melandri is better mapped onto the analogical conception of relationality in Badiou's reading of categories, namely the mapping of a function from source to domain (Watkin forthcoming). If one goes even deeper, then one can also say that Agamben's choice of the term 'bodies' is a direct challenge to Badiou's influential theory of the event. In *Logics of Worlds* bodies are the clusters of objects that gather around the nonrelational object of a world, the event, forming a radical nonrelational world within a world. The reason I dwell on this is that the whole point of *The Use of Bodies* and in a sense the entire sequence of books comprising *Homo Sacer* is, as in Badiou, a revolution in being, existence and politics. That the Agambenian sense of bodies is radically at odds with Badiou's, suggests that while both men appreciate that any theory of existence of any value in this third millennium of philosophy, must be based on a modal or functional logic, and a liberation of subjects from being 'subjects of...' to 'bodies that...', Agamben is clearly sending a message to Badiou, albeit as we shall see, a truculently encrypted one. Yes, he argues, ontology must become modal, category theory is a form of modal logic, and subjects must also become bodies, but if the politics to come is one of habitual use, as he argues across the book, then Badiou's theory of the event as intermittently disruptive of, and nonrelational to, functional world relations, is just another version of the philosophy of difference that Agamben has spent his career since *Language and Death* in 1982, undermining, rejecting, and part-replacing.

The purpose of my returning to Agamben's *The Use of Bodies* for a third and final time, is to ask for my own part, whether an accommodation can be found between Agamben and Badiou, around the concept of indifferential thought. I cannot answer that question here: it is a topic for my future work. Instead, across the two accompanying essays, *Agamben's Impotentiality and The Use of Bodies* and *Inoperativity as Category: Mathematising the Analogous, Habitual, Useful Life in Agamben's The Kingdom and the Glory, The Signature of All Things and The Use of Bodies* I show how first Agamben's indifferential method is problematized by some of the most basic axioms of sets, such that the logical paradoxes he delights in debunking may not be inconsistent at all. And then, more constructively, how Agamben's work is mappable on to category theory due to his commitment to analogical thought. Categories are analogical modes of relation between two objects. What all these papers are proposing is, first, that *The Use of Bodies* is a sustained engagement with Badiou's work, even if Badiou's name is never mentioned. The model Agamben has adopted here echoes that used in *What is an Apparatus?* which basically appropriates the terms of Badiou's work, as a mode of critique,

without ever speaking directly to, or about, Badiou[1]. And second, that Agamben's entire project, and his futural politics of habitual use based on his formulation of a modal ontology, lives or dies on how he responds to the revolution in the language of thought that occurs with George Boole's invention of extensional reasoning and Georg Cantor's application of this to the ontology of sets (Bar-Am 2008).

The question is a simple one: does the archaeological method of indifferential suspension of the articulation of common and proper such that the ruling signatures of metaphysics are rendered inoperative work, after the rationality of metaphysics alters in the mid-19th century such that the logical paradox of common and proper that Agamben sees as intrinsic to all signatures, is no longer paradoxical? Is the new language of being, extensional logic, another version of metaphysics, or the resolution of its problems? In the central portion of *The Use of Bodies* Agamben seems to pursue this problem both directly and obliquely by taking the terms of Badiou's ontology and his objective phenomenology, and then trying to implicate them in First philosophy. In what follows I will try to trace this odd conversation, and in a sense speak up for Badiou and my own commitment to extensional reasoning as and when appropriate. This is not to suggest that Agamben is wrong, there are many elements of Agamben's project that I would favour over Badiou's, but my aim here is simply to give voice to the issues at hand missing from Agamben's writing. The complexity of this project is perhaps beyond the already generous word count here so I have to assume the reader understands the basics of sets and categories. If they do not, then I refer them to the following resources in reverse order of direct relevancy (Badiou 2005; Badiou 2009; Badiou 2014; Watkin 2017; Watkin 2021). In miniature, sets reduce beings to ranked indifferent multiples. Upon which are founded categorical worlds composed of commutative triangles of objects defined entirely by their functional relations. These worlds have a halting point, the minimum, effectively Agamben's *archē*. They have a transcendental functor or name of the world, Agamben's *signature* (Agamben 2009: 33-80). Within which any two related objects can be both exemplary or subordinate due to the enveloping functions, Agamben's paradoxical *paradigms* (Agamben 2009: 9-32). I will return to the specifics of categories later when we discuss how the commutative triangle maps onto Agamben's conception of communicability.

In what follows we will be considering the central portion of *The Use of Bodies* called *An Archaeology of Ontology*. Specifically, Agamben's historiographic approach to ontology as regards the construction of ontology via the concepts of presupposition, relation and mode. Placing these comments within the frame of the whole book, the study of 'use of bodies' in Part I and 'form-of-life' in Part III, I suggest that, contrary to Agamben's own assertions, it is possible for an ontology to escape the historical destiny mapped out for it by First philosophy (and foreclosed by Kant). This possibility makes itself known if one accepts that Agamben's

---

[1] I have traced an earlier example of this technique of Agamben's in Watkin 2016: 85-99.

definition of the ontology to come as a modality of the use of bodies (as a habitual form-of-life), is indeed another way of stating that said ontology is directly mappable onto Badiou's work on existence as categorical functional relations between objects in *Logics of Worlds* For 'use of bodies' read functions between objects, and Agamben's modal and Badiou's mathematised ontologies suddenly fall into a powerful, if restless, alignment. I suppose the central question is why, if Agamben is aware of this, does he not directly address it, accept elements of Badiou he can accept and challenge those he questions? If, for example, one is able to accept some of Badiou's work on modal categories extensively expressed in *Logics of Worlds* then, as my accompanying work suggests, the lack of detail Agamben provides as to how habitual use as form-of-life would actually function, is suddenly flooded with new and potentially world-altering complexity. I commence with sketching out this potentially rich complexity in my essay *Inoperativity as Category*, (Watkin forthcoming) but to get there, we need to cross the troubled swamps of the Western ontological tradition. So come with me, if you are willing, into Agamben's archaeology of ontology qua articulation and mode, analogically mapped onto Badiou's mathematised ontology thanks to sets, and his objective phenomenology of existence thanks to categories.

## 1. AN ARCHAEOLOGY OF ONTOLOGY

Agamben opens the central section of the three-part study of bodies and their uses with an attack on the presuppositions of First philosophy, rejecting its primacy based on its 'conceptual formulations' by arguing instead it is always inscribed in 'doctrine'. Although he does not say this directly, one cannot but assume however that this is as much a rejection of Badiou's ontological position, he is often presented as doctrinal[2], as it is of Aristotle's. For example, when Agamben goes on to describe ontology as "the originary place of the historical articulation between language and world, which preserves itself in the memory of anthropogenesis, of the moment when that articulation was produced" (Agamben 2016: 111), he is drawing clear water between his conception of ontology and Badiou's widely-known commitment to ontology. Agamben's historicised reading of ontology is such that when ontology changes, then the 'destiny' of ontology does not. What is transformed rather is "the complex of possibilities that the articulation between language and history has disclosed as 'history' to the living beings of the species *Homo Sapiens*" (Agamben 2016: 111). Thus, the revolution in ontology inaugurated by the Cantor event according to Badiou is, for Agamben, simply a new articulation between language (extensional logic) and the world such that extensional logic, in replacing syllogistic

---

[2] François Laruelle's complaint re: the infection of Maosim across Badiou's *oeuvre* (Laruelle 2013).

logic, merely installs Cantor and later Badiou in the doctrinal position of the new Aristotle. As if to rub salt into the wounds of this subtle assault, on this reading Agamben's sustained fascination with *anthropogenesis*, explained here as the "becoming human of the human being" is defined as "the event that never stops happening", appropriating Badiou's most famous term and undermining its fundamental qualities of rarity and instantaneity. Which naturally entails that reading First philosophy, qua ontology, means that as a philosopher one "watches over the historical *a priori* of *Homo Sapiens*, and it is to this historical *a priori* that archaeological research always seeks to reach back" (Agamben 2016: 111). In a few short sentences, therefore, Agamben appears to dispense with Badiou without ever naming him as such.

From this opening position we can ascertain that ontology, for Agamben, is accessible only as a result of his archaeological method outlined in *The Signature of All Things*. That the centrality of ontology to the West is the articulation of *human* being. The event in question is both singular, the event of anthropogenesis, and yet also recurrent, never stops happening. And that any new destiny for ontology will constitute a reconfiguration of the paradigms and economy of the overall signature [Being][3]. A signature which he will go on to say is the original, foundational signature of the West. Finally, one is able to deduce that the role of the philosopher is to map the origins of ontology in First philosophy, onto the latest manifestations of the philosophy of being, for example ontology is mathematics or later the onto-logical in Badiou. Not only is this a breathtakingly economic expression of Agamben's mature position on ontology, but perhaps because of this, each of these statements is a contradiction of Badiou's thesis that ontology is mathematics or at least a contradiction of Badiou's claims re: the event due to this 'doctrinal' statement. Let's consider the evidence thus far and see if our thesis that this is an attack on Badiou holds water.

First, Badiou insists that ontology is mathematics which contravenes Agamben's proposal that ontology is a reconstitution of the terms of First philosophy. Although first philosophy concerns a substance of Being that underlies all other beings, the fact is that the rise of set theory – after Boole and Cantor – rejects firmly the theory of classes as the basis of existence (Potter 2004; Tiles 1989). Extensional logic is able to establish a foundation without recourse to issues of essence, or named properties. In this way it is, I contend, the first fully consistent refutation of First philosophy as bequeathed to us by Aristotle, consistent in that set theory remains a central pillar of mathematics used by thousands of mathematicians every day covering millions of calculations. Thus, Badiou seems justified in arguing that ontology is

---

[3] To systematise Agamben's use of the term and I suppose to insist the Agamben community accept the systematic nature of his archaeological method, when I am speaking of a term specifically in terms of its signatory function I capitalise it. From this paper on I believe it is also necessary to place it in square brackets to indicate that we take signatures to be set-compositional functions.

mathematics, not the study of substances. Yet, Agamben's argument is a critique of the structural form of First philosophy and not just its terms. In this sense, his is, interestingly, an extensional mode of reasoning. Agamben is reaching for the abstract structural recurrence of the articulation that originates in Aristotle. Part of this articulation is the assumption in our ontology of a fundamental co-relation between language and world. It is true, however, that Badiou cannot be readily captured by this formulation because set theoretical ontology rejects the linguistic turn. For Badiou multiples are 'real', or at least their being is, and their consistency is not a trick of language, but a discovered truth. Sets are not a mode of language about the world, but a means of counting multiples. Accepting these provisos to be the case, at the same time one must admit that sets are articulated, and they do combine a materiality, multiples are real, and a language of sorts, after all maths is a mode of discourse as Badiou himself avers (Badiou 2005: 8). In addition, the foundationalist claims that Agamben will go on to attack as presupposition, exist in some order in Badiou who advocates, for example, the controversial axiom of foundation in set theory.

Agamben, then, is presenting his archaeology as an extensional model for all subsequent claims to ontology and arguing that ontology is the prevalence of this articulated model, into which each manifestation in history is a mode of intensionality. His point, resembling the strategy of early Derrida, is that any claim for ontology is by necessity a return back to the First philosophy co-relational model and cannot be otherwise even if it claims otherwise, perhaps especially if. And that for all the revelations of the mathematising of ontology, extensionally speaking, all ontological claims when rendered content neutral, if they are to be classed as part of the doctrinal historicisation of ontology since the Greeks, will manifest the identical architecture of articulation between language and world. Badiou is unapologetic in *Logics of Worlds* of defining his entire project as onto-logical, or, in other words, an articulation between set theory and worlds. Thus, by implication according to Agamben Badiou is simply the new Aristotle and his ontology just another chapter in the historicising of ontology.

Resuming, with these thoughts in hand, Agamben's overall critical program we can see in each case a definite implied negation of Badiou.

-   Ontology, for Agamben, is accessible only as a result of the archaeological method. Ontology, for Badiou, is accessible only if it is mathematised.

-   The centrality of ontology to the West is the articulation of *human* being. Whereas for Badiou the centrality of ontology is the statement being is-not and the manner by which maths makes this consistent as a permanent definition of being.

-   The event in question is both singular, the event of anthropogenesis, and yet also recurrent, never stops happening. In contrast, the event in Badiou is singular and non-repeatable. In Badiou's work the functional

repetition of the event, inquiry in *Being and Event* for example, is a process of mapping the evental effects in a world, in real time, progressively, without recursion[4]. In addition, for Badiou being is not a question of humanism, he refutes this aggressively in the *Preface* to *Logics of Worlds,* thus there is no human event. Events are truths, inhuman truths.

- Any new destiny for ontology will constitute a reconfiguration of the paradigms and economy of the overall signature [Being], such that the mathematising of ontology will just be another repetition of this, not, as we have just argued, the end of the influence of Aristotelianism in the development in the 19th century of extensional logic, actual infinity and sets.

- Finally, the role of the philosopher is to map the origins of ontology in First philosophy, onto the latest manifestations of the philosophy of being. In contrast, the role of Badiou's work is to outline the consistency of the set theorised being as a basis for the process of demonstrating that events exist, impact on a world, in a manner that is true and generative of subjects loyal to and investigative of this truth.

To summarise this set of counter-positions, for Badiou, extensional logic is the end of Aristotelian First philosophy because it replaces syllogism with extensional modes of reasoning, negates classes in favour of sets, has no need for essences, replaces substance with the void and has a workable proof for actual infinity. For Agamben, any such claim is second-guessed by Aristotle's influence, his role as effectively a metaphysical signature, and so just another example of metaphysics qua articulation. He has, it would appear, out-extended his great rival by *indifferentiating* the content of Badiou's claims, rendering their content neutral so as to observe their functional genericity qua articulation, and found them to be, structurally, just another example of the historical narrative of ontology qua articulation, or the great myth of the ontico-logical that Badiou is more than happy to sign up to.

## 2. HISTORICAL *A PRIORI*

As Agamben proceeds from this occluded, but to me unmistakable, rejection of Badiou's ontology *qua* mathematics, he takes up a term from Foucault, as he often does, possibly originating in Husserl, the "historical *a priori*", as a way of presenting his own archaeological method as a means of expressing the central paradox of

---

[4] Recursion has, in Badiou, a clear functions. It is recurrence that allows on to deduce from any number however large, back to the certainty that it is well-founded at its lowest level on the empty set or in-divisible one. This mode of recurrence, basically indifferentiated, generic ranking function qua multiple, exists for the event, but only if one ceases for a moment to test the event through subject-based inquiry of the yes/no, and retroactively looks back to say that this string of ordered-pair multiples has to be well-founded, even if we have no conception at this point how large this set of relations is going to be.

communicability. Communicability presented in Agamben as the linguistic function per se, or the *sayability* of saying, (Watkin 2015: 255-260), matched in Badiou by the presentation of presentation as such or the presentative function (Watkin 2017: 36-40). Both are extensional reductions of language and mathematics respectively to their functional, operationality. Agamben here calls the paradox of communicability, Agamben is little more than a philosophical debunker of metaphysical paradox: "A constitutive dishomogeneity: that between the ensemble of facts and documents on which it labors and a level we can define as archaeological, which though not transcending it, remains irreducible to it and permits its comprehension" (Agamben 2016: 112). The historical *a priori* is another way of expressing the communicability of statements as expressed in Agamben's work and my own as a development of Foucault's theory of intelligibility (Watkin 2015: 3-28), or not what a statement says but that it can be said. A position that could be summarised as *content as sanction.*

Later Agamben can be spotted ambling on past historical *a prioris* to indicate how the question of First philosophy of being was finally shelved by Kant who moved the debate from articulation of anthropogenesis through language and world, to knowledge and the knowing subject. And how the issue returned in the nonphilosophy of Michel Foucault, Walter Benjamin and Emile Benveniste's investigations of the transcendental through language "by not attending to the level of meaningful propositions but by isolating each time a dimension that called into question the pure fact of language, the pure being given of the enunciated, before or beyond their semantic content" (Agamben 2016: 113). In other words, Agamben's consideration of ontology qua anthropogenesis is concerned with an ontology of *communicability*: the 'pure fact' of language or the pure presentation of presentation as such. Not of what the speaking subject says, but how the speaking subject is constituted by the communicable function of the articulated relation between their possession of language as a means of dialectical diaresis with the world at large. Metaphysics qua communicability. In my recent work I have come to rename this mode of communicability *commutativity*, which is the basic structural relation of all categories in Badiou. I will explain this shift in term in the final part of the essay. For now, all we need do is register that the importance of this shift is that categories are not an issue of language but of relationality, such that commutativity is not defined by being intelligible, Foucault's intuition, but by being visible, defined in terms of categories as universally exposed. This leads one to ask the question: is language the real determinant of the articulation Agamben highlights? According to Agamben it must be, because that is what is handed down by the tradition through the repeated use of the signature [Language], subject of his indifferential suspension *The Sacrament of Language* (Agamben 2010), but what is language in reality, a mode of expression, communication or relation? In that he defines language himself as oath, it is clear even Agamben takes language to be a mode of action, not a

form of communication, added to which an oath is a modality of relation not ex-pression per se. This will become clearer as he considers ontology as demand later. Is it not the case that communicability itself is a mode of relationality expressible most effectively by categories? And that the moment of anthropogenesis can be defined as *zoon logon echon* only if this conception of *logon* as language is accepted to be a misdirection of attention away from the truth of what it is that actually pro-duces anthropogenetic separation? After all, according to Badiou, the onto-logical articulation is not determined by language but by multiples, not determined by ref-erence but by relation.

In stark contrast to Badiou, communicability, for Agamben, is always historically located (categorical commutativity is essentially atemporal). As he goes on to argue, somewhat contentiously, the communicability function of language as determined by a historicisation of the question of being qua language has been replaced by an ahistorical presupposition of being: "It is now put forward as a neutral ahistorical or post-historical effectuality" (Agamben 2016: 114). This can only be a refutation of Badiou's mathematisation of Being and beings. This being the case, Agamben feels that the archaeology of being should be conducted by a "genealogy of the ontologi-cal apparatus that has functioned for two millennia as a historical *a priori* of the West" (Agamben 2016: 114). This is surely the conception of relational articulation qua diaresis, dialectics, and hierarchy. Yet, at the same time the history of said com-municability is retroactively constructed, so is not historically 'true' in the sense that most might take that word to mean. Yet again, because the reconstruction of the *archē* in each case is effectively, structurally the same (extensional), and because Agamben suggests here any innovation in ontology repeats this articulation no mat-ter what, as the meaning of [Ontology][5] is articulation per se, there is a stable and consistent 'truth' to ontology. In this sense one could argue that ontology is real in its structural inevitability or at the very least, to apply Gottlob Frege here, it is a truth object. And further, that ontology is mathematics if one defines mathematics as the most fundamental form of articulation, represented by the abstract, extensional po-tential of the equation. Although for many that might be taking things too far.

With these comments in hand, the signature [Ontology] can be said to extend over objects in a world not as a form of reference, but as a mode of structuration. Ontology is not the result of an articulation between, say, human and being, but is said articulation, a point he first made in *The Open* and which he will go on to confirm later in this middle section. If the repetition of ontology as articulation is no surprise to the careful scholar, the conclusion he draws here has more shock value: "One can define philosophical archaeology as the attempt to bring to light

[5] Agamben's favoured way of showing he is talking about a signature, not just the ordinary language sense of a term, is to capitalise it but this is not always systematic and doesn't capture for me the idea of the signature as the transcendental name of a set. Therefore when I am speaking of a term as a signature I use square brackets which is a common way to designate sets.

the various historical *a prioris* that condition the history of humanity and define its epochs. It is possible, in a sense, to construct a hierarchy of the various historical *a prioris*, which ascends in time toward more and more general forms. Ontology or first philosophy has constituted for centuries the fundamental *a priori* of Western thought" (Agamben 2016: 112). This is the first statement in Agamben's extensive *body of work* that clearly outlines a history and hierarchy of signatures, something my own work has studiously rejected because in theory it delegitimizes the whole method by accepting there is a signatory origin (Watkin 2015: 107-136), opening Agamben up to the predictable, yet valid, criticisms of the Derridean community.

There is, it appears, for Agamben at least, one signature that precedes all others and in this sense founds them, and that signature is [Ontology]. [Ontology] defined as an articulation between language and the world as the mode of the anthropogenesis of the human being, or the living being that has language. On this reading [Ontology] is the halting point of philosophical archaeology, meaning that it is effectively analogical to the empty set of Badiou's ontology. 'Empty' because the content of the signature is irrelevant and historically contingent. It is the structural form of articulation that is important, not because of what it allows one to say of being, but because of what it tells us about why we can say being in the first place. Basically, Badiou's point in his maxim being is-not. 'Set' because its job is to collect together statements as archetypes of a particular signatory position. In fact, each of the works in *Homo Sacer* is essentially a signatory set, poverty, office, life, body, excavated archaeologically to unearth its *archē*, then populated with all its paradigms across time and space, with the aim of indifferentially suspending the signature by the end of the book. One can go further and state that as Badiou shows that the entirety of being is composed from the oscillation between the void set as included and then as belonging, then it is true that, as Agamben says, [Ontology] as such is articulation, written in Badiou as: $\emptyset$ [$\emptyset$]. But wrong to say that there is a historical origin of articulation. And wrong to say the articulation is between language and world, when in fact it is between two ways of counting a multiple. This point is encapsulated in the first of the trilogy of pieces I have written on *The Use of Bodies* where I demonstrate that the axiom of separation is able to prove that the assumed paradox Agamben identifies between potential and actual, the basis of his conception of impotential in the concluded section of *The Use of Bodies*, is, as regards the extensional logic of sets, simply not paradoxical and so absolutely resistant to indifferential suspension[6]. All of which comes down to what I think of a most important question in continental philosophy as metaphysical critique at the present time. *Is extensional logic an event that continental thinkers simply disregarded for a century, Badiou's*

---

[6] Similarly Agamben can say the [Ontology] is the first signature if he accepts first in terms of the halting point of the empty set, which refutes any Derrida-inflected attacks on Agamben's commitment to origins.

*position and my own, or just another example of metaphysics as articulation, Agamben's position and possibly your own?*

Forced against my will to accept that there is a meta- or founding signature of signatures, consoled by the fact I can still justify this if I apply the axiom of separation to Agamben's work, then I am also coerced into assuming that language is no longer a mode of expression or communication, but the functional basis of the emergence of the human. Language does not say, it does. Language makes humans. It does so by the articulation between being, the world, and the expression of said being, language. On my reading this historical primacy is impossible qua content. It cannot be the case that First philosophy is first in a historical sense, and that everything is traceable to Aristotle, because this is not what the *archē* means for Agamben. Each time we reach back to First philosophy, it is first for the first time, or it is a new event of primacy. As such, primacy qua foundation is reconstructed for our current needs. And yet, admittedly, the *archē* as foundation and firstness is one of the central components of the archaeological method. The communicability of a signature for us is necessarily dependant on a first moment or an origin it would seem. This firstness cannot be actual primacy, so one is forced to deduce that it is a functional position: the foundational moment qua function. In both of Badiou's definitions of 'primacy', the empty set for set theory and the minimum for categories, these foundational moments are functional results of counting and relating that come after the systems they found as consistent. For example, the empty set is something you count back to from wherever you are until you get to a set which does not succeed from another. This retroactive founding of a set of proper elements on a commonality that however does not exist until the proper elements call it into being, is the archetype of the Agambenian, indifferential, suspensive method.

Left like this, Badiou's work would be easy to suspend, and in a sense dispense with. Yet to do so would open Agamben up to a kind of philosophical check-mate as if the *archē* is to be foundational, and he insists on that, it can only be 'first', according Badiou's extensional ontology, if it is emptied of content and rendered an extensionally indifferent, foundational element due to the axiom of separation and the definition of sets as collection not fusion (extensional not intensional). Yet if you empty the *archē* of content, it ceases to have the function of *archē* as named archetypal moment. People, to put it crudely, are only happy to accept an origin if it is a content-rich, temporally specific moment. But then again, in accepting as Agamben does, that the signature is content neutral, its naming does not refer to objects but is rather the generic naming function qua gathering of archetypes into a signatory set, if the content-neutral signature is founded by the arche, then by definition the *archē* must be devoid of specific content also.

This back and forth we are experiencing due to the problematics of the foundational moment – it only functions if it is specific, it only functions if it is indifferent – is the essence of Agamben's indifferential suspensive method, as I have detailed

elsewhere in *Agamben and Indifference*. But it is also what Agamben will go on to call it in the first chapter of this middle section of his study: the otological apparatus of presupposition. And there is much that is yet to be said on this topic. Before we turn to that let's sum up where we have got to thus far. What Agamben is reaching for in the final book of the series is a historically populated theory of consistent, functional worlds. The role of archaeology is to excavate the historical *a prioris* that render communicable and specific the manifestation of the ontological articulation. As such, articulation qua being shares functional parallels with Badiou. For Agamben, the articulation of being constitutes what we call being. As I have detailed elsewhere, being is a content neutral modality of functional relation that requires a specific means of co-relational hierarchy, the economy of paradigms, a specific transcendental function, the signature, and a foundational base, the arche[7]. In this way, as being is-not is to the counting of being, so being as *archē* is to the historicising of being. Meaning that Agamben's archaeological method is a historical manifestation of the mathematics of being, not so much in terms of set theoretical ontology but, as I have argued already elsewhere, in terms of logics of worlds. So that while there are many points of divergence between Agamben and Badiou, the parity between their work, if you dig deep enough, outlines for the wider community where ontology is travelling to in the new century. Think of the two men as bickering, but constant companions, sojourning along parallel, functionally analogical paths.

## 3. THE ONTOLOGICAL APPARATUS OF PRESUPPOSITION

Remarkably, we have only come to terms with the brief introduction to the middle section of the book, a section divided into three chapters through which we will now proceed systematically with different levels of emphasis. The first chapter is a consideration of the archaeological elements of ontology since the Greek arche, primarily the idea of presupposition which is another way of demonising Badiou's presupposition of the real of the void thanks to such axioms as separation and foundation. The second chapter is a consideration of relation which we will skip, not least because we have considered relation and nonrelation in the book elsewhere[8]. The final, the proposition that our post-indifferentially suspended ontology has to be a *modal* ontology. It is this idea of a modal ontology that must concerns us the most going forward with Agamben into the future, he assures us. For the record, these three areas pertain directly to Badiou's extensive ontological project. The presuppositive impulse is the search for the First, the foundational, the consistent that has come to define being, and its relative invisibility until Heidegger, as apodictic, tautological, self-evident. In Badiou a central part of his entire ontology is the halting

---

[7] This analogical mapping of signatures onto categories is explained in full in Watkin forthcoming.
[8] Watkin forthcoming.

point or empty set and its participation in the validity of a constructive definition of being determined by is-not-ness that is not negative. Defined by the combination of axioms of separation and foundation. While the second, relation, and the third, modal, are more determined by Badiou's later work on categories in that category theory is a modal logic and in Badiou's work its main function is to formalise relations between objects in worlds.

Returning to the *Ontological Apparatus*, Agamben begins by tracing the *archē* of being as articulation between that which is said of being, and that which is not said of being but lies under being as the *hypokeimenon* or *sub-jectum*. The three mechanisms for access to the foundation are singularity, proper names and deixis, all mechanisms used by analytical philosophy of the last century, in particular the Frege—Carnap—Quine extensional axis, to capture being as logical, relational extension. The secondary level is the genera: this certain man belongs to the species man. Thanks to Badiou we are able to assert that what Agamben is outlining here is not, in fact, the role of language as he purports, but the role of sets, as the above example of genera clearly shows, allowing us to state emphatically that the originary relational articulation of being does not concern language as communication, expression, content, reference or signification, but instead language as a modality of collection. This will be our main bone of contention between the two theories of modal ontology. Agamben concludes here that being, like life, is "always interrogated beginning with the division that traverses it" (Agamben 2016: 115); or being is not articulated into an onto-logical pairing but rather being is articulation qua articulation. The major development of the modern age therefore is surely the realisation of the possibility of being as *not* traversed by a division between essence and class that was the basis of the development of extensional reasoning by Boole, Cantor and Frege. The specificity of the object is not determined by its being a multiple in a particular location in a set, ranked 3 in a set of 6 say. In ranking, the multiple is singular, no other multiple can be third because being third is the being of said multiple. It is a proper name, it is *The Third*. And it is defined by *deixis*: its role is indicative and denotative. What The Third points to in reality is the position of third-ness, a space entirely filled by an indifferent multiple that is located as that which succeeds from second-ness. On this reading, Aristotelian class is replaced by Cantor's set, and the central function that is identified here is that of collecting. Thus, the truth, I would argue, of the archaeology of ontology is that its definition as diaresis is a mode of relation between *ousia* and *gramme,* as Jacques Derrida defines it, that is then replaced in set theory with an entirely new mode of relationality, that between two indifferent multiples. The significance being that the relation between two indifferent multiples does not succumb to diaresis, at least not as Agamben conceives of it. This will become the intractable problem of the entire book in fact.

Agamben's consideration of Aristotle's *Categories* which follows then perhaps misses the point that classes have been replaced by sets through a radicalisation of

nonrelational relationality, non-relation, and finally un-relation. One could argue that in truth the narrative in question is no longer that of being as articulation reconstituted in the same modality of communicability, but the end of a historical epoch of communicability, and the assumption of a new mode of communicability. As I argue in *Badiou and Communicable Worlds¸* a shift from communicability as communication, to communicability as commutativity. Nonrelational relationality, a formulation that occupies much of the *Epilogue* of the book, is the means by which two beings can be related when they are content neutral and essence functional. Essence functional means they operate as if they possess 'essence', in the same sense that the transcendental functor of the maximal category in Badiou operates functionally as transcendental, but is anything of the sort. This is facilitated by the nonrelational function of being as foundation and actual infinity as transcendental. All of which is founded on a more fundamental issue which is that rank is simply a metaphor or mode of thought that makes being both exposed and useful to mathematicians, outlined by Badiou in the explosive second appendix to *Being and Event,* but that "fourth" is in fact just an ontological essence-function: there is in the world fourthness. Which is further reducible to a pre-founding indifferentiated, generic proposition represented by the formula, $\emptyset\,[\emptyset]$ or the empty set first as included and then as belonging, from which all of nature, all multiples, can be deduced.

Ignoring this avenue of enquiry,Agamben instead doggedly commences his study of the presupposition as language qua communicability, a topic on his mind since his very early and, to my mind, methodologically flawed *Infancy and History.* Language, for Agamben, through reading Aristotle, is the presuppositional basis of the *hypokeimenon* meaning that language is effectively the subject in our history. The subject becomes human through the presupposition of language. Agamben's innovation here is to redefine *ousia* away from the critique of *ousia* posed by extensional reasoning, namely that essence simply does not exist. As he says: "*The primary ousia is what is said neither on the presupposition of a subject nor in a subject, because it is itself the subject that is pre-sup-posed—as purely existent—as what lies under every predication*" (Agamben 2016: 118). What he is suggesting, surely, is that essence is not some Greek superstition, but is rather the very foundation of communicability. The essence of a thing is the presupposition of its communicability, for only humans possess communicability, if you take it to be just a linguistic function[9]. The essence of a thing is that it can be exposed by communicability. In this way, essence returns to sets, but entirely reconfigured as the pure communicability function per se. Essence is the ability of a being to appear in a category due to language.

---

[9] A central diaresis between Agamben and Badiou over communicability is that the commutative communicability that I develop in reading of Badiou is based on an objective phenomenology meaning that commutative communicability as facilitating universal exposition is in-human and thus a-historical.

Agamben decides to call this essence-functional modality of appearing, remember Badiou names his objectal phenomenology logics of appearing, the 'pre-supposing' relation:

> As soon as there is language, the thing named is presupposed as the non-linguistic or non-relational with which language has established its relation. This presuppositional power is so strong that we imagine the non-linguistic as something unsayable and non-relational that we seek in some way to grasp as such, without noticing that what we seek to grasp in this way is only the shadow of language. The non-linguistic, the unsayable is...a genuinely linguistic category: it is in fact the 'category' par excellence—the accusation, the summons worked by human language, which no non-speaking living being could ever conceive. That is to say, the onto-logical relation runs between the beings presupposed by language and their being in language. What is non-relational is, as such, above all the linguistic relation itself (Agamben 2016: 119).

It is all here basically, which is why I have cited it at length. The initial conception of non-relation is that of the non-relationality of the unsayable that language then tries to express. This is the basis of Agamben's ground-breaking critique of the philosophy of difference qua the unsayable and ineffable in *Language and Death.* This non-relation is the basis, or rather excuse, for the metaphysics of relation that then defines the entire history of Western thought. Language presupposes something 'before' language and this means that the conception of something as exceeding language is in fact a fundamental category of language. Not only a category, it is the defining category because it stipulates that there is a division between a being and the world that cannot be expressed in language but which exists because of it. However, the fundamental non-relation is not this constructed mode of relationality due to the assumed non-relation, because said non-relation is in fact totally within the signature of relationality. The second non-relationality of language then is the communicable function of language. The communicable relation is non-relational first because it is indifferent. It is the abstract and generic pure communicability as such, or the utterance as generic. Second, according to Badiou at least, it is non-relational because it depends on the pure presentation of presentation as such qua being, which is in-different[10]. Yet it seems here that Agamben is criticising Badiou on at least three points. The first is that he clearly appropriates Badiou's term onto-logical in the negative vein, rather than Heidegger's onto-ontological or ontico-ontological[11]. The second is that he blatantly uses the word category; it is in his work on categories where Badiou develops this idea. As both of these pieces of proof have the quality

---

[10] In my work non-relation differs significantly from nonrelation in the same way as in Badiou indifference is not the same as indifference.

[11] More work by scholars perhaps needs to be done on this term onto-logy which thus far I have traced back to Aristotle via Section 29 part b of Heidegger's *Plato's Sophist.* It may be that Agamben is citing Badiou, but if he is unaware of this and is citing Aristotle via Heidegger, it may of course be that Badiou's choice of onto-logy is doing the same. This is an interesting avenue of archaeological enquiry, but not central to our overall argument here.

of deniability as one could say he is just engaging with Aristotle, third, perhaps most telling, example is that he attacks the very presuppositional tool of set theory that allows Badiou to argue that multiples are real. I will explain.

Badiou argues that the language of mathematics is such that for many mathematicians it does not presuppose a real world. Such constructivist mathematicians, Gödel is one, require only an internal consistency of the system and a communicable transmissibility with the community. In contrast, Badiou contends, the axiom of separation plus the issue of notation (language) proves that there is something real. The axiom of separation in set theory states that every set has at least one subset so that we can always speak of every multiple as both a container and as something contained, or belonging and included. The importance for philosophy of the axiom of separation is that,

> the theory of the multiple, as general form of presentation, cannot presume that it is on the basis of its pure formal rule alone—well-constructed properties—that the existence of a multiple (a presentation) is inferred. Being must be already-there; some pure multiple, as multiple of multiples, must be presented in order for the rule to then separate some consistent multiplicity, itself presented subsequently by the gesture of the initial presentation (Badiou 2005: 47-8).

Separation therefore is able to demonstrate set theory in terms of realism rather than mere construction. Logic alone, the abstract notation $\lambda(\alpha)$, is not enough to present presentation, because the formula already admits to separation between the two terms. Rather, logic is what comes after a multiple is presented so that all forms of separation, sets of sets, subsets of subsets and so on, presume the existence of the multiple in the first instance, even if that multiple as such is presented retroactively after the consistency of a situation of multiples as a set that has been constructed. This is clearly the basis for the retroactive logic of the final phrase, which describes the process of presentation of presentation, Badiou's early version of communicability significantly modified by the later emphasis on commutativity. What this implies is that for sets to be constructible using abstract formal language they first have to exist, as the axiom of separation shows that in order to describe a set as the elements which are included in that set, $\lambda(\alpha)$, the elements as such must already be presentable in said presentation.

What we can draw from this is that for Badiou, confirming Agamben's critique, separation is a fundamental presupposition of being. That said, his conception of presupposition does not match that presented by Agamben, at least not perfectly. For example, the separation of language in mathematics does not concern language as a mode of reference to the external world. In constructivist maths the words of the language do not refer to things 'out there' but values, positions, variables and functions in here, in the 'language'. Second, the separative nonrelationality of set theory represented by the axiom of separation refutes the dialecticisation of diaresis, even though Badiou himself calls it a dialectic between belonging and inclusion

(meaning dialectic and diaresis are not synonymous). It is true that foundational belonging arrives at the empty set, and that the empty set is the basis of ontology, but it is not the case that the empty set conforms to any of the issues of Aristotelian classes, quite the opposite as we have consistently stated. Is it possible that Agamben has not fully come to terms with the dramatic implication of the indifference of the multiple? That he has pursued a structural issue, dialectical nonrelational relationality, and thus ignored what I call relational nonrelationality in my analysis of the *Epilogue,* or to put it otherwise, the way in which two beings can come into relation outside of the diaresis of the metaphysical tradition? (Watkin forthcoming). Either way, Badiou is stating, and this cannot be denied, that at the basis of every multiple *is* a language, mathematical notation, but said multiples only exist in language because they are extensional and so do not express in language real things, but construct in language 'real' truths.

Truth objects, according to Frege at least, exist in language because of language, this is the infamous linguistic turn. The point being that from the mid-19th century on, Western thought was able to extricate itself from the double-bind of the metaphysical tradition by entering entirely into language qua language. This allows extensional set theory, for example, to first occupy the communicative function, second, use it to solve the problems of being, and third to hollow it out from the inside thus making communicability into sets, not simply the non-linguistic element of the linguistic. In early Badiou, the communicability of sets is the pure presentation of their presentation, or their reality due to being as non-relational. In this way it is not quite accurate to call this the linguistic relation itself, rather it is the mathematical mode of writing pure relationality as such qua ranking succession: $\lambda(\alpha)$ or $\emptyset\ [\emptyset]$. If the real or void comes 'before' sets, it is generated due to set theory retroactively, by placing the void into a symbol, $\emptyset,$ so as to be able to separate it into a set $[\emptyset]$, and so is, in a sense, a 'derived' result of set theory. The reality of the multiple is not the foundation of set theory but a result of sets. Set theory does not need it to function, in fact many set theoreticians prefer Gödel's constructivist model, but due to set theory the axiom of foundation allows one to state that, due to separation, multiples can be said to exist before their notational capture, expression, communicable intelligibility. Or, the presupposition of sets for Badiou thanks to the axiom of foundation is that multiples are real, before they can be captured by notational language, in agreement with the neo-Platonic intuitions of Frege.

Returning to the Agamben text, the final point obviously pertains to the category. Here, Agamben and Badiou are on the same page. It is almost as if Agamben is using his problems with sets to negate categories, while at the same time unconsciously expressing category theory, in terms of modal ontology and elsewhere in the book in terms of analogy. For he is right, according to my own conclusions, that the category itself par excellence is the nonrelationality of the pure function of

communicability. But again is wrong to say that the communicable function is based on language. In fact, as he himself makes clear in later work like *The Sacrament of Language* and his various early considerations of the tablet, (see Watkin 2015: 122-124, 160-1, 245-270), the truth is that communicability does not communicate. Category theory can be expressed algebraically, in a language, but its real power is to be located in its topology. Unless one is to argue that commutative triangles are a form of language which I believe to be impossible and retain at least Agamben's sense of the signature [Language], then one has to conclude that communicability as the performance of non-relation through categories is only expressible if you accept that the pure linguistic function, the communicability of communicability as such, is not actually linguistic in essence, which is the conclusion of my most recent work in the field (Watkin 2021). Language qua relation is simply one 'language' that can be expressed by category theory, which was developed to provide a meta-structural way of speaking of all mathematical languages in the same language. And while it may be the case that, historically, Agamben's anthropogenesis is the emergent separation between a being and its world due to language, the third age of life he himself advocates at the end of the book, must be something quite different. If *human* being is articulation due to separation, as Agamben argues, what is being qua habitual use of bodies, placed on the timeline of anthropogenesis as the cancellation of this repeated emergence, to be called?

## 4. ANTHROPOPHANY AND ANTHROPOGENESIS

We are now, thanks to sets as foundation of categories due to indifference and bodies as habitual, nonrelational use, able to emerge out of the two and a half millennia long enslavement of being by language, *zoon logon echon*, into a new potential that Agamben himself is advocating. Pure communicability of this order must be ranked as the third age of relation. The first is the radical non-relationality of the animal. The animal knows of no separation between itself and the world, thus there is no relation as there is no separation. Animal is world, and their actions totally determined by their genes which is not the genes of a being but the total interpenetration of the animal by the world. The world is constituted for the animal by its genes, in that the genes themselves are determined entirely by the conditions of the world. The second age is of course the age of human being or of anthropogenesis. This came to a close over a period of the past 150 years. Its closure really began with Boole and Cantor, but in our tradition we usually commence with Friedrich Nietzsche, ending of course with Agamben. The third age of relation, our nascent age, will surely be remembered years from now as the golden age of relation. From relation as total immersion in in- or non-relation, through relation as strictly curtailed by dialectic, our new mode of relationality is again a total interpenetration of subject and world, only this time not non-relationally, as it was with the animal, but

due to relation, free relation, the choice to relate not dictated by genes or metaphysics. This is in essence the exhilarating conclusion of *The Use of Bodies*, a form-of-life determined by a use of bodies facilitated by the human capacity for impotentiality that redefines the metaphysical, sovereign subject away from a being at work, towards a body of use. This golden age we are ineluctably emerging into is one I propose we call the age of *anthropophany*, or the appearance of the human as non-curtailed by information (genes), or language (metaphysics), and functionally facilitated by communicability defined as sets and their categories. It is another way of stating beings are determined by free-relationality within an actual infinity of a generic, rather than categorical mode. By this I mean, after my work on generic indifference (Watkin 2017: 189-220), in a world a being takes up a relation with another in a non-hierarchical manner, operating locally as if there is a transcendental functor, for Agamben the signature, for Badiou the category, but without our ability to define what that functor will be. This is a kind of liberated category theory or generic category theory that Badiou believes impossible (Badiou 2014: 15-16), but which Agamben's work may in fact prove to be workable, desirable, and truly radical.

Grounding this a little in the actual text to hand, Agamben concludes this section by stating that the structure of presupposition leads to the "interweaving of being and language, ontology and logic that constitutes Western metaphysics" (Agamben 2016: 119), surely a direct attack on Badiou? For language read logic. Agamben then maps out the process of division into existence (*ousia*) and predicate (what is said of being) concluding: "The task of thought will then be that of reassembling into a unity what thought—language—has presupposed and divided...Being is that which is a presupposition to the language that manifests it, than on presupposition of which what is said is said. (It is this presuppositional structure of language that Hegel [...] will seek at the same time to capture and to liquidate by means of the dialectic)" (Agamben 2016: 119)[12]. The clear negation of dialectics at this point is the final assault on Badiou who, after Hegel, using an openly admitted dialectical structure, tries to use mathematical language (logic) to both capture being and also the liquidate the dependence of being on a language.

Agamben now turns to Aristotelian classes and the difference between to predicate and to indicate. Essence is that which coming before language can only be pointed at: *tode ti*, a certain this. *Deixis* is taken by the tradition as the limit point of subjectivation, a primary essence which the subject cannot capture by the defining feature of its being, language. This is traced over several pages that we will skip because in this analysis at least it is hopefully obvious that the paradoxes and limitations of this archaeology of ontology have been superseded by extensional sets replacing Aristotelian classes. He next moves to the problem of singular being, again one removed by indifferent multiples. Finally, he considers the temporality of being

---

[12] *Ousia* is not usually translated as existence but is how Agamben takes the term to mean here at least.

in Heidegger which again we will discount due to the replacement of temporality with retroactive reasoning, and regressive successive deduction. Instead what holds our attention is what these sections set up, namely the return to the conception of anthropogenesis:

> The articulation between language and world that anthropogenesis has disclosed as 'history' to the living beings of the species *Homo Sapiens*. Severing the pure existent (the *that it is*) from the essence (the *what it is*), and inserting time and movement between them, the ontological apparatus reactualizes and repeats the anthropogenetic event, opens and defines each time the horizon of acting as well as knowing, by conditioning, in the sense that has been seen as a historical *a priori*, what human beings can do and what they can know or say (Agamben 2016: 128-9).

The second age of control of the human as anthropogenesis them can be defined here according to a number of mechanisms:

- Articulation of language and world.

- Historicisation of being as arrival at articulation through evolved acquisition of language.

- Dividing ontology from existence or that it is (sets) from what it is (categories).

- Inserting time and movement, *archē* and *oikonomia*.

- Ontology itself as the repeated reactualisation of the signature [Being] over time.

- Always locating acting and knowing within the communicable traditions of metaphysics.

In contrast to this, what I am proposing, after Agamben thanks to Badiou, as anthropophany, is not an articulation of language and world, although the very title *Logics of Worlds* admittedly suggests such. Instead, categories present a graphic, tabular, topological triangulation of the functional relationality of objects. Categorical worlds are not historical entities and categories are not a historically derived metaphysics of existence. Badiou is guilty of dividing ontology from existence in pursuit of the event, this is true. In addition, he is too concerned with defining sets as ontology, again in pursuit of the event. In our case, rather, sets define indifference, ontology is a mere derivation of indifferentialism, and categories result in a consistent theory of communicability stabilised thanks to sets and possible due to indifference. For Badiou, the onto-logical is a method for defining the event, for my own work sets and categories are part of the wider rationalism of indifferent communicability. Badiou refutes time and movement in his work, putting to one side the event, which is a temporal category, sets and categories are atemporal[13], and he

---

[13] There is a sequence to both sets and categories which takes time to work through, but this is not the same as temporality qua historiality.

purposefully avoids the description of either as modes of intensity of becoming because of Gilles Deleuze. Indeed, the real benefit of insistence on the event is not a viable theory of revolutionary singularity, but a credibly atemporal and noneconomical philosophy. The great discovery of mathematised being is that change is a stability.

It is clear that Agamben sees Badiou's ontology as just another way of reactualising the division of being and its re-articulation. Our position is that this fails to take into account the radical shift in the 19th century from classes to extensional sets. It is not the case that Badiou easily falls into a metaphysics of scission in that sets radically negate classes. Any extensional theory after Boole and Cantor may still use scission and dialectic, but it seems hasty of Agamben to assume that this, by definition, means they are metaphysics in the old sense as originating from First philosophy. Metaphysics, after all, is a specific conception of scission and relation due to classes. Sets are not separative in this way, nor relational after that fashion.

The final point, however, retains some validity. Badiou is unrepentant in his theory of the four conditions, such that the conditions of worlds are seemingly impossible to disrupt, however sustained our fidelity to an event. That said, our reading of communicability as commutativity is a radical new direction in the theory of communicability, again demonstrating that, due to sets, collecting and relating are totally reconceived away from the metaphysical tradition. That Badiou uses them to save ontology so as to propose singularity does not however alter the fact that indifferential suspension is simply the opening of the gate of indifferential reasoning. Such that anthropophany is a highly complex and detailed mode of reasoning, not simply the historical continuation of the dialectics of scission. Agamben is wrong to concentrate on language as anthropogenesis, when the truth is that language here is actually a term for a certain ontology of relation and being. In contrast, the logics of worlds does not constitute the relationality of subjectivity due to language about worlds as the 'language' of categories and the 'language' of sets does not reproduce the bifurcated conception of language Agamben's critique of the philosophy of language as difference will not let go of. Language is not a word about a thing. The language of sets does not use 'words', but is about collecting 'numbers', and is non-referential and in this sense non-linguistic. While in categories it is arguable that the 'logic' is not linguistic at all. The objects in question are not pointed to or used to refer, but are used functionally in a topologically tabular, graphic model of appearing not referring.

Having established this basic framework Agamben details precisely how it functions. Due to limits of space and patience I will again summarise.

- Every *archē* is transformed into a presupposition by the presuppositional structure of language.

- Anthropogenesis: the event of language pre-supposes as not (yet) linguistic and not (yet) human that which precedes it.

- "Apparatus must capture in the form subjectivation the living being, pre-supposing it as that on the basis of which one says, was what language, in happening, presupposes and renders its ground" (Agamben 2016: 129).

- In Aristotle's ontology *hypokeimenon* or pure that it is, names this pre-supposition.

- "[T]he singular and impredicable existence must be at once excluded and captured in the apparatus" (Agamben 2016: 129).

- In this way it is more ancient than any past tense, referring to an "originary structure of the event of language" (Agamben 2016: 129).

- The name, especially the proper name, is "always already presupposed by language to language" (Agamben 2016: 129).

- Precedence in question is not chronological "but is an effect of linguistic presupposition".

From this impressive list Agamben concludes:

> Hence, the ambiguity of the status of the subject-*hypokeimenon*: on the one hand, it is excluded insofar as it cannot be said but only named and indicated; on the other hand, it is the foundation on the basis of which everything is said. And this is the sense of the scission between "that it is" and "what it is," *quod est* and *quid est*: the *ti en einai* is the attempt to overcome the scission, by including it in order to overcome it (Agamben 2016: 129).

Although I believe this entire chapter is an implied attack on Badiou, two elements disallow this as an effective critique of Badiou's ontology. The first is that Agamben's sense of impredicative is derived from metaphysics, while in set theory multiples are able to participate in an impredicative status that is immanent to the situation. An indifferent multiple is impredicative in the 'what it is', in that the fourth multiple is fourth, without this being a predicate of its being or existence. The second pertains to this 'what it is' structure. The specificity of a multiple in a set is not a 'what it is'. The fourth multiple does not possess 'being fourth' or 'being four' as a what, quality or predicate. Precisely because indifferent multiples are quality indifferent. Ironically, Agamben's critique fails because he has not fully applied his own term, indifference, and has not excavated further the actual history of metaphysics, the negation of classes by extensional logic in the mid-19th century, even though the entire multi-volume sequence *Homo Sacer* is concerned with the archaeology of metaphysics due to its signatures.

Agamben concludes by asking: "Is there really such an articulation of being –at once divided and unitary? Or is there not rather in the being so conceived an un-bridgeable hiatus? [...] Existence is identified with essence by means of time. That is to say, *the identity of being and existence is a historical-political task*. And at the same time it is an archaeological task" (Agamben 2016: 132). For me he is directly

attacking the atemporality of Badiou by ignoring Badiou's contention that events happen in time, even if their truths are universal and atemporal. He is accusing, it would seem, Badiou of political conservatism in pursuit of political radicalism, a justified accusation perhaps. But at the same time again this is ignorant of the truth of any historicised ontology, meaning it can be suspended, the unbridgeable hiatus, but it can also change. The hiatus in question is real, between 19th century extensional logic and 20th century continental philosophy, but it is not unbridgeable.

The chapter closes as Agamben recounts this history of division between Being and beings: "The bare life of the *homo sacer* is the irreducible hypostasis that appears between them to testify to the impossibility of their identity as much as their distinction" (Agamben 2016: 133). Both life and time here are negated as possibilities of defining being according to Aristotle,

> time—at once chronological and operative—is no longer graspable as the *medium* of the historical task... The Aristotelian ontological apparatus, which has for almost two millennia guaranteed the life and politics of the West, can no longer function as a historical *a priori*, to the extent to which anthropogenesis, which it sought to fix in terms of an articulation between language and being, is no longer reflected in it (Agamben 2016: 133).

Communicability-as-metaphysics has come to a close, and communicability-as-indifference now takes over. Anthropophany replaces anthropogenesis, for better or worse, as the third, and possibly final, chapter in the history of being as coerced: by genes, by metaphysics, by mathematics.

## 5. CATEGORY THEORY AS MODAL ONTOLOGY: FROM COMMUNICABILITY TO COMMUTATIVITY

The thesis that closes out the *Homo Sacer* project is that we need to move towards a modal ontology. That Badiou's use of category theory as a means of structuring existence in worlds is a modal ontology is therefore significant. What categories allow Badiou to speak of is the possibilities of being, due to the necessities of set theory ontology. Categories, in effect, present a means by which diverse worlds of multiple beings existing in their infinite possibilities, can be rendered shockingly consistent by a simple requirement. This is that of universal exposition: if they exist they appear in a world determined by functional relations with at least one other object that also appears as visible in this world.

The position of universal exposition, this is an anarchist appearing along with a communist in the world of the demo to use one of Badiou's examples, is defined formally in category theory by the commutative triangle. Here is the basic diagram of the commutative triangle that defines practically all categorical worlds.
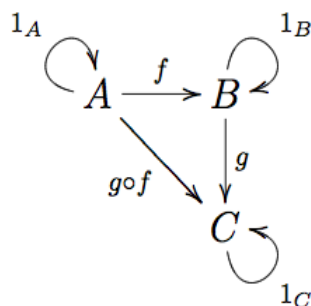
We have here our objects, *A*, *B* and *C*, and the arrows that travel between them: $A \rightarrow B$, $B \rightarrow C$, and $A \rightarrow C$. These are commonly called morphisms. We also have a composite arrow. The arrow from A to C is functionally the same as the combined arrows from *A* to *B* and *B* to *C* making the arrow combination A to B to C a composite or composable. It is composed of more than one function, here written *f* and *g*, and this composition of functions is, functionally, the same as the function directly from *A* to *C*, called $g \bullet f$. In category theory notation you read from right to left. Thus, we can say the line between *A* and *C* is composed of the two functions that exist between *A* and *B* and *B* and *C*, so that the two directional choices are functionally the same. This is called a commutative diagram. Commutative means you can swap the two sides of an equation and get the same result. For example, $A \rightarrow C$ $= A \rightarrow B \rightarrow C$, or here $C \bullet B \bullet A = C \bullet A$. What this formalises is that you can find an analogy between A and C directly, or you can travel via B such that you might say this is a demonstrator on a demo, A to C, or this is an anarchist which is on a demo, A to B to C, such that when you also say, this is a communist on a demo, although anarchist and communist are ontologically distinct, in terms of the triangle of their relations, they are the same. They are both [something-ists, on the same demo]. Thus, their difference is rendered identical: they both possess B-ness defined here as [something-ist on a demo].

What commutativity states is that all objects and their relations are visible from a superior position, here A, which is able to say, these two demonstrators are 'the same' when it comes to being demonstrators, even if they appear different when it comes to their local differentiation or their being in favour of collectivisation or not. Commutativity is, basically, the topology of communicability as sanction, except the sanction is largely im-potent in Badiou. *A* is in the position of universal exposition simply because it is the category in question, not because it is, for example, the government or the police. Spoken of modally, two women on a demo with different political allegiances, anarchist and communist, necessarily have to be taken as two demonstrators if the world in question is said to be a demo. But within said world these two individuals, who normally hate each other meaning their separation is absolutely necessary, find it possible to be taken as the same objects, because they share in common a functional, analogical relation. Let's say they both object to the new restrictions on labour relations in the public sector in France.

Modally speaking, the being qua multiple of each of the demonstrators is necessary as sets are not modal but strictly classical[14]. The appearance of a being in the world is also necessary: multiples have to exist in some sense in some world if you wish to treat them as intensional objects rather than extensional, generic, indifferent abstractions. Yet how they appear is modal, possible, infinitely varied, depending on the way a world 'sees' them analogically as regards their functional relations with other appearing objects in that world. If, however, two varied multiples appear as functionally analogical in a world say due to the position of universal exposition, I see these two women as members of the same demo world, then their modal possibilities are rendered necessary, in order to appear in this world they must possess these functional relations in common meaning their necessary ontological difference becomes a necessary existential identity.

What is essential here is to realise that what is taken by Agamben to be a primarily linguistic function, communicability as sayability as he will go on to explain below, is in fact not linguistic but topological. Ontologically at least, communicability is really commutativity. It is not that such and such a thing can be said of being, as Foucault intuits, but that such and such a being can be seen to appear in said world due to possessing an analogical functional relation with at least one other being. Modally speaking, the possibility of a being is the infinite ways it can appear in infinite worlds. The necessity of an existential being is that in order to appear it must be visible, meaning it must be susceptible to universal exposition due to commutativity. The significance of this is that, contrary to the tradition, the modal relation of Being and beings that Agamben goes on to analyse, is captured perfectly by category theory without the aporias, logical impasses and so on that Agamben, inevitably, will identity from the tradition of modality outside of categorisation. Or, Badiou's onto-logy is not the same as Aristotle's.

The two stipulations Agamben commences with, that Being depends on beings and vice versa but in an asymmetrical fashion, happen to be true of categories. Objects can only appear in the world as aspects of existing multiples. Plus while multiples can appear in infinite possibilities in worlds, at no point can any of these versions of a being alter the 'essence' of the being qua multiple. This is an important piece of information first, because it allows Agamben to implicate Badiou in the failures of metaphysics as articulation, here between Being and beings. And yet second, in that category theory is mathematically irrefutably stable, categories are everywhere and indeed determine our world to a large degree because of their impact on software, Agamben's contention that modal articulation needs indifferential suspension, like his contention that impotentiality needs the same, is incorrect. Like the application of separation to impotentiality, the application of commutativity to

---

[14] Being is necessary. Fourthness is necessarily fourthness on the global-local determination. There are no degrees of fourthness. In addition, two beings occupying fourthness are the same being not two different examples of fourthness.

modes of being obviates the need for indifferential suspension because the point of said suspension is logical impossibility masked by *oikonomia*. And both sets and categories are, in contrast, logically absolutely consistent. Neither sets or categories have anything to hide, indeed they have everything to expose.

## 6. TOWARD A MODAL ONTOLOGY

Category theory is truly transmissible, exceptionally consistent a modal logic of functional relations based on the value of universal exposition called commutativity which, in the hands of Badiou, becomes a very extensive modal ontology. It is with this context in mind therefore that we now turn to the final round in this centralised skirmish with the history of ontology as articulation so as to juxtapose the two methodologies here, Badiou's mathematisation of modal ontology vs Agamben's archaeology of modal ontology. The archaeological excavation begins, aptly enough, with the paradox of classes as expressed by Leibniz re: monads possessive of essence and quality and yet remaining monads before we move on to the development of mode, the central term for Agamben's final sense of ontology. "The idea of mode was invented to render thinkable the relation between essence and existence. They are distinct and at the same time absolutely inseparable. Their relation is, however, asymmetrical". The asymmetry of their relation is because, according to his source Suarez, "the separation of one element from the other is not reciprocal, which means one extreme can remain without the other, but not vice versa" (Agamben 2016: 155). What this determines for the tradition is that modal being cannot exist by itself or be separated from that which it is the mode of. Thus, mode reverses Aristotelian *hypokeimenon* in favour of essence, Agamben argues, but in such a way that makes the movement into individuation impossible. Either individuation is an essence, or individuation adds nothing to essence, the logical impossibility of being conceived of in terms of class dispensed with in fact by extensional sets, although Agamben doesn't state this. This problem then becomes resolved by taking existence not as an entity but a mode of being, a solution developed from the debate between Leibniz and Des Bosses leading to the conclusion: "Existence is not a mode of essence or a difference of reason alone: it is a demand" (Agamben 2016: 159). These comments encourage the movement on to consider Spinoza's failure "to resolve the ambiguity between ontological and logical that the Aristotelian apparatus had left as a legacy to Western thought" (Agamben 2016: 161). Agamben then concludes on this tradition:

> The undecidability of logic and ontology is, in this sense, consubstantial with the concept of mode and must be brought back to the constitutive undecidability of Aristotelian onto-logy, inasmuch as the latter thinks being insofar as it is said. This means that the ambiguity of the concept of mode cannot be simply eliminated but must rather be thought as such. It is possible that the dispute between philosophy

inappropriately defined as continental and analytic philosophy has its root in this am-
biguity and can therefore be resolved only on the terrain of a rethinking of the theory
of modes and of the categories of modality (Agamben 2016: 161).

One can only applaud this final sentiment for indeed our own work, with its
concentration on mathematics, is effectively an attempt to resolve the self-same dis-
pute through a rethinking of the categories of modality, which in our case means
category theory as a modal logic of relational appearance qua existence. However,
not unexpectedly perhaps, there remain several issues to contend with, secretly em-
bedded in Agamben's extended olive branch. First, it seems probable that the ter-
minology of onto-logy is referring to onto-logical element of *Logics of Worlds* even
though he never says as this, indeed the whole paragraph seems to be a commentary
on Badiou's *work*. Second, the problem with Aristotle is clear, to think means to
be said. This however is not an issue for Badiou's extensional ontology, nor a prob-
lem if you understand that saying as command is saying as doing, and that the em-
phasis of being is doing, of which saying is only one element. For example, catego-
ries are the mathematics of 'doing', in that functions are modes of doing things, not
saying them. On this reading, anything can be possessive of being outside of a sub-
jective orientation of ontology. Mode then is resolvable because it is not actually
proscribed by the Aristotelian ambiguity of classes, eliminated by set theory. Finally,
his point of the resolution of the two traditions is to do with a modality of thought,
best represented by the mathematisation of existence through categories, not a re-
purposing of modal logic in terms of necessary and possible or Kripke's logic, but
as regards the modality of categories.

It is inevitable that such discussions will come up against Heidegger at some
point, here in terms of the assumption that being is never without beings and beings
never without being. This paradox is resolved by set theory, of which no mention
here, so we will move on from that conceptual quagmire. It is, as far as we are con-
cerned, a pseudo-problem. Leaving Heidegger to one side we find Agamben stating,
seemingly after Badiou: "Between being and modes the relationship is neither of
identity nor of difference, because the mode is at once identical and different—or
rather, it entails the coincidence, which is to say the falling together, of the two
terms" (Agamben 2016: 164). This positioning appears impossible from inside the
tradition he is excavating, until you accept that multiples are indifferent, in which
case this contention is, contrary to the 2500 years of cogitation from the tradition,
surprisingly easy to resolve. Speaking of Spinoza in this regard, again rather than
Badiou, he comments on "the neutralization and disappearance of identity as much
as difference" with the demand to stop thinking in the substantial "while mode has
a constitutively *adverbial* nature, it expresses not 'what' but 'how' being is" (Agam-
ben 2016: 164). All of these are correct but rudimentary intimations of two facts:
beings are indifferent multiples which exist modally as relational objects in categor-
ical worlds due to commutative exposition.

Doggedly with Spinoza, rather than Cantor or categories, Agamben ignores the above implication and instead turns his thought to the immanent cause: "an action in which agent and patient coincide, which is to say, fall together". Modes, on this reading, constitute themselves as existing for example in the ancient verb *paesarse*: walking-yourself into existence. This, as ever, moves Agamben to refer to an ontology of the middle voice "in which the agent (God, or substance) in effectuating the modes of reality affects and modifies only itself. Modal ontology can only be understood as a medial ontology" (Agamben 2016: 165)... In the first part of this book, we have called 'use' a medial process of this kind. In a modal ontology, being uses-itself, that is to say, it constitutes, expresses and loves itself in the affection it receives from its own modifications" (Agamben 2016: 165). Use then, as we have shown in the sister paper, *Inoperativity as Category*, is another name for function, bodies is another name for objects. Or, put aside Leibniz, Suarez, Des Bosses and Spinoza, and you can see that a modal logic of mediality is in fact another way of saying category theory. Just as one can say, again as I have detailed in the accompanying work *Agamben's Impotentiality*, that the mediality he makes so much of here, that is then defined in terms of impotentiality across the entire volume, picking up his life-long interest in Aristotle and the aporia of potentiality, is dispensed with when you apply the axiom of separation to being. Indeed, the axiom of separation proves that a being can be both Being and existential being depending on whether it is counted as belonging (set) or included (subset), in a manner that is not asymmetrical (a multiple is a set a set is a multiple) aporetic, metaphysical (in the sense of being as articulation), or paradoxical. In fact, famously, it is because of this oscillation that being is proven to be consistent for, we contend, the first time in its history. That Agamben knows this is obvious, that he chooses instead to linger among the failed, grandiose projects of the history of the problem, seems almost perverse this late on in the game, albeit totally in keeping with his archaeological rather than rationally deductive method.

Agamben now returns to the earlier Aristotelian consideration of the proper name and *ti en einai* in this case as regards the name Emma[15]. He explains:

> Essence cannot be without the relative nor being without the entity, because the modal relation—granted that one can speak here of a relation—passes between the entity and its identity with itself, between the singularity that has the name Emma and her being-called Emma. Modal ontology has its place in the primordial fact...that being is always already said...Emma is not the particular individuation of a universal human essence, but insofar as she is a mode, she is that being for whom it is a matter, in her existence, of her having a name, of her being in language (Agamben 2016: 167).

The difference here between the historical conception of modality and the mathematics of categories is this presupposition about 'language' as anthropogenesis.

---

[15] I am unable to find a clear reference to where this example re the name Emma originates, from Aristotle or from a later work Agamben perhaps assumes the reader is familiar with.

Instead of assuming communicability qua language, as I hope is clear, my most recent work rather defines communicability to be a function of exposition, just as Badiou is transparent that mathematised being is a result or product of counting not of language. To be in language, as regards the modal logic of existence that is category theory, does not mean to be communicated, as the tradition has had it to be for centuries, but simply to be in a position of exposition. What is odd and perhaps exasperating is that this section on modal ontology basically summarises Badiou's method if one dramatically alters the terms in play so that the named singularity is now not a named singularity but a ranked multiplicity that exists not due to the name being a manifestation of the being, but the relation being a mode of the multiple. Agamben continues to ignore this fact when he goes on to state: "Our goal here is not the interpretation of Spinoza or Leibniz's thought but the elaboration of categories that escape from the aporias of the ontological apparatus" (Agamben 2016: 168). This is precisely our point but turns out to be a promise which he then resolutely fails to uphold in the rest of the chapter. The interpretation of categories outside of a metaphysics of being as articulation of being between language and world exists, it is called category theory and is extensively analysed in Badiou's *Logics of Worlds*. Either Agamben thinks this text does not escape the ontological apparatus, a valid possibility in that categories, in Badiou, are founded on sets, and sets, for Agamben, could be guilty of a kind of ontology as articulation, although, as I have shown, this is not entirely true. Or he is studiously ignoring it to such a degree that, a rather like Foucault's famous comment on the Victorians and sex, the more he chooses not to write about Badiou's ontology, the more he ends up doing precisely that.

## 7. DEMAND

We return at this potential break-through moment to the demand and Leibniz's conception of potential being as a demand to be. Here we begin to diverge from Badiou again because the functional demand of categories is not: "Being, come into existence!" Rather, function takes over from demand, or demand is now thought of as one of several functions. The reason why something exists rather than does not is not due to a worldly demand of existence, but rather the issue is: can said thing be seen to exist in this world? One clear differentiation here is that Leibniz does not see demand as a logical category. To demand, for him, is not to entail. Agamben goes on to define the demand ontologically as "it is not of the order of essence (it is not a logical implication contained in the essence), but neither does it coincide with actual reality. In the onto-logical, it consists of the threshold—the hyphen—that unites and at the same time separates the ontic and the logical, existence and essence" (Agamben 2016: 169). The demand, on this reading, is the command of the tradition that being should be divided and articulated, that a multiple is not, on its own,

enough, that worlds must be populated, that relationality must be developed. Agamben ruminates:

> Thus, demand is the most adequate category to think the ambiguity of logic and ontology that the Aristotelian apparatus has left as an inheritance to Western philosophy. It corresponds neither to language nor to the world, neither to thought nor to the real, but to their articulation. If ontology thinks being insofar as it is said, demand corresponds to the *insofar* that at once separates and unites the two terms (Agamben 2016: 169).

Demand is tantamount to our reading of communicability, combined with the Nietzschean purpose of intelligibility one finds in Foucault, which is of course exposition of power. The demand of exposition defines the fundamental nature of power, not just that something can be exposed but that it must be exposed. It is the ontological demand of the history of our concepts that requires that being be exposed as existing. In a sense, it is this demand that forced Badiou to write *Logics of Worlds* because of the wider demand of an existential complexity of relation. It is also in accord with the importance of demand in relation to his conception of the event. I find in it echoes of Deleuze's comment that language is nothing more than command, itself an assertion that effectively adds considerations of power to speech act theory. It is the violent requirement of the tradition to negate indifference in favour of relation that my work battles against. But sadly, it is not an accurate summation of modal categories. Worlds are not categorical due to demand, they are categorical due to ontology. And ontology is not consistent due to a demand, rather worlds are rendered unstable thanks to the demands of the event.

Agamben goes on to part confirm this intimation when he defines demand as follows: "If language and world stand opposite one another without any articulation, what happens between them is a pure demand—namely, a pure *sayability. Being is a pure demand held in a tension between language and world.* The thing demands its own sayability, and this sayability is the meaning of the word. But, in reality, there is only the sayability: the word and the thing are only its two fragments" (Agamben 2016: 170). The issue of sayability obviously takes this back to the communicable function qua language. Where my work innovates, if I may be so bold, is that sayability is only one example of the larger categorical function called commutativity. When commutativity takes over from communicability then we are able to define a praxiological overview of language, not in terms of what language says, but what it does. The meaning communicated by language is not therefore, primarily, the meaning held in the words. The content of speech is always a shibboleth, a code word, between members of a community, that defines the 'same page' mentality necessary for communication. The meaning of the speech is precisely this process of exposition, coupled with the conception of power, sanction. Language as communicability as sanction: this is the demand as modal ontology.

Agamben, due to his sources, obviously goes in an opposite direction by thinking of demand in relation to potential. Demand is here not possibility, this being could be, but potential. All the same his obliqueness is finally lifted as we realise that his interest in the modal is in truth an interest in the history of the possible as parsed through the necessary. The possible then is another way of saying potential, the necessary is the articulation that being must be sayable. Leading to the usual metaphysical circumlocutions: "*If existence becomes a demand for possibility, then possibility becomes a demand for existence*" (Agamben 2016: 170). Adding in, according to Leibniz, that the possible doesn't demand to exist, but the real "demands its own possibility [...] Being itself, declined in the middle voice, is a demand which neutralizes and renders inoperative both essence and existence, both potential and act. These latter are only the figures that demand assumes if considered from the point of view of traditional ontology" (Agamben 2016: 170).

Being as demand is the same as saying being as object of relations in the world. Communicability, therefore, emerges out of the articulation of being, the means by which it founders through Agambenian indifference, and then the potential that is opened up by Badiou's conception of ontology by mathematising beings into multiples, the lack of detail as regards relationality for the wider community, and the development of categorical communicability. When Agamben says being "is nothing other than its modifications" this is basically Badiou's entire project summarised" (Agamben 2016: 170). Leading Agamben to accept that "demand and not substance is the central concept of ontology" (Agamben 2016: 170), if one takes demand not as logical entailment nor moral imperative. One might almost think he is trying to negate Badiou here, only to accidently condone him, after all Badiou's insistence that being is real is surely framed as an appeal to substance.

We find ourselves dragged back one last time to Spinoza and *conatus*, specifically defining being as a kind of self-manifestation: because of its demand it constitutes itself. By this reading multiples demand to exist, are constituted only by existing. This is not, however, what Badiou contends. The ontological world is complete without existence. In fact, existence is only needed, according to him, to allow for the event which cannot exist as a pure multiple alone. All the same the next section on conatus concerns a forgotten idea of ductus, a classic Agamben gambit, a tension preserved in a certain figure, which is revealing. What is fascinating in particular is how it describes a dynamic and ever-altering relation between ontology and category that is missing from the monolithic Badiou: "human nature crosses over into existence in a continuous way and precisely this incessant emergence constitutes its expressivity... singular existence—the mode—is neither a substance nor a precise fact but an infinite series of modal oscillation, by means of which substance always constitutes and expresses itself" (Agamben 2016: 172). Here we can draw the differences between the two thinkers in favour of Agamben. Badiou, for example, lacks a purposiveness as regards categories determined in time (signatures). His

conception of commutativity also lacks the demand impetus of power: categories want to expose you. Again, while Badiou is able to speak of a mode of a being in a world, his system is flat-footed in terms of concerning the modalities of a being through a world in time and across worlds in the timeline of said being. This is, presumably, because he wishes to avoid the Deleuzian, Bergsonian idea of continuous becoming, a valid position, but it also means that he has no mechanism for explaining the prevalence of certain worlds, only any world whatsoever, an approach that throws all its impetus into one political outcome, the event, but which means it then fails politically on at least one other count, the critique of power due to the signature of life in biopolitics say. Leaving the extended chess match perhaps in a perpetual endgame that will inevitably result in a draw, if either part were willing to concede this, which appears, on the face of it, at the present juncture, an impossible result. And so the game drags on...

## 8. CONCLUSIONS

Agamben's intention in the middle portion of *The Use of Bodies* is clearly expressed in the final part of the final sentence. He is questing for a conception of life where the life that one lives, being, and the life through which one lives, modal beings, is capable of coincidence rather than articulation, such that: "What appears in this coincidence is no longer a presupposed life but something that, in life, ceaselessly surpasses and overtakes it: a form-of-life" (Agamben 2016: 191). It is a well-constructed and exciting sentiment that the final part *Form-of-Life* comes close to fulfilling, but after many volumes and decades of promises, for many I would imagine close is just not enough. The overall problem, I think, across the magisterial *The Use of Bodies* is what to make of Agamben's critique of the metaphysics of diaresis, after the innovations of extensional reasoning and their eventual impact on continental thought in the work of Badiou, a historical trajectory of belatedness Agamben is more than aware of. If, as I believe, extensional reasoning has obviated the need for a justification of his method of indifferential suspension, at the same time it has strengthened his claims for the tri-partite archaeological method. Said method is a mode of historicised set theory after all, signatures are the names of sets of archetypes with a temporal halting point or arche, as much as it analogically maps onto category theory as well. The clear power of Agamben's philosophy is surely a kind of historical necessity underlining the apparent contingency of terms when outlined historically rather than rationally. But, this being said, what is the justification for his ignoring the great historical developments in extensional logic when they directly impact on the entirety of his work? If modal ontology is the definition of Agamben's ambition, why does Agamben only historicise modal logic, neglecting to formalise it through reading Kripke or, more pointedly, Badiou's *Logics of Worlds* and category theory?

As for his relationship with Badiou, I recall that letter between Russell and Frege. Russell's famous letter of 1902 stopped Frege in his tracks, sent him into despair, but ultimately spurred him on to his greatest work, and of course left us Russell's paradox, one of the most important conceptual formulations of the last hundred years. Why is it that Agamben, seeing the innovations in modal thought in Badiou's work, is unable to accede to Badiou's insights and modify his work accordingly? Maybe it is because Agamben is right in his implied critique of Badiou's ontology. A most unnerving moment for my own work in reading and rereading *The Use of Bodies* is the lingering doubt that Agamben is correct and Badiou's ontology is simply articulation, coupled to the desperate hope that it however escapes ontology as articulation due to the peculiarity of sets. If the ability to dislodge you from entrenched positions is the definition of great work, then Agamben's conclusion to *Homo Sacer* is unquestionably great. Yet, it would be greater if it admitted to the fact that the three main aspects of the work all require a sustained engagement with his peers, rather than the ghosts of thinkers long gone. His consideration of separation, after all, explodes under the pressure of the mathematised axiom of separation and the non-relationality of multiples. His insistence on looking at analogy through the rather obscure Melandri seems perverse when categories are a workaday, globally-accepted form of advanced analogical thought. Finally, fascinating though his history of modal ontology is, it seems outflanked entirely by contemporary work by Badiou and the analyses I put forward on categorical modal ontology.

In contrast, the idea of a historical *a priori* as an alternative to mathematised reasoning is revelatory and salutary. At no point has it been clearer that what is missing from Badiou's objective phenomenology is a reason why certain worlds persist over time and space, and the role of power rather than rational consistency over the relative stability of the signatures of our commonly-held worlds. Category theory is a brilliant way of looking at the stability of some of all of our worlds, but falls short of speaking to the persistence of that set of worlds we simply cannot appear to divest ourselves of, generation after generation, century after century. And it is true that I was as disappointed as any with the predictable onto-logy structure Badiou eventually sides with, as there is no denying it, such a project, necessary for Badiou because of his obsession with the event, is just another entry into the annals of both metaphysical articulation of language and world, and the blind adherence to a valorisation of singularity in the philosophy of difference since Hegel.

Read in these terms it is absolutely necessary that we concede that Badiou's revelatory maxim being is-not is to the counting of being, analogically as being-as-*archē* is to the historicising of being. Meaning that Agamben's archaeological method is a historical manifestation of the mathematics of being, not so much in terms of set theoretical ontology but, as I have argued already elsewhere, in terms of logics of worlds. If we accept that Badiou's articulation is a-linguistic, represented by the alteration of Agamben's communicability to the topological sense of commutativity,

then we are able, perhaps, to instigate a brief truce by accepting Badiou's ontology is articulation, but just as there are various types of relation, difference and indifference, so too there are, if you will, bad forms of articulation and good. Agamben scholars have to concede that mathematised ontology requires a significant reconsideration of indifferential suspension, the three-part method and the calls to think modally and analogically. Badiou's followers need to admit that *Logics of Worlds* lacks a theory of historical consistency of certain worlds, and surprisingly, a workable theory of power. The truth is, the two great thinkers are not so far apart. They both utilise a theory of sets. They both accept that ontology must be modal. They both agree that all future thinking concerns the use or function of bodies or objects. They each, in their way, advocate a theory of communicability (commutativity). And finally, neither man would be able to even begin down their parallel, analogically, perhaps destinally equivalent paths to being, if it were not for their commitment to the rationality of indifferential reasoning.

Is a mathematised archaeology of ontology possible? I hope to have shown that the answer is yes. The issue is rather, considering our tendency in continental philosophy to draw stark oppositions and then construct critical articulations between different positions such that our reasoning depends on the promulgation of said oppositions, can the wider community read Agamben through Badiou and Badiou through Agamben simultaneously, and without prejudice? In the end, inspired by another thinker from the analytical tradition of extensional thought, we need to accept that archaeological ontology and mathematised ontology are two equally consistent languages apposite for differing approaches to the same worlds we all exist in. If we are able, therefore, to apply Carnap's principle of tolerance, then a mathematised archaeology of being, and a historicised mathematics of beings is surely within our collective grasp.

## BIBLIOGRAPHY

Agamben, G. 2009. *The Signature of All Things: On Method.* Translated by L. D'Isanto and K. Attell. New York: Zone Books.

Agamben, G. 2010. *The Sacrament of Language: An Archaeology of the Oath.* Translated by A. Kotsko. Stanford: Stanford University.

Agamben, G. 2016. *The Use of Bodies.* Translated by A. Kotsko. Stanford: Stanford University Press.

Badiou, A. 2005. *Being and Event.* Translated by O. Feltham. London: Continuum Press.

Badiou, A. 2009. *Logics of Worlds.* Translated by A. Toscano. London: Continuum, 2009.

Badiou, A. 2014. *Mathematics of the Transcendental.* Translated by A.J. Bartlett and A. Ling. London: Bloomsbury.

Bar-Am, N. 2008. *Extensionalism: The Revolution in Logic.* Berlin: Springer.

Laruelle, F. 2013. *Anti-Badiou. On the Introduction of Maosim into Philosophy.* Translated by R. Mackay. London: Bloomsbury.

Potter, M. 2004. *Set Theory and its Philosophy.* Oxford: Oxford University Press.

Tiles, M. 1989. *The Philosophy of Set Theory: An Historical Introduction to Cantor's Paradise.* Mineola: Dover.

Watkin, W. 2015. *Agamben and Indifference.* London: Rowman&Littlefield International.

Watkin, W. 2016. *The Time of Indifference: Mandelstam's Age, Badiou's Event and Agamben's Contemporary.* In «CounterText», 2.1, pp. 85-99.

Watkin, W. 2017. *Badiou and Indifferent Being.* London: Bloomsbury.

Watkin, W. 2021. *Badiou and Communicable Worlds.* London: Bloomsbury.

Watkin, W. Forthcoming. *Inoperativity as Category: Mathematising the Analogous, Habitual, Useful Life in Agamben's* The Kingdom and the Glory, The Signature of All Things *and* The Use of Bodies, in «Journal of Italian Philosophy».

# 'STATE OF EXCEPTION' OR 'THRESHOLD OF INDISCERNIBILITY'?
## A STUDY ON THE BEGINNINGS OF GIORGIO AGAMBEN'S *HOMO SACER* PROJECT

**VALERIA BONACCI**
*Departments of History of Philosophy*
*University Paris-Sorbonne (Paris IV)*
valeriabonacci@gmail.com

**ABSTRACT**
The aim of this article is that of bringing the inextricably ontological and political *enjeu* of Agamben's work into light, through the investigation of the beginning of the *Homo Sacer* series and of the shift that such a beginning produces within the author's philosophical project. More precisely, through a comparison of the first two texts of the series, *Homo Sacer. Sovereign Power and Bare Life, Homo Sacer I* (1998) [1995], and *State of Exception, Homo Sacer II, 1* (2005) [2003], we will show how, in many respects, the philosophical question raised by Agamben in the first volume proves to be problematic, although it finds its most precise formulation in the period of time which spans from the first volume to the second. Our hypothesis is that the punctual recovery of the main inquiries of *Homo Sacer* I within *State of Exception* and, in particular, the recovery of the strategic interpretation of the debate between Carl Schmitt and Walter Benjamin, coincides with a crucial in-depth analysis that allows Agamben to introduce the paradigms of *inoperativity* and use in the specific meaning that these terms have in the subsequent developments of the series, i.e., as key notions through which Agamben elaborates his philosophical rethinking of the nexus between ontology and politics.

**KEYWORDS**
Agamben, Benjamin, inoperativity, use, indiscernibility, state of exception, Homo Sacer

The aim of this article is that of bringing the inextricably ontological and political *enjeu* of Agamben's work into light, through the investigation of the beginning of the *Homo Sacer* series and of the shift that such a beginning produces within the author's philosophical project. More precisely, through a comparison of the first two texts of the series, *Homo Sacer. Sovereign Power and Bare Life, Homo Sacer* I (1998) [1995], and *State of Exception, Homo Sacer* II, 1 (2005) [2003], we will show how, in many respects, the philosophical question raised by Agamben in the first volume proves to be problematic, although it finds its most precise formu-

lation in the period of time which spans from the first volume to the second. Our hypothesis is that the punctual recovery of the main inquiries of *Homo Sacer I* within *State of Exception* and, in particular, the recovery of the strategic interpretation of the debate between Carl Schmitt and Walter Benjamin, coincides with a crucial in-depth analysis that allows Agamben to introduce the paradigms of *inoperativity* and *use* in the specific meaning that these terms have in the subsequent developments of the series, i.e., as key notions through which Agamben elaborates his philosophical rethinking of the nexus between ontology and politics. Undoubtedly, *Homo Sacer I* represents one of the most important philosophical essays of the twentieth century. Since its publication, the text has had an as widespread as controversial reception. If we think about the messianic tone of Agamben's antecedent books, such as *The Coming Community* or *Means Without Ends*, *Homo Sacer I* constitutes a *détour* in the philosopher's path, not so much in the sense of a halt, but rather in the sense of a shift towards a further level of complexity. And the key to such a shift is the reflection on *indiscernibility* (indiscernibilità) which configures itself as the real philosophical protagonist of *Homo Sacer I*. The topos of *indiscernibility* emerges as a recovery and further development of the critique made by Benjamin against the apparatus of the 'state of exception', and specifically against its key theorisation by Carl Schmitt. According to *Homo Sacer I*, the 'state of exception' unveils the arcane functioning of the apparatuses of Western powers, and constitutes the key to the comprehension both of the totalitarian drift of contemporary democracies and of the *impasse* that politics and thought manifest in dealing with it. The apparatus of emergence coincides with a state in which the law is in force by means of its very suspension, illegal provisions take on a juridical appearance, therefore the state of exception becomes impossible to comprehend – nor be revoked – through recourse to the binary categories upon which our political tradition is based (not only licit/illicit, private/public, but also: inside/outside, identity/difference). Agamben goes back to Benjamin's strategy, which consists in showing how the apparatus of the exception presupposes at its core a *threshold of indiscernibility* between its polarities – *nomos* and *anomie*, sovereignty and life, to use Agamben's terms – a threshold which invalidates any attempt to inscribe it in a juridical context, thus marking a point of no return with respect to any traditional political form. Although this philosophical strategy is evident in the book, we will show how *Homo Sacer I* does not get to coherently distinguish the apparatus of the *exceptio* from the *topos* of indiscernibility – to use Benjamin's words in the eighth thesis *On the Concept of History* (Benjamin 1991; Benjamin 2006): the merely virtual *Ausnhamezustand* from the "real state of exception" – and we will identify in this lack of distinction the cause of the criticisms that have been made as to an indirect apology for the Schmittian doctrine.

In this study, we will try to demonstrate how at the basis of this *impasse* lies an undeveloped conception of man's praxis as a *threshold of indiscernibility*, or as an *unsubstantial medium*, between the polarities of the power apparatuses, which, although it is present in a crucial passage of *Homo Sacer I*, it is not, however, fully developed there. We will also show how, in the next volume of *Homo Sacer, State of Exception*, this problematic issue takes Agamben back to the debate between Schmitt and Benjamin, and induces him to center this debate around the figure of the praxis as a 'pure medium' as formulated by Benjamin in *Critique of Violence*. Through this new interpretation, Agamben comes to indicate man's praxis as a threshold which is situated at the centre of the apparatus of the exception, and which allows its functioning – i.e. the separation and simultaneous articulation of *nomos* and anomy, law and life – a threshold which, nevertheless, the apparatus tries to hide and dissimulate in its operation, because it reveals its polarities as indiscernible. In the conclusion, we will show how, in *State of Exception*, the development of the Benjaminian conception of acting as a 'pure medium' leads Agamben to confront the *impasse* of *Homo Sacer I*, by indicating man's praxis as an 'inoperative use', i.e. as a threshold in which potentiality and act, law and life, become indistinguishable, and we will consider how this conception constitutes the basis for the reformulation of the nexus between ontology and politics that Agamben will develop more thoroughly in the last section of the *Homo Sacer* series[1].

---

[1] It may be appropriate to note at this point a brief methodological premise concerning the manner of a 'genealogical' approach to Agamben's work. In 2013, I had the fortune of being invited by Agamben himself to transcribe and edit, with the help of two other Italian researchers, his philosophical diaries, an incredibly imposing work, considering that they consist of almost thirty notebooks of 120 pages each, dating from 1968 to today, and which are characterized, for the most part, by a labyrinth of "citations without quotation marks" that need to be collocated and translated. At the time, the publication had been entrusted to a publishing house which then gave up on the project, and which is now been reconsidered by another publishing house. For more than a year, I worked on the notebooks from the 2010s, that were also coeval to the texts that I was focusing my research on at the time. What immediately caught my attention was how, right from the beginning of that very decade, a different number of notations and reflections were already hinting at what Agamben would have thematised ten years later in essays like *The Highest Poverty* and *The Use of Bodies*, and on which he was probably already working for a while. In this sense, to attribute the introduction of a concept to a specific text of Agamben's might seem reductive. However, I believe that in philosophical works it is impossible to separate the analysis of a concept from the process through which such a concept reaches its formulation, since the peculiar trait of any genuine philosophical notion is, to use Feuerbach's definition which Agamben often recalls, its capacity to be developed (*Entwicklungsfähigkeit*) within an itinerary in which it never reaches a final definition and never ceases to transform itself. This is valid also for those key notions like the state of exception and the topos of indiscernibility, whose conception still continues to develop throughout the years.

## 1.

"The tradition of the oppressed teaches us that the 'state of exception' in which we live is the rule. We must arrive at a concept of history which corresponds to this fact. Then we will have the production of the real state of exception before us as a task; and this will improve our position in the struggle against Fascism" (quoted and translated in Agamben 2017b: 48; Italian original edition Agamben 2019: 60[2]). Walter Benjamin's eighth thesis *On the Concept of History*, with its annotations on the indiscernibility of law and life in the contemporary 'state of exception', constitutes the starting point of *Homo Sacer I*, in that it represents the lens through which Agamben reads Michel Foucault's inquiry into biopolitics. And it is in the way of a cross-reading of these two authors that the research entailed in the first volume of the series takes shape:

> Only a reflection that, taking up Foucault's and Benjamin's suggestion, thematically interrogates the link between bare life and politics, a link that secretly governs the modern ideologies seemingly most distant from one another, will be able to bring the political out of its concealment and, at the same time, return thought to its practical calling (Agamben 2017b: 7-8; Agamben 2019: 20).

The research hypothesis, formulated in the first few pages of the book, is that the mutual reference between 'sovereign power' and 'bare life' constitutes something like the unthought assumption of Western tradition, an assumption which makes all the theories that try to play one term against the other complicit. 'Bare life' is the translation of the Benjaminian syntagm '*bloßes Leben*', and it functions as a key term in *Homo Sacer I* in reference to Foucault's inquiries into the process through which, within modernity, the biologic life of the individuals becomes the stake of politics, which then turns into biopolitics. "For millennia", we read in *The Will To Knowledge*, "man remained what he was for Aristotle: a living animal with the additional capacity for political existence; modern man is an animal whose politics calls his existence as a living being into question" (Foucault 1976: 172)[3]. However, according to Agamben, it is not sufficient to think this progress of the Western tradition as a discontinuity, or as an overturning, like a "threshold of biological modernity"[4], to use Foucault's words, which separates antiquity from modernity. Through a Benjaminian lens, what appears to be decisive to Agamben is the fact that in the Western tradition law and life emerge as at once divided and articulated, as the two poles of an 'apparatus', in which both intertwine to the point that they become undecidable. Foucault himself, in particular in his late 1970's lectures, shows how, with the "resulting increase in importance of the nation's

---

[2] The very last sentence is not quoted by Agamben, see W. Benjamin 1991: 697; W. Benjamin 2006: 392.

[3] Quoted in Agamben 2017b: 6; Agamben 2019: 18.

[4] See Agamben 2017b: 6; Agamben 2019: 18.

health and biological life as a problem of sovereign power" this latter gets into a process of emptying, or of rarefaction, to the point that the figure of sovereignty gradually changes into a "government of men", into a mere "administration of the bodies" (Agamben 2017b: 6; Agamben 2019: 18).

While Foucault does not confront himself with the measure of the 'state of emergency', which characterises the birth of the twentieth century totalitarian regimes to then become a governmental paradigm in contemporary democracies, according to *Homo Sacer I* it is this apparatus, which forms the core of Benjamin's reflection, that allows us to think the process described in Foucault's lectures. The text shows how the 'state of exception' – the *Ausnhamezustand* of Carl Schmitt's theory – coincides with a *suspension* of the juridical order, within which the law *remains* in force; and argues how, through such a suspension of the law, the political dimension of the individuals comes to coincide with their biological existence, with their 'bare life'. Therefore, the state of exception appears to be a threshold concept, which is neither ascribable to the sphere of the *nomos*, nor to the sphere of the *physis*, in which law and life reveal themselves as undistinguishable. Starting from this concise reconstruction of the central argument of the text, we can already formulate the question which will direct our inquiry: does the indiscernibility of law and life describe the functioning of the state of exception, or is it a threshold contained within it, that hints at its possible deactivation? A question which, in terms of the first two volumes of *Homo Sacer* (whose arguments we will here try to reconstruct) can be provisionally formulated in the following manner: how can we possibly comprehend the Benjaminian admonishment to the production of the 'real state of exception (*wirchlick Ausnhamezustand*)', as opposed to the merely 'virtual' one theorised by Schmitt? As hinted above, our hypothesis is that, despite Agamben's attempt to play the Benjaminian 'real state of exception' against the Schmittian 'virtual one', in *Homo Sacer I* the topos of indiscernibility is used to describe the position of both authors without an evident philosophical strategy, and that such an ambiguity invalidates the book's central argument.

## 2.

In *Homo Sacer I* the research on contemporary biopolitics leads, in the first place, to the development of another Foucaultian assumption, that is to investigate – to use Foucault's words – the "shadow that the present casts onto the past"[5]. If, in the state of exception, the norm is in force as suspended, and the bare life of

---

[5] Agamben often mentions Foucault's definition of his own archaeological inquire as a "shadow cast onto the past by the present" although never reporting the source of this quotation. The definition is probably derived from Foucault 1969: 234, and then loosely reformulated. I would like to thank Andrea Cavalletti for helping me to find this passage.

the citizens becomes the place of politics, how should we retrospectively think about the nexus between law and life in the Western tradition?

Through a well-known and provoking reading of Aristotle's *Politics*, *Homo Sacer I* shows how in classical Greece 'life' is split into two distinct poles: *zoé*, the natural life, and *bios*, the politically qualified life, which nevertheless define themselves through their very contrast. When Aristotle indicated: "The end of the perfect community [...] he did so precisely by opposing the simple fact of living (*to zēn*) to politically qualified life" (Agamben 2017b: 6; Agamben 2019: 18), and in such a way as to also reveal how, only through such an *exclusion* of life, can the boundaries of the *bios* be defined. The *separation*, the contrast, between *bios* and *zoé*, attests itself as an *implication*, hidden but still constitutive, of the natural life into the polis. In as far as the sphere of the *bios* defines itself by way of the exclusion of the *zoé*, the separation of natural life proves to be something like an internal limit which prevents the *bios* from realizing itself, and which underpins the different polarization of the terms during modern times, when bare life emerges as the constitutive dimension of contemporary politics[6]. If, in the *polis*, the boundaries of the *bios* are defined through the exclusion of the *zoé*, in the state of emergency it is the *suspension* of the law which discloses the domain of bare life as the sphere of politics. The bare life, as Agamben concludes, "remains included in politics in the form of the exception, that is, as something that is included solely through an exclusion" (Agamben 2017b: 12; Agamben 2019: 25). *Homo Sacer I* defines the exception (the Latin term *exceptio* literally means the 'capture of the outside') as the nexus of the inclusive exclusion between life and law in our tradition, a tradition within which the two poles reveal themselves as always being at once divided and articulated. The coming into light of this relationship allows Agamben to highlight how the crucial role of the natural life in modernity does not mark a discontinuity with respect to the ancient times. The "shadow which the inquiry into the present casts onto the past" is situated beyond the biopolitical boundaries traced by Foucault, and it reveals "the production of a biopolitical body" as "the original activity of sovereign power" in the Western tradition (Agamben 2017b: 9; Agamben 2019: 21).

The relevance of Schmitt's thought for *Homo Sacer I*'s researches can be better appreciated in the light of these inquiries. As it is known, in *Political Theology* the rank of the sovereign derives from his capacity to "decide on the exception", that is, to suspend the juridical order, in so far as such a suspension does not call into question the validity of the law, but rather defines the domain upon which it finds its very application, by delimiting the sphere of life: "Here the decision is not

---

[6] In his essay *Agamben and the Question of Political Ontology*, M. Abbott defines 'bare life' as the "unthought ground of the metaphysics underpinning our political system, a presupposition that, after the failed attempt to exclude it in the classical world, has returned to haunt us in modernity". See Abbott 2014: 20.

the expression of the will of a subject hierarchically superior to all others, but rather represents the inscription within the body of the *nomos* of the exteriority that animates it and gives it meaning. The sovereign decides not the licit and illicit but the originary inclusion of the living in the sphere of law or, in the words of Schmitt, 'the normal structuring of life relations' which the law needs" (Agamben 2017b: 25; Agamben 2019: 37). While the theories of the state of exception generally try to frame it within the fact/law opposition, thus indicating it, on the one hand, a juridical provision, or, on the other hand, simply a concrete exception, the relevance of the Schmittian doctrine cannot but reside, for Agamben, in its way of presenting the state of exception as a threshold concept that founds the very structure of the juridical reference, i.e. the relationship of the sphere of law to the sphere of fact: "The exception does not subtract itself from the rule; rather, the rule, suspending itself, gives rise to the exception and, maintaining itself in relation to the exception, first constitutes itself as a rule [...] To refer to something, a rule must both presuppose and yet still establish a relation with what is outside relation (the nonrelational). The relation of exception thus simply expresses the originary formal structure of the juridical relation" (Agamben 2017b: 19-20; Agamben 2019: 32-33). It is only through the suspension of order that the sovereign can trace a new boundary between anomy and *nomos*, separate, exclude life from the law, and, at the same time, include life into its domain, as the sphere upon which law places its application. Thus, the specific manner of the Schmittian theory is that of "inscrib[ing] anomie within the very body of the *nomos*" (Agamben 2005: 54, now in Agamben, 2017b: 213; Agamben, 2019: 220), so as to make the suspension of the order, the demarcation of the juridically empty sphere of life, the very foundation of law and its application. Therefore, if this is the complexity of the functioning of law, if that which is separated from the *nomos* – anomy, life – is already included in it through its exclusion, in what way is it possible to call into question such a relationship, to neutralise the device of the *exceptio*?

## 3.

*Homo Sacer I's* critique of contemporary philosophy can be better understood in light of this analysis of the Schmittian doctrine. In *Homo Sacer I*, Agamben discusses the attempt developed by the twentieth century French philosophy to deactivate the law apparatus through the figure of *difference*. If law's nature does not consist so much of a distinction between what is licit and what is illicit, but rather, and ultimately, in the presupposition of a nexus of an inclusive exclusion between law and life, it will not be sufficient to appeal to an 'otherness', to an 'other' in respect to the law, in order to deactivate it. *Homo Sacer I* mentions a passage from *Entretien infini*, in which Blanchot defines the process of the '*grand enfermement*' described by Foucault in the *Histoire de la folie*, as an attempt by power

to "confine the outside", to "interiorise what exceeds it", a process by virtue of which "the system designates itself as exterior to itself" (Blanchot 1969: 292)[7]. To Agamben, such a description of power appears to be ephemeral. As he writes, if "exteriority [...] is truly the innermost centre of the political system, and the political system lives off it in the same way that the rule, according to Schmitt, lives off the exception" (Agamben 2017b: 33; Agamben 2019: 45), then, any opposition between an inside and an outside of the system will fall within the mechanism of the *exceptio*.

However, the question which the apparatus of the exception poses to contemporary thought is, according to Agamben, even more radical. Agamben reconstructs the debate between Gershom Scholem and Benjamin around the status of the law in Kafka's *The Trial*. The situation described therein, whereby the "law is all the more pervasive for its total lack of content" (Agamben 2017b: 47; Agamben 2019: 59), is interpreted by Scholem as a "being in force without significance (*Geltung ohne Bedeutung*)" as proper to the law. According to Agamben, such an indication of the anomic foundation of the *nomos* connotes both the post-heideggerian reflection on the ontological structure as abandonment (the reference here is in particular to Jean-Luc Nancy) and deconstructionism, which reads the "entire text of tradition as being in force without significance" and conceives it as "absolutely impassable" (Agamben 2017b: 47; Agamben 2019: 60). However, Agamben states, these theories describe exactly the status of the law in the contemporary state of exception:

> The task that our time imposes on thinking cannot simply consist in recognizing the extreme and insuperable form of law as being in force without significance. Every thought that limits itself to this does nothing other than repeat the ontological structure that we have defined as the paradox of sovereignty (or sovereign ban) [...] A pure form of law is only the empty form of relation. Yet the empty form of relation is no longer a law but a zone of indistinguishability between law and life (Agamben 2017b: 51-52; Agamben 2019: 64).

Therefore, provided that the functioning of power consists in the inclusive-exclusion of law and life (in which the law is in force as suspended) how does the topos of indiscernibility allow us to pursue the deactivation of the power apparatus, and to formulate a "completely new politics – that is, a politics no longer founded on the *exceptio* of bare life"? (Agamben 2017b: 13; Agamben 2019: 25).

## 4.

The place in which *Homo Sacer I* deals with such a question is the reconstruction of the debate between Schmitt and Benjamin on the state of exception, in re-

---

[7] Quoted in Agamben 2017b: 19; Agamben 2019: 31.

spect to which the comparison between Scholem and Benjamin serves as an introduction. In response to the conception of *Geltung ohne Bedeutung,* intended as 'spectral figure of the law', that "Scholem, not at all suspecting that he shares this thesis with Schmitt, believes is still law", and "which is in force but is not applied or is applied without being in force" (Agamben 2017b: 220; Agamben 2019: 225), Benjamin objects that a law which is in force without signifying is not a law anymore as it becomes indiscernible from life. In the Kafkian village, Agamben glosses, "the existence and the very body of Joseph K. ultimately coincide with the Trial; they become the Trial" (Agamben 2017b: 47; Agamben 2019: 59). This indiscernibility of law and life is indicated as the key to the figure of the 'real state of exception' which Benjamin, in his eighth thesis *On the Concept of History,* opposes against Schmitt's 'state of exception' which is identified as a merely 'virtual' one.

Benjamin's thesis obviously refers to the Nazi Reich's state of exception, proclaimed in 1933 with Hitler's seizure of power. According to Schmitt's perspective, the suspension of Weimar's constitution should have led to the foundation of a new order, coinciding with a new subordination of life to law, of anomy to *nomos.* But in fact, as the state of exception was never revoked, it therefore became, as shown in the eighth thesis also, 'the rule'. To Benjamin's eyes, the suspension of the law brings into light a threshold of undecidability between *nomos* and anomy, law and life, which neutralises any attempt to newly separate and subordinate them in a juridical relationship, thus marking a point of no return in respect to all traditional political forms. But in what way does the indiscernibility between law and life, which characterises the 'real state of exception', distinguish itself from their inclusive exclusion, which identifies the merely virtual *Ausnhamezustand?* Agamben recapitulates the two different interpretations of the state of exception as follows:

> We have seen the sense in which law begins to coincide with life once it has become the pure form of law, law's mere being in force without significance. But insofar as law is maintained as pure form in a state of virtual exception, it lets bare life (K.'s life, or the life lived in the village at the foot of the castle) subsist before it. In a real state of exception, law that becomes indistinguishable from life is confronted by life that, in a symmetrical but inverse gesture, is entirely transformed into law [...] Only at this point do the two terms distinguished and kept united by the relation of ban (bare life and the form of law) abolish each other and enter into a new dimension (Agamben 2017b: 48, translation modified; Agamben 2019: 60-61).

Nonetheless, at this stage of the analysis, such a conclusive statement of the argumentation reveals itself as highly enigmatic, because it seems to provoke a shift in Agamben's discussion. If, in the previous pages, the indiscernibility of law and life characterised Benjamin's position, a position that unmasked the artifice of the state of exception in such a way as to reveal it as a pretence of deciding on an *undecidable* – in the later lines of this very same paragraph the indeterminacy of law

and life seems to characterise Schmitt's theory. Confronted with the jurist's position, 'the real state of exception' is described by Agamben as "a life entirely transformed into law" but also as a "mutual abolition" of the two terms. This ambiguity of the text allows us to render a problematic aspect of *Homo Sacer I* into light, and one which, in our view, lies at the basis of many criticisms that have been drawn around this key text and the ensuing misunderstandings. This problematic issue concerns the distinction of the apparatus of the exception – the inclusive-exclusion – from the topos of the threshold of indiscernibility. We can start by considering how the lexicon of indiscernibility (notably, indifference, undecidability, indistinction, etc. all terms that Agamben uses in a co-extensive manner) is used in *Homo Sacer I* both to describe Schmitt's doctrine and to indicate Benjamin's position. At times the indiscernibility is thought as the functioning of the state of exception, coinciding with the mechanism of the inclusive-exclusion of law and life, at other times as a threshold between them, which does not reduce itself to the exception, and which points at its possible neutralization. "The sovereign decision", as we saw, for instance, in the first part of the text, "traces and from time to time renews this threshold of indistinction between outside and inside, exclusion and inclusion, *nomos* and physis, in which life is originarily excepted in law" (Agamben 2017b: 26; Agamben 2019: 38), and, while examining the figures of the *exceptio* – sovereignty, bare life, the concentration camp, the Muselmann – Agamben describes them in terms of a "threshold of indifference between nature and culture, between violence and law" (Agamben 2017b: 33, translation modified; Agamben 2019: 45). In the light of these considerations, the topos of indiscernibility seems to coincide with the mechanism of the *exceptio* and, in so far as this is the place in which law and life acquire their meaning through their inclusive exclusion, its possible deactivation can only configure itself as a "mutual abolition of the terms", that is, as a perfectly empty destitution of the apparatus, at the risk of attesting it as a formal and metaphysical dimension. However, in other passages, the indiscernibility, in as much as it is an "unlocalizable zone of indistinction" between law and life, manifests an intrinsic ambiguity of the Schmittian apparatus which cannot be reduced to it and "that, in the last analysis, necessarily acts against it" (Agamben 2017b: 20; Agamben 2019: 32). And in such a direction point also Benjamin's considerations around the 'real' state of exception, considered as the coming into light of a threshold of indiscernibility between law and violence, which unmasks any attempt to go back to a separation or subordination of the terms in a juridical context.

Does the topos of indiscernibility therefore describe the ambiguity which characterises the relationship between law and life in the inclusive-exclusion[8], or does it

---

[8] In his 2014 essay entitled *Agamben and Indifference*, William Watkin states that the question of the relation between the apparatus of inclusive-exclusion and the figure of indifference has never been investigated in the Anglophone critical literature on Agamben: "A question that I believe no

stand for a threshold which gives us a glimpse of a possible neutralization of this apparatus?

## 5.

A step in the direction of the dissolution of this difficulty is taken in the section entitled *Threshold*, which connects the first and the second parts of the book, through a reading of Benjamin's essay *Critique of Violence* which Agamben defines as a "necessary and, even today, indispensable premise of every inquiry into sovereignty" (Agamben 2017b: 54; Agamben 2019: 67). Even if Agamben does not reach a conventional conclusion, this brief chapter forms the basis for the new interpretation of the debate between Schmitt and Benjamin which, as we shall also see, he develops in the subsequent volume of *Homo Sacer: State of Exception.* In his *Critique*, Benjamin shows how every position of a new law, inasmuch as it presupposes the position of a boundary between anomy and *nomos*, contains an intrinsic anomic, violent act, which the *nomos* tries to dissimulate, but which comes into light in its reference, ambiguous but nonetheless constitutive, to a *violence* which preserves the law,

> Hence the necessity of a third figure to break the circular dialectic of these two forms of violence [...] The definition of this third figure, which Benjamin calls 'divine violence', constitutes the central problem of every interpretation of the essay. Benjamin in fact offers no positive criterion for its identification and even denies the possibility of recognizing it in the concrete case. What is certain is only that it neither posits nor preserves law, but rather 'de-poses (*entsetzt*)' it (Agamben 2017b: 55; Agamben 2019: 67).

If the dialectical oscillation between life and law, violence and law, describes the functioning of the state of exception, the divine violence, as a 'third' term among them, will not be a substantial term that would act as a dialectical opposite to law. However, it will not even indicate the ambiguous oscillation between the two terms, in fact, the very same sovereign violence, as Agamben immediately recognises, is neither identifiable with the violence that poses the law, nor with that which preserves it, in as far as it constitutes itself through their inclusive exclusion:

one has yet raised" (Watkin 2014: 190). It is peculiar how, in his text, which still has the merit of putting the topos of indiscernibility in Agamben's work into sheer focus, Watkin describes the implication of such a conception as an (empty) suspension of all the oppositional categories of our tradition, in which "the very same indifference becomes indifferent" (Watkin 2014: 191, *passim*). If, as we have shown, these are Agamben's conclusions in some of the *Homo sacer I* remarks, especially in those passages where the apparatus of inclusive-exclusion and the topos of indiscernibility seem to coincide, then the implications of this notion can only be grasped in relation to the notion of a *threshold* which, as we shall also see, Agamben connotes as 'use'.

> The violence exercised in the state of exception clearly neither preserves nor simply posits law, but rather conserves it in suspending it and posits it in excepting itself from it. In this sense, sovereign violence, like divine violence, cannot be wholly reduced to either one of the two forms of violence whose dialectic the essay undertook to define (Agamben 2017b: 55; Agamben 2019: 68).

Therefore, the interpretation of Benjamin's essay deals with the crucial problem of *Homo Sacer I*, the distinction between the inclusive-exclusion of violence and law, which characterises 'sovereign violence', and the topos of indiscernibility, which connotes 'divine violence' as key to its possible deactivation. The paragraph continues as follows and it is worth quoting it in full:

> This does not mean that sovereign violence can be confused with divine violence [...] Sovereign violence opens a zone of indistinction between law and nature, outside and inside, violence and law. And yet the sovereign is precisely the one who maintains the possibility of deciding on the two to the very degree that he renders them indistinguishable from each other. As long as the state of exception is distinguished from the normal case, the dialectic between the violence that posits law and the violence that preserves it is not truly broken [...]. The violence that Benjamin defines as divine is instead situated in a zone in which it is no longer possible to distinguish between exception and rule. It stands in the same relation to sovereign violence as the state of actual exception, in the eighth thesis, does to the state of virtual exception. This is why (that is, insofar as divine violence is not one kind of violence among others but only the dissolution of the link between violence and law) Benjamin can say that divine violence neither posits nor conserves violence, but deposes it (Agamben 2017b: 55; Agamben 2019: 68).

The Schmittian sovereign, by suspending the constitution, reveals a 'zone of indistinction' between violence and law. Even though he installs himself in this threshold, where anomy and *nomos* are at once divided and articulated, he still has the pretence of dissimulating such an indistinction, i.e. the pretence of deciding upon it, by way of the separation of the two terms and of their subsequent subordination within the creation of a new law. Nevertheless, despite this attempt to dissimulate it through the device of inclusive-exclusion, it is only through the presupposition of a threshold of indiscernibility between violence and *nomos* that the law can *at once* distinguish and articulate the two terms. This means that no less essential to the functioning of the *nomos* – the separation of law and life into two distinct spheres, and their subsequent juridical subordination through the mechanism of *exceptio* – is the act of presupposing and dissimulating the threshold of indiscernibility of the two terms. If therefore, *positing* the law equates to installing oneself in a threshold of indistinction of law and life, but at the same time *hiding* such an indistinction, and dissimulating it through the device of the exception, *deposing* the law should equate to *exposing* this threshold of indistinction, to bringing it into light.

Benjamin's attempt to think divine violence, or pure violence, as a third term, as a medium which is irreducible to the dialectic oscillation between violence and

law, should therefore coincide with such an *exposition*. However, Benjamin's inquiry does not take this direction. Agamben argues how, in his *Critique*, "with a seemingly abrupt development", instead of defining the divine violence he "concentrates on the bearer of the link between violence and law, which he calls 'bare life (*Bloß Leben*)'" (Agamben 2017b: 55-56; Agamben 2019: 69). We can consider then how Agamben takes up Benjamin's strategy, by formulating the task of the deactivation of the law apparatus through the unfolding of the mystery of 'bare life', indicated in the paradigm of the '*homo sacer*'. However just like the *homo sacer* represents the "originary form of the inclusion of bare life in the juridical order" and thus "names something like the originary 'political' relation, which is to say, bare life insofar as it operates in an inclusive exclusion as the referent of the sovereign decision" (Agamben 2017b: 72; Agamben 2019: 84), in the same way all the figures through which the text tries to think the indiscernibility of anomy and *nomos*, law and life, are an expression of the dialectical oscillation of the two poles in the inclusive-exclusion – and therefore not an expression of a threshold between them, in which they reveal themselves as indiscernible, thus entering into a 'new dimension'. The '*homo sacer*', the 'muselmann', the 'concentration camp', are all figures through which sovereign power and bare life include each other while excluding themselves, without ever touching each other, but only in the menace of death. Thus, these figures result from the inclusive-exclusion apparatus, but do not allow us to think about a 'third term' in which the two poles would show themselves in a new configuration. In such a manner, the Benjaminian reference to this third term, to a medium that would exhibit the indiscernibility between violence and law by neutralizing their dialectical oscillation, is a theme that remains undeveloped in the text[9].

## 6.

If we read the subsequent volume of the *Homo Sacer* series, *State of Exception*, in the light of this issue we can consider how Agamben confronts precisely this question. We can notice how in this book, Agamben never defines the state of

---

[9] This issue is at the root of some of the critiques that have been raised against *Homo Sacer* and of the many misunderstandings of the book. Some earlier commentators, in particular in the Anglophone world, understand the apparatus of inclusive-exclusion as the logic which governs the entire Western tradition as by a hidden and unsurmountable necessity. Despite the problematic aspects that we are highlighting in *Homo Sacer I*, these critiques, exemplified by Catherine Mill's position in *The Philosophy of Agamben* (2008), simplify the philosophical issue opened by the book and, as we will show, become unable to capture the soteriological intent of Agamben's research, such as it developed in the subsequent volumes of *Homo Sacer* project. In the same direction as Mill's, we could place many of the essays contained in M. Calarco, S. DeCaroli (eds.), *Giorgio Agamben. Sovereignty and Life* (Calarco and DeCaroli 2007), and in A. Norris (ed.), *Politics, Metaphysics and Death: Essays on Giorgio Agamben's* Homo Sacer (Norris 2005).

exception, from Schmitt's doctrine point of view, as a zone of indiscernibility of law and life, but always as a 'dialectical oscillation' between the two poles, which describes the functioning of the apparatus of inclusive-exclusion. "Schmitt's theory of the state of exception", we read at the beginning of the chapter dedicated to the German jurist, "proceeds by establishing within the body of the law a series of caesurae and divisions whose ends do not quite meet, but which, by means of their articulation and opposition, allow the machine of law to function" (Agamben 2017b: 196; Agamben 2019: 203). In the light of the argument that we have reconstructed so far, the core sense of such an analysis emerges in the book's fourth chapter where Agamben returns to the debate between Schmitt and Benjamin on the state of exception. The analysis of the Schmittian doctrine of the state of exception that is developed in this chapter is much more detailed than the one we found in *Homo Sacer I*, and it culminates in a new interpretation of the debate between the two authors. According to a widespread view, the origin of such a debate coincides with Benjamin's reading of *Political Theology* (1922) to which he reacts by introducing the figure of the 'sovereign indecision' in *The Origin of German Tragic Drama* (1926; Benjamin 1974; Benjamin 1998). Although, Agamben shows how Schmitt's book from 1922 can already be considered as a response to Benjamin, and, more precisely, as a response to the essay that had come out one year earlier: the *Critique of Violence* (1921). This article was published by Benjamin in the *Archiv für Sozialwissenschafter und Sozialpolitik*, a journal of which Schmitt was a collaborator and which he had regularly cited in his works from 1915 onward. If "Benjamin's interest in Schmitt's theory of sovereignty has always been judged as scandalous", Agamben writes, implicitly answering some of the critiques raised against *Homo Sacer I* – "turning the scandal around we will try to read Schmitt's theory as a response to Benjamin's critique of violence" (Agamben 2017b: 212; Agamben 2019: 219).

This reconstruction of the debate between the two authors assumes a strong philosophical value in the text. As we have seen, the aim of Benjamin's essay is

> to ensure the possibility of a violence [...] that lies absolutely 'outside (*außerhalb*)' and 'beyond (*jenseits*)' the law and that, as such, could shatter the dialectic between law-making violence and law-preserving violence [...] Benjamin calls this other figure of violence 'pure' (*reine Gewalt*) or 'divine,' and, in the human sphere, 'revolutionary' [...] The proper characteristic of this violence is that it neither makes nor preserves law, but deposes it (*Entsetzung des Rechtes*) and thus inaugurates a new historical epoch (Agamben 2017b: 212; Agamben 2019: 219).

In the first part of his inquiry, Agamben shows how, in the essay that had come out the year prior to the publication of *Political Theology* with the title *The Dictatorship* (1921), Schmitt had thought the state of exception through the figure of the 'sovereign dictatorship', which suspends the constitution in force in order to create a new law. In this book, the dictatorship's relationship with the juridical or-

der coincided with the nexus between *constituting* and *constituted* power. This hendiadys, as Agamben notices, corresponded exactly to the one criticised by Benjamin in his essay *Critique of Violence*, and more precisely with the relationship between the 'law-positing violence' and the 'law-preserving violence'. The text paraphrases the Benjaminian argumentation: "Violence that is a means for making law" – i.e., in the specific terms of the argument we are reconstructing, the suspension of *nomos*, the *separation* between anomy and *nomos* as foundation of constituting power – "never deposes its own relation with law and thus instates law as power (*Macht*), which remains 'necessarily and intimately bound to it'" (Agamben 2017b: 220; Agamben 2019: 227). That is to say, it institutes constituted power as a power which must guarantee the application of law resorting to violence, i.e. through an *articulation* between anomy and *nomos*. The aim of Benjamin's essay is to show how the dialectical oscillation between 'law-positing violence' and 'law-preserving violence' presupposes at its core the *mutual reference* between violence and law as a nexus which is not reducible to one of the two poles, neither to their separation nor to their articulation, a nexus in which violence and law show themselves as at once divided and articulated, in such a way as to attest themselves as undecidable. As Agamben reminds us, Benjamin has a relational, not substantial, conception of purity, so that the criterion for the purity of violence lies in its relationship to the law: violence is pure in as much as it is not separable from, nor can it be subordinated to law – as in the Schmittian apparatus – but rather manifests itself as co-originary, or, more precisely, as indiscernible from law[10].

One year later, in *Political Theology*, Schmitt does not define anymore sovereignty through the hendiadys of constituted-constituting power, rather, he develops the figure of the decision upon the exception: according to the well-known definition: "The sovereign stands outside (*außerhalb*) of the normally valid juridical order, and yet belongs (*gehört*) to it, for it is he who is responsible for deciding whether the constitution can be suspended *in toto*" (Schmitt 1990: 13)[11]. Agamben argues how this shift in the jurist's theory, its elaboration of sovereignty as a *limit figure* of the law, which stands neither outside nor inside the law, is in the end an attempt to provide an answer to the Benjaminian critique of the oscillation between 'law-positing violence' and 'law-preserving violence'; and precisely an attempt to capture pure violence within the *nomos* as a threshold that exceeds both types of violence, both constituent and constituted power. As Agamben writes:

> It is in order to neutralize this new figure of a pure violence removed from the dialectic between constituent power and constituted power that Schmitt develops his theory of sovereignty. The sovereign violence in *Political Theology* responds to the pure violence of Benjamin's essay with the figure of a power that neither makes nor

---

[10] See Agamben 2017b: 218-210 and Agamben 2019: 225-226.

[11] I quote the translation of *State of Exception*, in Agamben 2017b: 195; Agamben 2019: 202.

preserves law, but suspends it [...] That this place is neither external nor internal to the law – that sovereignty is, in this sense, a *Grenzbegriff* [limit concept] – is the necessary consequence of Schmitt's attempt to neutralize pure violence and ensure the relation between anomie and the juridical context (Agamben 2017b: 213; Agamben 2019: 220).

The Schmittian doctrine of the state of exception derives from an attempt to capture the dimension of pure violence as a medium, a threshold in which law and life are *at once* divided and articulated, an attempt to include it into the sphere of law by the way of its dissimulation. This dissimulation consists in the separation of law and violence into two distinct spheres by way of the suspension of the law and in their juridical subordination in the position of a new law. If it is only the pure violence, in which law and life are at once divided and articulated, that allows the functioning of the apparatus of inclusive exclusion, no less essential for such apparatus will be the dissimulation of the threshold of pure violence, in so far as this reveals the two terms as indiscernible.

Nonetheless, Benjamin shows how such an attempt to dissimulate, to 'capture' pure violence, is ephemeral: the suspension of the law of the state of exception does not lead to constitute a new order, but rather, as he will also argue in his thesis *On the Concept of History*, it 'becomes the rule', proves to be inseparable by the normal order. In this way, the state of exception reveals a presupposition of a threshold of indiscernibility between law and life at its very core, that undermines every possible juridical configuration of the two terms, thus marking a point of no return with respect to any traditional political form. In the *Critique of Violence* we can already find a conclusion akin to the position of the eighth thesis, in the discussion of the figure of the 'police', which Agamben, however, does comment on. According to Benjamin, the state of exception is essentially a 'police state' in which: "The separation of law-making and law-preserving violence is suspended" (Benjamin 1977: 189; Benjamin 2002: 240). He defines police as a "kind of spectral mixture" of the two types of violence: "It is law-making, because its characteristic function is not the promulgation of laws but the assertion of legal claims for any decree, and law-preserving, because it is at the disposal of these ends" (Benjamin 1977: 189; Benjamin 2002: 239-240). The police institution, as well as the "decision upon the exception", represents an attempt made by power to suspend the difference between law and life and to seize the threshold of pure violence – a threshold in which the two poles are at once divided and articulated (the only key that makes its functioning possible) but, at the same time, an attempt to hide it, to dissimulate this threshold through the inclusive exclusion of law and life, because it reveals them as indiscernible. In this sense, we can understand how in the *Trauerspielbuch*, by referring to the Schmittian definition of the sovereign as "the one who decides upon the state of exception", Benjamin surreptitiously alters the content of the definition by writing that the most important function of the sovereign

is, in reality, that of excluding the state of exception[12]. Indeed, through the suspension of the juridical order, the sovereign allows the 'real state of exception' to emerge, in so far as he reveals a threshold of indistinction between life and law, but, at the same time, he tries to 'exclude' it, to dissimulate it through the *exceptio* of law and life.

## 7.

But, in what way does Benjamin think pure violence, this threshold of indiscernibility of law and life in which their inclusive-exclusion appears to be neutralised? As we have considered, if the positing of law consists in a *dissimulation* of such a threshold, the deposition of law will come to coincide with its *exposition*. Agamben, then, paraphrases the *Critique*:

> While violence that is a means for making law never deposes its own relation with law and thus instates law as power (*Macht*), which remains 'necessarily and intimately bound to it', pure violence exposes and severs the nexus between law and violence and can thus appear in the end not as violence that governs or executes (*die schaltende*) but as violence that purely acts and manifests (*die waltende*) (Agamben 2017b: 220; Agamben 2019: 226).

The instrumental conception of violence, as a 'means' for the positing of law, consists, according to Benjamin, in the very attempt to hide, to dissimulate its 'medial' character. 'Pure means' will therefore be the violence which does not dissimulate itself in the aim – its aim being the positing or conservation of law – but rather the violence which exposes itself in its 'mediality', i.e., as a violence that is neither separated from law nor subordinated to it, in other words, as a violence indiscernible from law[13]. It is interesting to notice how in his essay Benjamin portrays such a manifestation of violence as essentially non-violent. If the conventional meaning of violence is tied to its dissimulation in the end of law, if violence and law historically gain their sense through their inclusive exclusion, then, in the exposition of the medial nature of violence, both violence and law change to a new dimension. Agamben expands this idea by going back to the debate between Scholem and Benjamin around Kafka's interpretation,

> Kafka's most proper gesture – the text argues - consists not (as Scholem believes) in having maintained a law that no longer has any meaning, but in having shown that

---

[12] See Agamben 2017b: 213-214; Agamben 2019: 221.

[13] "Here appears the topic", Agamben writes "which flashes up in the text only for an instant, but is nevertheless sufficient to illuminate the entire piece—of violence as 'pure medium,' that is, as the figure of a paradoxical 'mediality without ends' – a means that, though remaining such, is considered independently of the ends that it pursues [...] pure violence is that which does not stand in a relation of means toward an end, but holds itself in relation to its own mediality" (Agamben 2017b: 219; Agamben 2019: 226-227).

it ceases to be law and blurs at all points with life. In the Kafka essay, the enigmatic image of a law that is studied but no longer practiced corresponds, as a sort of remnant, to the unmasking of mythico-juridical violence effected by pure violence [...]. The decisive point here is that the law—no longer practiced, but studied—is not justice, but only the gate that leads to it (Agamben 2017b: 220; Agamben 2019: 227-228).

The apparatus of inclusive exclusion, which is at the root of the application of law, consists, as we have shown, in the dissimulation of the medial character of violence, or of potentiality as we could also say in reference to other places of Agamben's work. Benjamin counterposes to juridical violence a "no longer practiced, but studied" law, that is, a law whose potentiality remains inseparable from its application and which, in as far as it exposes the indiscernibility of the two dimensions, does not unveil any idea of justice, but rather limits itself to exhibiting "the gate that leads to it"; i.e., it reveals justice as a threshold, as the purely medial nature of the relationship between violence and law, potentiality and act. The conclusion in the following passage has a crucial role in the *Homo Sacer* project, in as much as this coincides with the introduction of the notions of *inoperativity* (*inoperosità*) and of *use* (*uso*), intended in the medial meaning that they have in the subsequent volumes of the series:

> What opens a passage toward justice is not the erasure of law, but its deactivation and inoperativity [*inoperosità*] — that is, another use of the law. This is precisely what the force-of-law (which keeps the law working [*in opera*] beyond its formal suspension) seeks to prevent (Agamben 2017b: 221; Agamben 2019: 228).

Agamben can therefore affirm that the specific performance of the state of exception consists in an attempt to "prevent another use" of law, i.e. an "inoperative use" of law, in so far as he has come to show the apparatus of the suspension of law – the inclusive exclusion – as the 'capture' of an inner threshold of indiscernibility of law and life. *Homo Sacer I* did not manage to show such a threshold, at the risk of attesting the inclusive exclusion as a formal, insurmountable dimension, i.e., as a metaphysical device. *State of Exception* can now show how the dialectical oscillation of law and life derives from the capture of man's praxis as inoperative use, pure mediality – and from the attempt to dissimulate it, insofar as it reveals violence and law as indiscernible. In the passage quoted above we can thus identify the *arché* of the notion of use formulated in the subsequent volumes of *Homo Sacer* project and, with it, that of the very same archaeological method used by Agamben, even if the word archaeology has not appeared in the book yet. The attestation of 'use' as the threshold of indiscernibility which gets caught in the heart of the apparatuses of power, allows us to define the sense of *Homo Sacer*'s historical and philosophical inquiry, an inquiry which neither describes a metaphysical mechanism which cannot be bypassed, nor can it be resolved in the hypostatization of an originary praxis which precedes law:

> And just as the victory – the text argues - of one player in a sporting match is not something like an originary state of the game that must be restored, but only the stake of the game (which does not preexist it, but rather results from it), so pure violence (which is the name Benjamin gives to human action that neither makes nor preserves law) is not an originary figure of human action that at a certain point is captured and inscribed within the juridical order (just as there is not, for speaking man, a prelinguistic reality that at a certain point falls into language). It is, rather, only the stake in the conflict over the state of exception, what results from it and, in this way only, is supposed prior to the law (Agamben 2017b: 218; Agamben 2019: 225).

Throughout these considerations we can perceive the echo of another Benjaminian assumption contained in *The Origin of German Tragic Drama*, which describes the origin as that which does not precede the historical becoming, but arises from it. In so far as the archaeological inquiry takes us back to 'use' as to a threshold of indiscernibility that gets caught in the heart of the apparatuses of power, it attests 'use' as an unexpressed possibility, a latent potentiality, therefore an *arché* not in the sense of a past experience, but rather in the sense of a chance of change that occurs in the present:

> What is found after the law is not a more proper and original use value that precedes the law, but a new use that is born only after it. And use, which has been contaminated by law, must also be freed from its own value. This liberation is the task of study, or of play. And this studious play is the passage that allows us to arrive at that justice that one of Benjamin's posthumous fragments defines as a state of the world in which the world appears as a good that absolutely cannot be appropriated or made juridical (Agamben 2017b: 221; Agamben 2019: 228).

In contemporary politics, the law coincides with the state of exception which has "become the rule". In so far as this reveals at its core a threshold of indiscernibility of violence and law – man's praxis as pure medium, or use – it discloses the task of the "production of the real state of exception". This coincides with a dimension which is situated beyond the law, but not in the sense of a reference to an outside of the law, but rather in the sense of a 'liberation' of the use caught at its centre. Such a liberation consists in a medial praxis defined as a 'study' or 'game', in which every opposition between means and end, potentiality and act is neutralised, and the dimension of justice reveals itself as non-juridifiable. It is in this liberation that the profound sense of the archaeological method which Agamben will reformulate in the subsequent volumes of the project lies. To go back to the *arché* of a phenomenon, or of an apparatus, means to return to a latent threshold of indiscernibility at its core, and thus to disclose a new possible use of it[14].

---

[14] Agamben returns to the analysis of *State of Exception* in his more recent work titled *Karman*. Here, he identifies, in the Benjaminian formulation of the "mediality without end", a polemic against Kant's definition of the beautiful as "purposiveness without purpose (or end)": "But while purposiveness without purpose is, so to speak, passive, because it maintains the void form of the end without being able to exhibit any determinate goal, on the contrary, mediality without end is in

## BIBLIOGRAPHY

Abbot, M. 2014. *The Figure of this World*. Edinburgh: Edinburgh University Press.

Agamben, G. 1998. *Homo Sacer. Sovereign Power and Bare Life*. Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 2005, *State of Exception*. Translated by K. Attell. Chicago: University of Chicago Press.

Agamben, G. 2017a. *Karman. Breve trattato sull'azione, la colpa e il gesto*. Torino: Bollati Boringhieri.

Agamben, G. 2017b. *The Omnibus Homo Sacer*. Stanford: Stanford University Press.

Agamben, G. 2018. *Karman. A Brief Treatise on Action, Guilt and Gesture*. Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2019. *Homo Sacer. Edizione integrale 1995-2015*. Macerata: Quodlibet.

Benjamin, W. 1974. *Ursprung des deutschen Trauerspiels*. In Id., *Gesammelte Schriften, I, 1*, ed. by R. Tiedmann and H. Schweppenhäuser. Berlin: Suhrkamp, pp. 203-409

Benjamin, W. 1977. *Zur Kritik der Gewalt*. In Id., *Gesammelte Schriften, II, 1*, ed. by R. Tiedmann and H. Schweppenhäuser. Berlin: Suhrkamp, pp. 179-203.

Benjamin, W. 1991. *Über den Begriff der Geschichte*. In Id., *Gesamtausgabe I, 2*, ed. by R. Tiedmann and H. Schweppenhäuser. Berlin: Surkhamp, pp. 691-706

Benjamin, W. 1998. *The Origin of the German Tragic Drama*. Translated by J. Osborne. London- New York, Verso.

Benjamin, W. 2002. *Critique of Violence*. In Id., *Selected Writings, Vol. I, 1913-1926*, ed. by M. Bullock and M. W. Jennings. Cambridge-London: The Belknap Press, Harvard University Press, pp. 236-252.

Benjamin, W. 2006. *On the Concept of History*. In Id., *Selected Writings, Vol. IV, 1938-1940*, ed. by M. Bullock and M. W. Jennings. Cambridge-London: The Belknap Press, Harvard University Press, pp. 389-401.

Blanchot, M. 1969. *L'Entretien infini*. Paris: Gallimard.

Calarco, M. and DeCaroli, S. 2008 (editors). *Giorgio Agamben. Sovereignty and Life*. Stanford: Stanford University Press.

Foucault, M. 1969. *L'Archéologie du savoir*. Paris: Gallimard.

Foucault, M. 1976, *La Volonté de savoir*. Paris: Gallimard.

some way active, because it shows itself as such in the very act in which it interrupts and suspends its relation to the end" (Agamben 2018: 82; Agamben 2017a: 134). According to Agamben, "[t]he pure means loses its enigmatic character if it is restored to the sphere of gesture from which it comes". "Just as, in the gesticulation of a mime, the movements that are usually directed to a certain goal are repeated and exhibited as such – that is, as means – without there being any more connection to their presumed end, and, in this way, they acquire a new unexpected efficacy, so too does the violence that was only a means for the creation or conservation of law become capable of deposing it to the extent in which it exposes and renders inoperative its relation to that purposiveness" (Agamben 2018: 82; Agamben:2017a: 134-135).

Mill, C. 2008. *The Philosophy of Agamben*. Stockfields: Acumen.

Norris, A. 2005 (editor). *Politics, Metaphysics and Death: Essays on Giorgio Agamben's Homo sacer*. Durham-London: Duke University Press.

Schmitt, C. 1990. *Politische Theologie, Vier Kapitel zur Lehre von der Souveranität*. München-Lepizig: Duncker & Humboldt.

Watkin, W. 2014. *Agamben and Indifference*. London-New York: Rowman & Littlefield.

# OUTSIDE OF BEING: AGAMBEN'S POTENTIAL BEYOND ANTHROPOCENTRISM

## CARLO SALZANI
*Unit of Ethics of Human-Animal Relations*
*Messerli Forschungsinstitut in Wien*
carlosalzani@gmail.com

**ABSTRACT**
Potential or potentiality is the central idea of Agamben's philosophy and informed from the very beginning his work, though implicitly at first. If the term entered Agamben's vocabulary only in the mid 1980s, it constitutes nevertheless already the logical structure of the experience of in-fancy, which is in fact not the actuality but the potentiality of speech. And it already marked, in Heideggerian fashion, human exceptionality: if only human beings have infancy, it is because only humans have the potentiality not to speak, that is, to remain in in-fancy. This is, for Agam-ben, the very structure of potentiality – not only the potentiality of something, but that not to do or be something –, and it is what gives humans a freedom denied to nonhuman animals. The article analyses the concept of potential in Agamben's philosophy, highlighting its fundamental anthropocentrism and logocentrism. However, with the 'biopolitical turn' of the 1990s and the publication of The Open in 2002, Agamben progressively seeks a way to overcome this still metaphysical structure, and will find it in the concept of 'outside of being' which precisely con-cludes The Open.

**KEYWORDS**
Giorgio Agamben, potentiality, animality, anthropocentrism, logocentrism, end of metaphysics

## 1. AGAMBEN'S POTENTIAL AND ANTHROPOCENTRISM

It has been noted early on, especially in his reception in English, that Agamben's central idea – that which is truly 'his own' and that all his works seek to express – is that of 'potential'[1]. He says so himself very clearly, when he declares in the opening

---

[1] The Italian term Agamben uses is *potenza*, which is the common translation of the Aristotelian δύναμις (*dunamis*). In Agamben scholarship in English, a sort of 'norm' has been established by Daniel Heller-Roazen's early translations to render *potenza* as 'potentiality'; in Agamben's use, how-ever, at times the connotation of the term approaches that of 'potency' and 'power', in a productive ambiguity often lost in the English translation. In his more recent translations, Adam Kotsko often recurs to the term 'potential', which is how *dunamis* is counterposed to 'act' (like 'potentiality' to 'actuality'). Here I will alternatively use all these terms according to the existing translations and the

of *On Potentiality*: "Following Wittgenstein's suggestion, according to which philosophical problems become clearer if they are formulated as questions concerning the meaning of words, I could state the subject of my work as an attempt to understand the meaning of the verb 'can' [*potere*]. What do I mean when I say: 'I can, I cannot'?" (Agamben 1999: 177). This point, as Leland de la Durantaye notes (2000: 4), is extended into a general definition of philosophy as such in *Bartleby, or On Contingency*, where Agamben writes: "In its deepest intention, philosophy is a firm assertion of potentiality, the construction of an experience of the possible as such" (Agamben 1999: 249). At a first glance, this declaration seems to collide with another famous Agambenian statement, appeared between the two quotations above, two years after *On Potentiality* was delivered as a conference paper (Agamben 1987) and four years before the original publication of *Bartleby* (Agamben 1993): in *Experimentum Linguae*, the 1989 preface to the French edition of *Infancy and History*, Agamben in fact writes:

> If for every author there exists a question which defines the *motivum* of his thought, then the precise scope of these questions coincides with the terrain towards which all my work is orientated. In both my written and unwritten books, I have stubbornly pursued only one train of thought: what is the meaning of 'there is language'; what is the meaning of 'I speak'? (Agamben 1993a: 5).

This apparent conflict has led to different emphases in the interpretations of Agamben's philosophy, whereby de la Durantaye, for example, singles out potentiality as his central idea (De la Durantaye 2009: 4ff.) whereas Alex Murray, among others, opts for language (Murray 2010: 11).

This conflict, however, as it has also been noted early on, is only apparent. In fact, as Daniel Heller-Roazen remarked, the originality of Agamben's project consists precisely in "*conceiv[iving] the existence of language as the existence of potentiality*", and the reflection on language must therefore be a reflection on the mode of existence of potentiality (in Agamben 1999: 13; emphasis in the original). Or, as de la Durantaye puts it, the two declarations quoted above are, in their deepest intuition, the same, they are "different facets of a single question", and the "experimentum linguae [is in fact] an experience of pure potentiality" (De la Durantaye 2000: 5). Agamben clearly explains this point precisely in *Experimentum Linguae*:

> The double articulation of language and speech seems, therefore, to constitute the specific structure of human language. Only from this can be derived the true meaning of that opposition of *dynamis* and *energeia*, of potency and act, which Aristotle's thought has bequeathed to philosophy and Western science. Potency – or knowledge – is the specifically human faculty of connectedness as lack; and language, in its split

convenience of the context, though the productive polysemy of the Italian *potenza* must always be kept in mind.

between language and speech, structurally contains this connectedness, is nothing other than this connectedness (Agamben 1993a: 7).

The ontological split between *dynamis* and *energeia*, between potential and act, rests thus on the specific structure of human language and its double articulation in *langue* and *parole*, in a potential *langue* that, in each single instance, can (or can decide not to) actualize itself in a concrete and specific *parole*. Therefore, Agamben concludes, "the only possible answer" to the question of potentiality, to the question about "the grammar of the verb 'to be able' [... ,] is an experience of language" (Agamben 1993a: 7; cf. Colebrook and Maxwell 2016: 37-41). This point will mark Agamben's philosophy in all its phases, and in *The Sacrament of Language* – the volume of the *Homo Sacer* series specifically devoted to language – it takes the following form: "Man is not limited to acquiring language as one capacity among others that he is given but has made of it his specific potentiality; *he has, that is to say, put his very nature at stake in language*" (Agamben 2011: 68, emphasis in the original). This structure qualifies Agamben's reflection on potentiality as intrinsically logocentric.

As it is well known, the cornerstone of Agamben's ontology of potential is his reading of the Book Theta of Aristotle's *Metaphysics*, to which he returns time and again, from *On Potentiality* up to *What is Real?* (Agamben 2018) and beyond, in a double movement of referral to and distancing from Aristotle. In turn, Agamben's interpretation owes much to Heidegger's 1931 lecture course on Aristotle's Book Theta (Heidegger 1995a): like Heidegger and against Aristotle, Agamben empha-sizes the ontological precedence of potentiality over actuality, but, unlike Heidegger, who based his interpretation on the notion of "ownmost potentiality-for-being" [*ei-gensten Seinkönnen*], Agamben's many readings all dwell on the 'potentiality not to' or 'impotentiality' as its essential and intrinsic peculiarity. This point has been well explained and interpreted in Agamben scholarship and there is no need to linger on it here. What I want to emphasize here is instead that, together with the centrality of the question of potential for Western ontology, Aristotle and Heidegger have also bequeathed to Agamben a logocentric and anthropocentric vantage that imprisons the originality of his project within the worn-out frame of human excep-tionalism.

As in Aristotle, Heidegger and the whole Western tradition, also in Agamben human potential is always counterpoised to – or rather defined against – animal unfreedom through customary constructs such as "uniquely among living beings, man..." (Agamben 2011: 68). The basic formulation is already presented in *On Potentiality*:

> Other living beings are capable only of their specific potentiality; they can only do this or that. But human beings are the animals who are capable of their own impoten-tiality. The greatness of human potentiality is measured by the abyss of human impo-tentiality (Agamben 1999: 182, emphasis in the original).

Human *potenza* (in the sense of potential/potentiality, but also in that of potency and power) is what ultimately marks human freedom compared to non-human unfreedom, as shown by the lines following immediately after:

> the root of freedom is to be found in the abyss of potentiality. To be free is not simply to have the power to do this or that thing, nor is it simply to have the power to refuse to do this or that thing. To be free is [...] *to be capable on one's own impotentiality*, to be in relation to one's own privation. This is why freedom is freedom for both good and evil (Agamben 1999: 182-183).

And this is why freedom is an exclusively human precinct. In line with the exceptionalist tradition stretching from Aristotle to Heidegger and beyond, Agamben's potential is marked by *logos*/language and freedom, which are precisely what separates, according to this tradition, human from nonhuman animals.

This anthropocentric logocentrism marks already the Italian title of the 1987 conference paper that the English translation *On Potentiality* does not retain: the original title is in fact *La potenza del pensiero*, that is, the potential *of thought*, of a very and exclusively human *logos*. And this link between potentiality and *logos*, whereby potentiality is inherently the 'potentiality of thought', had already been established in the *Threshold* opening *Idea of Prose*, where Damascius, the last scholarch of the School or Athens, finds in the wax writing tablet the perfect paradigm of 'absolute' and 'pure' potentiality – precisely that of thought (Agamben 1995: 34)[2]. This link also marks the various figures of Agamben's soteriology (all identified, along the lines of Heidegger's *Dasein*, by potentiality), from the 'whatever singularity' of *The Coming Community*, construed upon the *experimentum linguae* and 'condemned' to be their own (im)potentiality (Agamben 1993b: 44, 82-83), to the 'form-of-life' of the *Homo Sacer* project, intrinsically bound to 'thought' as the "*experimentum* that has as its object the potential character of life and of human intelligence" (Agamben 2000: 9). As intrinsically bound to *logos*, moreover, the potential of both whatever singularity and form-of-life is pitched against what Agamben calls 'biological destiny' or 'biological vocation' (Agamben 1993b: 43; 2000: 4): biology, as for the whole Western tradition, is here reduced to *necessity* (instead of being seen as condition of possibility), to a prison from which only *logos* can grant an escape and that thus inevitably incarcerates nonhuman animals as the Aristotelian *aloga zoa*[3].

Biology, in this tradition, is not a neutral science but rather a powerful *dispositif*, an apparatus aimed at marking division lines by reducing nonhuman animals to their 'animality', by literally 'animalizing' them, in order for the freedom of humans

---

[2] The image of the writing tablet with nothing actually written on it to symbolize the potentiality of the intellect comes of course from Aristotle's *De Anima* (3.4, 430a1).

[3] In these formulations, biology reminds of the notion of 'fate' as deployed by Benjamin in the early 1920s. Cf. Benjamin 1996.

to emerge. Therefore, as Agamben writes in *Form-of-Life*, "human beings – as beings of power [*potenza*] who can do or not do, succeed or fail, lose themselves or find themselves – are *the only beings* for whom happiness is always at stake in their living, *the only beings* whose life is irremediably and painfully assigned to happiness" (Agamben 2000: 4, emphases added). Humans are *the only beings*, as the later essay *The Work of Man* argues, who have no pre-established (in the sense of biologically determined) "work", no necessary *energeia* as "a proper nature and essence", and are thus open and "free" for happiness and politics (Agamben 2007: 1-10). This (all-too traditional) demonization of biology as unfreedom finds its clearest expression in the chapter *The Idea of Infancy* of *Idea of Prose*, where Agamben writes:

> Animals are not concerned with possibilities of their soma that are not inscribed in the germen: contrary to what might be thought, they pay no attention whatsoever to that which is mortal (the soma is, in each individual, that which in any case is doomed to die), and they develop only the infinitely repeatable possibilities fixed in the genetic code. They attend only to the Law – only to what is written (Agamben 1995: 95).

*Only human beings* are "in the condition of being able [*poter*] to pay attention precisely to what has not been written, to somatic possibilities that are arbitrary and uncodified", truly free from "any genetic prescription" (Agamben 1995: 95). *Only human beings*, as the only truly potential beings, are truly free.

## 2. THE APPARATUS OF INFANCY

*The Idea of Infancy* can be taken as paradigmatic for the anthropocentric bias of Agamben's potential not only because it more explicitly and more clearly exposes the workings of the dichotomy between biology/necessity/unfreedom and *logos*/potentiality/freedom, but also because it constitutes in a sense a sort of turning point in the evolution of the concept of potential in Agamben's philosophy. As, among others, de la Durantaye has pointed out (2000: 22-23), during the 1980s the concept and the terminology of infancy progressively fade out and are replaced by the vocabulary of potentiality; 'infancy', therefore, would be a sort of forebear of potentiality, and *The Idea of Infancy* (originally published in 1985) stages precisely the passage from one concept to the other.

In the early phase of Agamben's reflection, infancy had taken central stage as the transcendental experience through which the human animal becomes 'Man'[4]. The eponymous first essay of *Infancy and History* identifies in infancy (where

[4] That Agamben uses the neutral universal 'man' (*uomo*) instead of (the politically correct) 'human being' (*essere umano*) is not only due to a still very common and widespread practice in Italian academia and society at large, which marks a certain 'gender blindness' characteristic of Agamben's writings; it also signals the specific normative notion of patriarchal humanity that is here counterposed to animality.

etymologically the prefix in- negates the Latin verb *fari*, to speak) not a subjective and psychological state chronologically preceding language and that ceases to exist once the in-fant acquires language, but rather the transcendental gap separating *langue* and *parole* – in the later vocabulary: the potentiality of speech and its actualization – that forces the human animal into speech as subjectivation and always persists beside language as its (im)possibility. Again, this argument is construed upon the disavowal of animality:

> It is not language in general that marks out the human from other living beings – according to the Western metaphysical tradition that sees man as a *zoon logon echon* (an animal endowed with speech) – but the split between language and speech, between semiotic and semantic [...], between sign system and discourse. Animals are not in fact denied language; on the contrary, they are always and totally language. In them la *voix sacrée de la terre ingénue* (the sacred voice of the unknowing earth) – which Mallarmé, hearing the chirp of a cricket, sets against the human voice as *une* and *non-decomposée* (one and indivisible) – knows no breaks or interruptions. Animals do not enter language, they are already inside it. Man, instead, by having an infancy, by preceding speech, splits this single language and, in order to speak, has to constitute himself as the subject of language – he has to say *I* (Agamben 1993a: 51-52)

It is important for Agamben to point out that this infancy is not the human developmental stage – the child – and in *On Potentiality* (written only two years after the publication of *Idea of Prose*) he will connote, with Aristotle, the potentiality of the child as 'generic potentiality', that which necessitates an alteration and a becoming to develop into actuality (e.g., the child learning to read and write); 'true' potentiality is instead the 'existing potentiality', that of the poet who can already read and write and has thus the potential to write poems (Agamben 1999: 179; cf. Faulkner 2010)[5]. However, the first connotation keeps creeping up into the various uses of the concept, together with a number of suggestions from a sentimentalized view of childhood, marking thus infancy with a fundamental ambiguity (Faulkner 2010) that probably led in the end to its abandonment. This is precisely what happens in *The Idea of Infancy* where, on the one hand, infancy denotes 'pure potentiality', but, on the other, also clearly refers to a physical and psychological phase, precisely and chronologically tied to language learning.

The ambiguous paradigm of infancy in *The Idea of Infancy* is the axolotl, a neotenic salamander native of Mexico that is used as a key to interpret the process of anthropogenesis. Like the axolotl, who retains larval (or infantile) traits in

---

[5] In *Bartleby* (1999: 246-247) Agamben uses Avicenna's metaphor of writing to illustrate the various levels of potentiality: "There is a potentiality (which he calls material) that resembles the condition of a child who may certainly one day learn to write but does not yet know anything about writing. Then there is a potentiality (which he calls possible) that belongs to the child who has begun to write with pen and ink and knows how to form the first letters. And there is, finally, a complete or perfect potentiality that belongs to the scribe who is in full possession of the art of writing in the moment in which he does not write (*potential scriptoris perfecti in arte sua, cum non scripserit*)".

adulthood, perhaps "man did not evolve from individual adults but from the young of a primate which, like the axolotl, had prematurely acquired the capacity for reproduction" (Agamben 1995: 96). This 'eternal infancy' of man would explain human potentiality: the human being is "so completely abandoned to its own state of infancy, and so little specialized and so totipotent that it rejects any specific destiny and any determined environment in order to hold onto its immaturity and helplessness" (Agamben 1995: 96). Here Agamben makes use of the theory of neoteny as a key feature in human evolution first proposed in the 1920s and still discussed today in evolutionary debates. The term 'neoteny' (extended youth) was coined in 1884 by the German zoologist Julius Kollmann (1834-1918) precisely to describe the axolotl, but it was applied to human evolution and popularized by the Dutch anatomist Louis (Lodewijk) Bolk in the 1920s in a series of papers which culminated in the 1926 pamphlet *Das Problem der Menschwerdung* (*The Problem of Hominization*). It is in this text that one finds Bolk's famous definition that also Agamben quotes (without quotation marks): "Man, in his bodily development, is a primate fetus that has become sexually mature" (Bolk 1926: 8).

The evolutionary advantages of neoteny rest on the fact that, by slowing down growth and extending the childhood phase, the organism indefinitely prolongs the phase of learning that guarantees heightened receptiveness, mental flexibility and plasticity of behavior (i.e., its *potentiality*), and it is obvious why this hypothesis was and is able to exert so much fascination, especially on philosophers like Agamben. It is paradoxical, however, as Sergei Prozorov points out (2014: 73), that the example Agamben chooses to illustrate the exclusively human phenomenon of infancy belongs to the animal realm. In fact, the phenomenon of retarded development is common in nature (Gould 1996: 148), and the risk that the proponents of this hypothesis run, including Agamben, is to build upon it a teleological construct that sees neoteny as the peak of a pyramid culminating in the human species (Mazzeo 2014: 120).

As contemporary supporters of the neoteny hypothesis remark, humans also present peramorphic (i.e., non-pedomorphic, non-neotenic) traits, such as large noses and long legs, so only some juvenile traits are retained while others are relinquished; neoteny is thus not an all-or-nothing hypothesis and does not explain hominization as such (Gould 1977: 364-65). More disturbingly, these supporters, such as American biologist and zoologist Stephen Jay Gould, must distance themselves from the ideological distortions that Bolk impressed on the neoteny hypothesis: in line with some racial theories of the 1920s, Bolk used neoteny to 'rank' human races from the least neotenic (black Africans) to the most neotenic (white Western Europeans), whereby the degree of neoteny also expressed a racial hierarchy (black Africans as inferior – more apish, 'less human' – and white Europeans as superior) (Bolk 1926: 38; Bolk 1929: 25-27). Gould underlines Bolk's racist intellectual dishonesty in ranking white Europeans at the top, since, from a purely anatomical

point of view, Asians and not Western Europeans are the most neotenic, and women are more neotenic than men (Gould 1977: 358-59; Gould 1996: 149-50). The neoteny hypothesis as a racist apparatus, moreover, was not an epiphenomenon of the 'racist' 1920s, but is still present and actual: for example, in the 1970s, precisely when Agamben was developing his theory of infancy, the German-born British psychologist Hans Jürgen Eysenck (1971: 1973) proposed again a neotenic argument to justify the inferiority of black people (cf. Gould 1996: 150).

Finally, neoteny in animals is also one of the major factors in domestication, *which is the biopolitical apparatus par excellence*[6]: juvenile behaviors and characters are selected in order to domesticate more easily the species, since young animals are less aggressive and more easily manageable. Neoteny – and infancy with it – is therefore just another apparatus in what Agamben will later call the 'anthropological machine', just another stick to draw divisions and separations along racist, sexist and speciesist lines. The later notion of potentiality will divest itself of many of the ambiguities of infancy, but it will retain nonetheless a logocentric and anthropocentric bias which strongly limits its efficacy in biopolitical discourses. Though Agamben from the very beginning freely (albeit cursorily) acknowledges the intrinsic *violence* of human *potenza* (as potential, potency and power) – as at the end of *Language and Death*, where he blames for the violence of human action its lack of (biological) foundation (Agamben 1991: 105-106)[7], or in *Experimentum linguae*, where he blames the original split in language (Agamben 1993a: 7)[8] – he will have to take a

---

[6] The complex of techniques and knowledge (or power-knowledge) deployed to achieve the subjugation of bodies and the control of populations that characterizes biopower is what defines, first and foremost (both chronologically and conceptually), the human domestication of animals, which can therefore be considered the *ur-form* of biopower. This is already evident in the Foucauldian paradigm of 'pastoral power': the image of the good shepherd caring for its flock and tending to all its needs from birth to death not only unveils the essence of biopower (where 'care' is a function of domination), but also clearly spells out the material and historical origins of this form of power. That traditional biopolitical thinkers from Foucault to Agamben and beyond did not focus on these origins is due again to the anthropocentric bias of this tradition. On this point see, among many others, Wadiwel 2015.

[7] "Violence is not something like an originary biological fact that man is forced to assume and regulate in his own praxis through sacrificial institution; rather it is the very ungroundedness of human action (which the sacrificial mythologeme hopes to cure) that constitutes the violent character (that is, *contra naturam*, according to the Latin meaning of the word) of sacrifice. All human action, inasmuch as it is not naturally grounded but must construct its own foundation, is, according to the sacrificial mythologeme, violent. And it is this sacred violence that sacrifice presupposes in order to repeat it and regulate it within its own structure. The unnaturalness of human violence – without common measure with respect to natural violence – is a historical product of man, and as such it is implicit in the very conception of the relation between nature and culture, between living being and logos, where man grounds his own humanity. *The foundation of violence is the violence of the foundation*".

[8] "The double articulation of language and speech seems, therefore, to constitute the specific structure of human language. Only from this can be derived the true meaning of that opposition of *dynamis* and *energeia*, of potency and act, which Aristotle's thought has bequeathed to philosophy and Western science. Potency – or knowledge – is the specifically human faculty of connectedness as lack; and

much more radical step to evade the Scylla and Charybdis of logocentrism and anthropocentrism that keep threatening to engulf his soteriological proposal.

## 3. OUTSIDE OF BEING

Agamben's 'biopolitical turn' of the early 1990s forced him to reconsider his anthropocentric bias and to distance himself (at least partially) from his previous logocentrism, since in biopolitics political life becomes increasingly indistinguishable from the (animal) life of the body and (human) animality takes thus a radically new political role. In biopolitics, the clear and neat Heideggerian 'abyss' separating human and nonhuman animals – precisely via the concept of potentiality – becomes more and more blurred and murky, and this also meant for Agamben a rethinking or refashioning of the concept of potential.

This rethinking begins at least with the chapter *Potentiality and Law* of *Homo Sacer*, where the Aristotelian analysis of potentiality is said to provide nothing less than the 'paradigm of sovereignty' to Western philosophy:

> For the sovereign ban, which applies to the exception in no longer applying, corresponds to the structure of potentiality, which maintains itself in relation to actuality precisely through its ability not to be. Potentiality (in its double appearance as potentiality to and as potentiality not to) is that through which Being founds itself *sovereignly*, which is to say, without anything preceding or determining it (*superiorem non recognoscens*) other than its own ability not to be. And an act is sovereign when it realizes itself by simply taking away its own potentiality not to be, letting itself be, giving itself to itself (Agamben 1998: 46, emphasis in the original).

In this sense, "potentiality and actuality are simply the two faces of the sovereign self-grounding of Being" (Agamben 1998: 47), they build up the ontological structure that characterizes Western metaphysics. Heidegger (1995a) had already claimed that the Aristotelian subjection of potentiality to actuality had marked the entire history of metaphysics by determining its fundamental ontology; but Agamben takes here a step further: it is not the subjection of one to the other, but rather the very split of Being into potentiality and actuality that constitutes the structure of metaphysics. When he calls here for a radical rethinking of the relation between potentiality and actuality and for a new ontology of potentiality, therefore, Agamben points precisely "beyond this relation" (Agamben 1998: 44):

> one must think the existence of potentiality without any relation to Being in the form of actuality – not even in the extreme form of the ban and the potentiality not to be,

language, in its split between language and speech, structurally contains this connectedness, is nothing other than this connectedness. Man does not merely know nor merely speak; he is neither *Homo sapiens* nor *Homo loquens*, but *Homo sapiens loquendi*, and this entwinement constitutes the way in which the West has understood itself and laid the foundation for both its knowledge and its skills. The unprecedented violence of human power has its deepest roots in this structure of language".

and of actuality as the fulfillment and manifestation of potentiality – and think the existence of potentiality even without any relation to being in the form of the gift of the self and of letting be. This, however, implies nothing less than thinking ontology and politics beyond every figure of relation, beyond even the limit relation that is the sovereign ban (Agamben 1998: 47).

Since, as we have seen, the opposition of potential and act originates from the double articulation of language into *langue* and *parole,* language itself is caught in the same *sovereign* logic:

> Language as the pure potentiality to signify, withdrawing itself from every concrete instance of speech, divides the linguistic from the nonlinguistic and allows for the opening of areas of meaningful speech in which certain terms correspond to certain denotations. Language is the sovereign who, in a permanent state of exception, de-clares that there is nothing outside language and that language is always beyond itself. The particular structure of law has its foundation in this presuppositional structure of human language. It expresses the bond of inclusive exclusion to which a thing is sub-ject because of the fact of being in language, of being named. To speak [*dire*] is, in this sense, always to "speak the law," *ius dicere* (Agamben 1998: 21).

This anthropocentric logocentrism of human potential comes increasingly under fire in Agamben's biopolitical critique precisely because it ultimately constitutes the ontological frame of Western metaphysics from which his soteriology seeks a mes-sianic way out. So, just like the critique of operativity points to a new ontology of potentiality beyond the sovereign split/relation between potentiality and actuality, also the critique of language points to a new 'use' beyond its communicative and signifying – that is, sovereign – structure (cf. Salzani 2015). The end of the parable begun in *Infancy and History* and especially *Language and Death* with the analysis of human language in contraposition to animal 'voice', where it was argued that there is no 'human voice' "as the chirp is the voice of the cricket or the bray is the voice of the donkey" (Agamben 1993a: 3), is the conclusion of *The Sacrament of Language,* where Agamben writes:

> It is perhaps time to call into question the prestige that language has enjoyed and continues to enjoy in our culture, as a tool of incomparable potency, efficacy, and beauty. And yet, considered in itself, it is no more beautiful than birdsong, no more efficacious than the signals insects exchange, no more powerful than the roar with which the lion asserts his dominion (Agamben 2011: 71).

What William Watkin calls "Agamben's turn against language" (2014: 249) is his later emphasis on the fact that language as well is but a historical contingency emanating from a now-exhausted metaphysical tradition, that language as well is ul-timately a 'signature' (Watking 2014: 249) of Western metaphysical anthropocen-trism (and humanism[9]).

---

[9] On the 'human' itself as signature, cf. Salzani 2019.

It can be and has been argued (especially Castanò 2018; also e.g. Prozorov 2014 and Colebrook and Maxwell 2016) that the overcoming of the metaphysical split between *dynamis* and *energeia* and between *langue* and *parole* (as also between voice and *logos* and all the other dichotomies generated by this split), which endows Western ontology with its deadly negativity, has always been Agamben's agenda and the goal of his messianic philosophy. Therefore, a substantial continuity should be seen beneath the superficial 'turn' that biopolitics impressed upon his thought, and the apparent discontinuity between his anthropocentric/logocentric and non- (or less) anthropocentric/logocentric phases should be toned down. However, it is only in *The Open* that an explicit 'way out' from the negative deadlock of anthropocentric metaphysics is concretely named: if "potentiality and actuality are simply the two faces of the sovereign self-grounding of Being" (Agamben 1998: 47), then Being is the name itself of Western metaphysics, and the only way out is 'Outside of Being'. This is of course the title of the last chapter of *The Open*, and it is here that a proper anti-metaphysical and post-anthropocentric strategy should be sought.

The core of *The Open* is devoted to a reading of Heidegger's take on animality which basically rehearses Agamben's own anthropocentric theory of potentiality. As it is well known, in *The Fundamental Concepts of Metaphysics* (1995b) Heidegger adopted Jakob von Uexküll's notion of *Umwelt* as the species-specific, spatio-temporal, subjective reference frame of animal life, which ultimately cages animality within a limited set of possibilities, determined by what Uexküll called "carriers of significance" and Heidegger re-named "disinhibitors". Heidegger called "captivation" (*Benommenheit*) the animal's limited and deterministic relation with its disinhibitors, and it is the impossibility to escape the limits of its captivation that constitutes the animal's 'poverty in world". The *Dasein*, to the contrary, experiences in profound boredom "the disconcealing of the originary possibilitization (that is, pure potentiality) in the suspension and withholding of all concrete and specific possibilities" (Agamben 2004: 67). For Heidegger,

> [w]hat appears for the first time as such in the deactivation [...] of possibility, then, is *the very origin of potentiality* – and with it, of Dasein, that is, the being which exists in the form of potentiality-for-being [*poter-essere*]. But precisely for this reason, this potentiality or originary possibilitization constitutively has the form of a potential-not-to [*potenza-di-non*], of an impotentiality, insofar as it is *able to* [*può*] only in beginning from a *being able not to* [*poter non*], that is, from a deactivation of single, specific, factical possibilities (Agamben 2004: 67).

This is basically the form that Agamben's own theory of potentiality had taken until then, but in *The Open* it is presented as the culmination of the metaphysical tradition: excluding animal life from potentialities and freedom represents the core workings of the anthropological machine. Agamben's trademark call for a *désoeuvrement* of metaphysical machines and apparatuses implies here a deposition of his own anthropocentric philosophy of potentiality.

Instead of listening, with Heidegger, to Being's self-disclosure in language, Agamben evokes thus an exit from Being itself based on the very deposition of language and/as *logos*. The chapter *Outside of Being* opens in fact with an epigraph taken from Furio Jesi's *Esoterismo e linguaggio mitologico* (*Esotericism and Mythological Language*, 1976): "Esotericism means: the articulation of modalities of non-knowledge". What interests Agamben here, as it clearly emerges from an essay on Jesi originally published in 1999, is the self-expropriation and self-abolition Jesi identified in Rilke's esotericism as "modalities of non-knowledge" (Agamben 2019). *Outside of Being* revolves in fact around a definitive "farewell to the *logos* and to its own history" (Agamben 2004: 90) that Agamben calls *ignoscenza*, a neologism he coins from the Latin verb *ignoscere*, which is at the root of "ignorance" (Italian: *ignoranza*), but that in Latin means instead "to forgive". The English translator choses to render it as 'a-knowledge', pointing out, however, that it should best be understood as a sort of 'forgetful forgiveness' (Agamben 2004: 99n3). The *désoeuvrement* of the anthropological machine as farewell to *logos* and a-knowledge, Agamben writes, "means in this sense not simply to let something be, but to leave something outside of being, to render it unsavable" (Agamben 2004: 91). "[O]nly with man can there be something like [B]eing, and beings become accessible and manifest" (Agamben 2004: 91), so bidding farewell to the *logos* and its permanent state of exception means to take leave of Being and knowledge:

> The zone of nonknowledge – or of a-knowledge – that is at issue here, Agamben writes, is beyond both knowing and not knowing, beyond both disconcealing and concealing, beyond both being and the nothing. But what is thus left to be outside of being is not thereby negated or taken away; it is not, for this reason, inexistent. It is an existing, real thing that has gone beyond the difference between being and beings (Agamben 2004: 91-92).

It is admittedly not very clear what this exit from Being would concretely involve – hence the criticisms, like those of Krzysztof Ziarek (2008) or Matthew Chrulew (2012), that the power relations between humans and animals in Agamben's scheme would ultimately remain unchanged. The jamming of the anthropological machine and the deposition of the human-animal divide would not destroy the terms of the dichotomy – this is precisely the point of Agamben's notion of *désoeuvrement* – but would de-activate their functions and thereby open them to a new 'use', which cannot however be foreseen and foreordained. So one cannot tell in advance what a new 'use' of humanity and animality would or could look like. The important point, however, is that the old use – the discourse of Being and/as anthropocentrism – would be deposed: the animal, Agamben writes, insofar as "knows neither beings nor nonbeings, neither open nor closed, it is outside of being; it is outside in an exteriority more external than any open, and inside in an intimacy more internal than any closedness. To let the animal be would then mean: to let it

be *outside of being*" (Agamben 2004: 91). Likewise, to le 'Man' be outside of Being would mean the deposition of anthropocentrism itself.

What this all means for a philosophy of potentiality is sketched out or hinted at in the epilogue to *The Use of Bodies*, the final volume of the project *Homo Sacer*, titled *Toward a Theory of Destituent Potential*. The concept of destituent potential (*potenza destituente*) is the attempt to fulfill the task Agamben had set for himself twenty years before in the chapter *Potentiality and Law* of *Homo Sacer* (which is in fact extensively quoted: 2016: 267-68): that of thinking potential beyond any relation to act and actuality. To this end, in *The Use of Bodies* Agamben recurs to the notion of 'contact' as developed by Giorgio Colli: the 'metaphysical interstice' or the moment in which two entities are separated only by a void of representation. "In contact," Colli wrote, "two points are in contact in the limited sense that between them there is nothing: contact is the indication of a representative nothing, which nevertheless is a certain nothing, because what it is not (its representative outline) gives it a spatio-temporal arrangement" (Colli qtd. in Agamben 2016: 237). So, for Agamben, destituent potential is a potential

> that is capable of always deposing ontological-political relations in order to cause a contact [...] to appear between their elements. Contact is not a point of tangency nor a quid or a substance in which two elements communicate: it is defined only by an absence of representation, only by a caesura. Where a relation is rendered destitute and interrupted, its elements are in this sense in contact, because the absence of every relation is exhibited between them (Agamben 2016: 272).

A life no longer divided from itself and finally appearing in its free and intact form (Agamben 2016: 272-273) would be, as Claire Colebrook and Jason Maxwell propose (2016: 103), 'mere life' as "a life that is perfect potentiality because it need not act in order to be what it is – as the zone of a new ethics beyond humanism and recognition"[10]. Whether this is enough for a philosophy of potential to genuinely overcome anthropocentrism remains an open question.

Ultimately, the frame of Agamben's thought remained consistent throughout his long and rich career, and all successive recalibrations never removed the human from the center of his work (cf. Colebrook and Maxwell 2016: 167). That is to say that he did not really follow up on the clear anthropo*de*centrism of *Outside of Being* and soon 'relapsed' into his more traditional (and more anthropocentric) vocabulary and categories. By 'abandoning' his work for other to continue it (Agamben 2016: xiii), however, Agamben has assigned a clear task to the coming philosophy,

---

[10] Prozorov (2014: 152-153) notes that the distinction between *zoé* and *bios* makes sense only for human life, and the same holds for the notion of 'bare life', which is precisely the product of the inclusionary exclusion of *zoé* from *bios* and is thus 'species-specific' (Shukin 2009: 10). However, as, among others, Cary Wolfe (2013: 46) remarks, in biopolitics the animal becomes "the site of the very ur-form of [the biopolitical] *dispositif* and the face of its most unchecked, nightmarish effects", and thus, Anat Pick (2011: 15) adds, animals "constitute an exemplary 'state of exception' of species sovereignty", where relations of power operate with the fewest obstacles, in their exemplary purity.

that of picking up his demand to bidding farewell to anthropocentrism and ferry philosophy beyond the dire straits of metaphysics at its end: outside of Being.


## BIBLIOGRAPHY

Agamben, G. 1991. *Language and Death: The Place of Negativity*. Translated by K. Pinkus and M. Hardt. Minneapolis: University of Minnesota Press.

Agamben, G. 1993a. *Infancy and History: The Destruction of Experience*. Translated by L. Heron. London: Verso.

Agamben, G. 1993b. *The Coming Community*. Translated by M. Hardt. Minneapolis: University of Minnesota Press.

Agamben, G. 1995. *Idea of Prose*. Translated by M. Sullivan and S. Whitsitt. Albany: SUNY Press.

Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 1999. *Potentialities: Collected Essays in Philosophy*. Edited and translated, with an introduction, by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 2000. *Means Without End. Notes on Politics*. Translated by V. Binetti and C. Casarino. Minneapolis: University of Minnesota Press.

Agamben, G. 2004. *The Open: Man and Animal*. Translated by K. Attell. Stanford: Stanford University Press.

Agamben, G. 2007. *The Work of Man*. Translated by K. Attell. In *Giorgio Agamben: Sovereignty and Life*, ed. by M. Calarco and S. DeCaroli, Stanford: Stanford University Press, pp. 1-10.

Agamben, G. 2011. *The Sacrament of Language: An Archaeology of the Oath*. Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2016. *The Use of Bodies*. Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2018. *What Is Real?* Translated by L. Chiesa. Stanford: Stanford University Press.

Agamben, G. 2019. *On the Impossibility of Saying "I": Epistemological Paradigms and Poetic Paradigms in the Work of Furio Jesi*. Translated by Kevin Attell. In «Theory & Event», 22.4, pp. 1047-1057.

Benjamin, W. 1996. *Fate and Character*. In *Selected Writings*, ed. by M. Bullock and M.W. Jennings, vol. 1, 1913-1926. Cambridge: The Belknap Press of Harvard University Press, pp. 201-206.


Bolk, L. 1926. *Das Problem der Menschwerdung*. Jena: Gustav Fischer.

Bolk, L. 1929. *Origin of Racial Characteristics in Man*. In «American Journal of Physical Anthropology», 13.1, pp. 1-28.


Castanò, E. 2018. *Agamben e l'animale: La politica dalla norma all'eccezione*. Aprilia: Novalogos.

Chrulew, M. 2012. *Animals in Biopolitical Theory: Between Agamben and Negri*. In «New Formations», 76, pp. 53-67.

Colebrook, C. and Maxwell J. 2016. *Agamben*. Cambridge: Polity Press.

De la Durantaye, L. 2000. *Agamben's Potential*. In «Diacritics», 30.2, pp. 1-24.

De la Durantaye, L. 2009. *Giorgio Agamben: A Critical Introduction*. Stanford: Stanford University Press.


Eysenck, H.J. 1971. *Race, Intelligence and Education*. London: Temple Smith.

Eysenck, H.J. 1973. *The Inequality of Man*. London: Temple Smith.


Faulkner, J. 2010. *Innocence, Evil, and Human Frailty: Potentiality and the Child in the Writings of Giorgio Agamben*. In «Angelaki», 15.2, pp. 203-219.


Gould, S.J. 1977. *Ontogeny and Phylogeny*. Cambridge: The Belknap Press of Harvard University Press.

Gould, S.J. 1996. *The Mismeasure of Man*. New York: W.W. Norton & Company.


Heidegger, M. 1995a. *Aristotle's Metaphysics Theta 1-3: On the Essence and Actuality of Force*. Translated by W. Brogan and P. Warnek. Bloomington: Indiana University Press.

Heidegger, M. 1995b. *The Fundamental Concepts of Metaphysics: World, Finitude, Solitude*. Translated by W. McNeill and N. Walker. Bloomington: Indiana University Press.


Jesi, F. 1976. *Esoterismo e linguaggio mitologico. Studi su Rainer Maria Rilke*. Firenze: D'Anna.


Mazzeo, M. 2014. *When Less is More: Neoteny and Language*. In «Cahiers Ferdinand de Saussure», 67, pp. 115-130.

Murray, A. 2010. *Giorgio Agamben*. London: Routledge.


Pick, A. 2011. *Creaturely Poetics: Animality and Vulnerability in Literature and Film*. New York: Columbia University Press.

Prozorov, S. 2014. *Agamben and Politics: A Critical Introduction*. Edinburgh: Edinburgh University Press.


Salzani, C. 2015. *Il linguaggio è il sovrano: Agamben e la politica del linguaggio*. In «Rivista italiana di filosofia del linguaggio», 9.1, pp. 268-280.

Salzani, C. 2019. *L'umano come segnatura*. In «I quaderni di poesia», 7: *Lo scrigno delle segnature: lingua e poesia in Giorgio Agamben*, ed. by J. D'Alonzo and L. Dell'Aia, pp. 37-51.

Shukin, N. 2009. *Animal Capital: Rendering Life in Biopolitical Times.* Minneapolis: University of Minnesota Press.

Wadiwel, D. *The War Against Animals.* Amsterdam: Brill.

Watkin, W. 2014. *Agamben and Indifference: A Critical Overview.* London: Rowman and Littlefield.

Wolfe, C. 2013. *Before the Law: Humans and Animals in a Biopolitica Frame.* Chicago: The University of Chicago Press.

Ziarek, K. 2008. *After Humanism: Agamben and Heidegger.* In «The South Atlantic Quarterly», 107.1, pp. 187-209.

# SCENES OF INDIFFERENCE. THE ADDRESSEE OF THE ADVENTURE

## ALICE LAGAAY
*Design Department*
*University of Applied Sciences Hamburg*
alice.lagaay@haw-hamburg.de


## MALTE FABIAN RAUCH
*Institute for Philosophy and Art History*
*DFG Research Project "Cultures of Critique"*
*Leuphana University Lüneburg*
malte_fabian.rauch@leuphana.de

### ABSTRACT
The article, born of a dialogue between two thinkers of negativity and the neuter, elaborates Agamben's philosophy of indifference through a series of (dis)connected scenes or thematic episodes. These scenes do not so much describe as perform indifference, insofar as they pursue the same themes through in-different variations. In seeking to critically articulate Agamben's 'archeaology of the subject' by assessing the manner in which Agamben's thought picks up and differs from Foucault and Heidegger as well as the lesser known Salomo Friedlaender/Mynona, the text evokes a range of avenues into deactivation, inoperativity, indifference, and the event. The deliberately performative approach both addresses and seeks to embody the spirit of adventure at work in Agamben's thinking by exploring a plane and practice of thought "below" or beyond surface assumptions of identity and position – where ways of being, forms of life, and modes of thinking and writing attune, and are acquiesced to, as necessarily open and plural. The essay seeks to show how Agamben's attempts to render inoperative the metaphysical determinations of the human as subject are keyed to a specific form of address, an address that can be understood as a response to Jean-Luc Nancy's question "who comes after the subject"?

### KEYWORDS
Active/Passive, Aesthetics of Existence, Subjectivity, Anthropogenesis, Creative Indifference, Deactivation, Inoperativity, Event, Form of Life, Freedom, Ways of Being.

> Viens, viens, venez, vous ou toi auquel ne saurait convenir l'injonction,
> la prière, l'attente.
>
> Maurice Blanchot, *Le Pas au-delà* (Blanchot 1973: 185)

## 1. PROLOGUE

Whether the ambages (torturous wanderings) that will have constituted this present adventure culminate in tragedy or comedy, or in the elucidation of something at the source of both, in between or beyond the two (Agamben 1999d: 20-21, 132), will perhaps not become clear, if ever it does, until the tale has ended. But it began, or so the story goes, with an encounter between two acquaintances connected at first only by their professed mutual interest in the notion of 'indifference'—already an oxymoron of sorts, it would seem, insofar as the very word 'interest' brings into play a *making*; i.e. constituting of difference which the 'indifferent' would appear to automatically neutralize. Into the scene of this strange predilection came a call: the invitation to contribute to a volume of texts in which an ensemble of addresses would be brought together, responding in manifold ways to the digestion of the 'subject' of Giorgio Agamben's philosophy. Our quest in what is truly an adventure of sorts, since we do not where exactly we are headed, nor yet quite how to get there, is to explore our common interest in the notion of indifference, to contextualise it, but also, to seek to *apply* it (for want of a better word), that is, to find a form best suited to elucidating its resonance in both the contexts of our respective lives and philosophical work. Although the present text is the result of a dialogue in progress, and therefore not complete, we have chosen not to 'perform' it as a dialogue, but rather to present a series of 'scenes'. These scenes, or 'thematic episodes', are held together perhaps less by the dramaturgical arch of reason and logical consequence most habitually associated with academic narration ("firstly, secondly, in conclusion"), but they communicate with each other as dis-connected (and only *thereby* as relatable) vignettes, each describing a theoretical 'region' with its own idiom, vocabularic landscape and horizon of thought. Informed by a sensitivity for the relation between content and form, our text exposes itself willingly as but an exercise in the practice of a language of indifference (one learns to speak by speaking) that necessarily leans into the performative contradiction inherent in seeking to speak in a common *voice*.

Setting out from a shared interest in indifference, our conversation has revolved around certain scenes in Agamben's work where the question of the subject becomes topical. We do not seek to give a comprehensive, synoptic or synthetic account of Agamben's various problematizations of the subject. And we certainly do not wish to offer a general introduction to the notion of indifference (already given in the important study by Watkin 2015). Rather, we propose to revisit certain scenes in Agamben's work that we have found ourselves drawn to in the process of our

unfolding conversation. Questions that have animated our discussion have been: what necessitates Agamben's critique of the subject? Why does the idea of the human and of life—of human life—become so important in his attempt to think about "who comes after the subject", to use Jean-Luc Nancy's poignant phrase?[1] How does Agamben's response to this thought that "comes towards us and calls us forth" differ from those of his interlocutors, such as Foucault, Deleuze and Heidegger? How can we conceive indifference as a form-of-life? And in what ways (or not) does Agamben's thinking relate to that of Salomo Friedlaender, arguably the only philosopher who prior to Agamben thought extensively about the relation between subjectivity, life and indifference? Our hope is that the staging of scenes communicates something of the rhythm of our dialogue, of the pulse and hopefully innovative potential of collective, collaborative thinking and writing—and that this pulsating rhythm of thought, with its flow and interruptions, gaps and repetitions, is responsive to the task of understanding philosophy as a practice in which thinking, that is to say living, is not separate from life. The scenes are indifferent to one another: they suggest no logical progression or chronological succession. They occupy the same empty space, pursue the same theme through in-different variations and can therefore be read in any order. We thus engage in exegesis, reconstruction and argumentation, but above all we seek to open up questions and avenues for future thought narrations, recognitions and, *retrouvailles* of indifferent truth.

## 2. THE ADVENTURE (A 'PRIMAL' SCENE?)

In 2015, Giorgio Agamben published a slim volume entitled *The Adventure*, a characteristically learned yet playful dérive through the history of philosophy, philology, literature and religion in the course of which he subtly introduces some of the most urgent concerns of his work. Rather than presenting it as an amusing or exciting episode, Agamben seeks to restore a different, perhaps more exigent meaning to the adventure, to consider it as "a specific way of being" (2018: 42). To the extent that it is a particular 'way' of being, distinct, that is, from any other way of being, being on this or any adventure requires that the addressee be in the driving seat: they have to have chosen or acquiesced to the adventure. And yet of course their being open to the adventure means that they are also passive in the sense that the adventure necessarily involves events that happen to them, challenges that befall them, situations that call them to act in response. Agamben explains the active-

---

[1] The question "Who Comes after the Subject?" was initially posed by Jean-Luc Nancy on the occasion of his invitation to edit an issue of the international review *Topoi*. In the introduction, Nancy writes: "Not only are we not relieved of thinking this some *one* [...] but it is precisely something like this thought that henceforth comes toward us and calls us forth" (Nancy 1991: 5). For a questioning of the 'who' implied in Nancy's question, see Haines and Grattan (2017) biopolitical reframing, *Life After the Subject*.

passive—or, perhaps, archi-passive—stance of the addressee by evoking the manner in which each and every individual must come to know their own rapport to the figures of demon, chance, love, necessity and hope—and how these interrelate with one another.

The book's fourth chapter is dedicated to the notion of "the event", an important concept in twentieth century philosophy but one that had played no dominant role in Agamben's work until this point. In this elaboration, however, it appears as the philosophical key to thinking a way of being designated by the adventure. What is in question here is how the event of the adventure finds its addressee, that is to say, how one becomes involved in the adventure of the event, how one is called upon by it: neither by freely choosing it, nor by merely submitting to a random incident. The modality of the address must somehow move out of this active-passive dualism to allow for a different kind of passivity, an attunement. To approach this modality, Agamben rehearses, on a few dense pages, some central motifs of his thought and glosses Gilles Deleuze's and Martin Heidegger's respective theories of the event. Engaging in a subtle dialogue with these thinkers, Agamben here works towards something that could be understood as a response to Nancy's question about the "some one" who comes after the subject. For the "specific way of being" that is at stake in the adventure concerns precisely the being of its addressee, which in turns is deeply linked to the mode of the address.

Of course, the question "who comes after" can be framed or heard in a multitude of ways – each evoking a different mode of address and pointing to a particular register of difference or indifference. Much of the philosophical interest of the question stems from its problematization of the constraints that grammar here seems to enforce upon thought. As Derrida once put it in response to Nancy: "What we are seeking with the question 'Who?' perhaps no longer stems from grammar, from a relative or interrogative pronoun that always refers back to the grammatical function of subject. How can we get away from this contract between the grammar of the subject or substantive and the ontology of substance or subject?" (Derrida 1991: 101) Beyond the sequentiality of narrative, the purely chronological ("first this happened and then, as a consequence, that...", "first this person arrived on the scene, and then, by chance, there was an encounter..."); and beneath the surface level of semantics that poses the question of the identity of the agent who comes 'after' the other (Bernado's "who's there?"[2], "who—or what—is the being that does the coming after?"), there is the question of intention and of what it means to actively, purposefully pursue (come after) or indeed to be pursued. ("What is the issue that clamors for attention, what is it that haunts you, keeps you up, won't let you rest or ignore it?", and "What or who commands the urgency or grants the right to ignore all duty; what is it that allows you to sleep soundly despite it all?"). Who follows whom, in other words, and what difference does it make which way around it is? And what

[2] Hamlet I, 1.

does any or all of it have to do with the calling—that apparently one either may or may not have—to *philosophize*? ("...nothing either good or bad, but thinking makes it so"[3]).

At first, Agamben recounts Carlo Diano's distinction of form (Platonian *eidos*) and event, where the latter is considered as a singular, concretely situated and embodied experience. What interests Agamben about this understanding is that the 'someone' who is addressed by the event—or the adventure—does not pre-exist it as a stable subject. Rather, Agamben suggests, the order is reversed, such that one could say that "the adventure subjectivizes itself, because happening (*l'avvenire*) to someone in a given place is a constitutive part of it" (Agamben 2015: 68). The decisive questions then become: what kind of being is called upon by the event? How is the truth or even mere facticity of the event discerned? Who is addressed by the event and how? Agamben briefly flags his theory, inspired by Émile Benveniste, that in order to be in the position of the "I" of an address, one must take up the instances of discourse designated by linguistic shifters. Of the address of the adventure, Agamben therefore says: "The adventure, which has called him into speech, is being told by the speech of the one it has called and does not exist before this speech" (Agamben 2015: 70). For Agamben, the event is therefore essentially a linguistic address; yet this address is no mere (contingent) proposition, but the event of language as such, which solicits the speaking being.

To specify the nature of the address, Agamben then turns to Deleuze's notion of the event as sense. As subtly and indirectly as ever, Agamben is here not only citing but also challenging Deleuze. Of course, Deleuze understands the event in opposition to the subject, or even as a pure form of de-subjectivation; but he still has recourse to the notion of the will to specify the address of the event. It is a question, Deleuze asserts, "of attaining this will that the event creates in us" (Deleuze 1990: 148). To will the event means, for him, to be willing "to release its eternal truth, like the fire on which it is fed"; and hence the addressee wills "not exactly what occurs, but something in that which occurs, something yet to come which would be consistent with what occurs [...]" (Deleuze 1990: 149). To become worthy of the event, the addressee must will its release, must will its truth, which for the early Deleuze is a decidedly tragic one: "It is in this sense that the *Amor Fati* is one with the struggle of free men" (Deleuze 1990: 149). After having cited Deleuze's claim that "the event is not what happens (the accident), rather it is, in what happens, the pure expressible that signals and awaits us", Agamben approvingly specifies that the happening of the adventure is not "the subject's free choice; it is not a matter of freedom" (Agamben 2015: 72). And yet, Agamben insists that the Nietzschean doctrine of *amor fati* "is the opposite of an adventure" and one may suspect that this is due to the fact that the will cannot serve as the concept that links the event and its addressee (Agamben 2015: 72). Instead, Agamben writes: "Desiring the event

---

[3] Hamlet II, 2.

simply means feeling it as one's own, venturing into it, that is, fully meeting its challenge, but without the need for something like a decision. It is only in this way that the event, which as such does not depend on us, becomes an adventure; it becomes ours, or, rather, we become its subjects" (Agamben 2015: 71-72). Not the will, but desire individuates the event. Yet Agamben adds that this desire "is a form of impassivity that knows that events, perfect in themselves, are ultimately indifferent, and that only the individual's acceptance and use of them is important" (Agamben 2015: 74-75). An impassive desire for an indifferent, whatever, event: such is the strange modality—defying the opposition of active and passive—that the address of the adventure takes, according to Agamben[4].

From this exceedingly indirect criticism of Deleuze, Agamben goes on to discuss Heidegger's understanding of the event. He briefly glosses the well-known semantic ambiguity that Heidegger claims to be present in the German *Ereignis*, insofar as Heidegger relates this noun back to the verb *er-eignen*, to appropriate. For him, the very name 'event' amounts to a crystallization of what he once called "the most difficult thought of philosophy" (Heidegger 1991: I:20): the thought of being as time, or being without any foundation in any particular beings. But Agamben here puts the notorious question of time to one side and focuses, again, on how Heidegger understands the 'addressee' of the event, that is to say, on his comments regarding the mutual appropriation of being and event. The event, Heidegger asserts, "appropriates man and Being to their essential togetherness" (Heidegger 1969: 38). Radically recasting Heidegger's understanding of this reciprocity (which involves a criticism we will pick up on later), Agamben argues that what is at stake here is the becoming human of the human, the event of anthropogenesis: "The living being becomes human—it becomes Dasein—at the moment when and to the extent that Being happens to him; the event is, at the same time, anthropogenetic and ontogenetic; it coincides with man's becoming a speaker as well as with the happening of Being to speech and of speech to Being" (Agamben 2015: 77-78). How can, one may ask, ontology and anthropogenesis be so easily conflated? How can ontology, as Agamben puts it in *The Use of Bodies*, be "the memory and repetition" of anthropogenesis (2016: 111)? How can this be anything but a metaphysical reduction of ontology to anthropology? And yet, the preceding discussion indicates that what is at stake is precisely the opposite, namely that one think the address of an unknown addressee who has *suspended the confines of the sub-iectum*. Who, then, is the addressee of this adventure? Who desires, impassively, the event of

---

[4] It would be necessary to compare and contrast this form impassive desire with Blanchot's deconstruction of the active-passive opposition in terms of *patience*: "Patience opens me entirely, all the way to a passivity which is the *pas* ('not') in the utterly passive, and which has therefore abandoned the level of life where *passive* would simply be the opposite of *active*. In this way we fall outside inertia; the inert thing which submits without reacting, becomes as foreign as its corollary, vital spontaneity, purely autonomous activity" (Blanchot 1982: 13-14).

anthropogenesis? And why does Agamben—despite all the anti-, trans- and post-humanisms at work in contemporary theory—hold on to the name of "the human"?

## 3. ARCHAEOLOGY OF THE SUBJECT

Giorgio Agamben's first published book, *The Man Without Content*, develops a critical analysis of the place of contemporary art through a sustained interrogation of artistic subjectivity. Read from today's vantage point, one can trace how Agamben here approaches some of the questions that will become vital in his subsequent work. For what appears as a 'regional' analysis of artistic subjectivity is, actually, a problematization of the notion of the subject as such and the attempt to outline a different understanding of human life and doing. The diagnosis from which Agamben sets out is the fact that art has been predominantly understood in terms of aesthetics, be it through the lens of art criticism or, philosophically, in relation to a theory of aesthetic judgement. According to Agamben, this privileging of the spectator is far from innocent, inasmuch as it is based on a radical split, which is experienced by the artist as fatal: "To the increasing innocence of the spectator's experience in front of the beautiful object corresponds the increasing danger inherent in the artist's experience, for whom art's *promesse de bonheur* becomes the poison that contaminates and destroys his existence" (Agamben 1991a: 5). While he does not yet employ this terminology, Agamben thus analyzes aesthetics as something that he will later refer to as an "apparatus": a mechanism that becomes operative by division and exclusion. This is because both positions—artist and spectator—can only be articulated through a laceration of the cultural fabric of transmission: the spectator judges the artwork in a disinterested fashion, whereas the artist feels cut off from the audience and rebels against this dire state as the fate of art. The artists Agamben has in mind are those who expressed a radical negativity in relation to art, such as Antonin Artaud, who called for a destruction of the disinterested experience of art. Agamben's exigent undertaking is to align himself with these artistic attacks on aesthetics, while trying, at the same time, to move beyond their purely destructive gesture[5].

Faced with the predicament of aesthetics, Agamben calls for a "destruction" of aesthetics in the technical, Heideggerian sense of dismantling the historical categories that are constitutive of the aesthetic regime. For Heidegger, the destruction of the history of ontology meant, first and foremost, calling the Cartesian subject into question, which has been the "*fundamentum inconcussum*" of modern philosophy—the very source of the mathematical projection of nature, of the dualism of subjectivity and objectivity, of the privileging of self-presence and of the oblivion of

[5] Here we focus solely on how *The Man Without Content* sets up Agamben's engagement with the notion of subjectivity. The intricate structure of this much neglected book remains unexplored here. For a more detailed analysis, see Rauch 2020.

being-in-the-world (c.f. Heidegger 2001: 46). In a familiar yet very distinct way, Agamben argues that the regime of aesthetics is premised on the understanding of the artist as a subject. According to Agamben, one might say, aesthetics captures the artist in the position of the subject and it is this capture that Agamben's first book is meant to undo. Once culture is torn apart, Agamben argues, the artist is bound to take the position of the free, creative subject that elevates itself above transmitted contents: "The artist then experiences a radical tearing or split, by which the inert world of contents in their indifferent, prosaic objectivity goes to one side, and to the other the free subjectivity of the artistic principle, which soars above the contents as over an immense repository of materials that it can evoke or reject at will" (Agamben 1991a: 35). Here, artistic freedom appears as premised on a radical split from the audience and all transmitted contents.

Historically, the trajectory Agamben refers to is the process by means of which art becomes autonomous. Far from portraying this as a history of emancipation, however, Agamben insists that the emergence of the autonomous artist is, in truth, tantamount to the emergence of an eminently destructive figure, inextricably tied to the termination of Western metaphysics in nihilism. For, once the artist is defined solely by her subjective freedom, this freedom becomes bare, worthless, purely formal and hence purely negative. One may object to this genealogy on the grounds that art is thus finally set free from religious and cultic constraints. But Agamben is not contesting this and certainly does not advocate the 'goodness' or 'innocence' of a pre-modern state of art. What he is suggesting, rather, is that this freedom takes a strangely limited form, insofar as its sole content is the negation of what has been culturally transmitted. Henceforth, the artist is a subject "without content", since she is bound to invent ceaselessly and since the only path of such ceaseless invention is the negation of anything given, ultimately the negation of transmissibility as such: "Artistic subjectivity without content is now the pure force of negation that everywhere and at all times affirms only itself as absolute freedom that mirrors itself in pure self-consciousness" (Agamben 1991a: 56). Thus, according to Agamben, the fate of art is deeply intertwined with the operative categories of modern subjectivity. And much of Agamben's early work is informed by the attempt to offer a different account of artistic doing and a different 'negative' modality than the destruction of transmissibility.

The key of Agamben's archaeological argument is that "the crisis of art in our time is, in reality, a crisis of poetry, of *poiesis*", which he understands in Heideggerian terms as the "very name of man's *doing*, of that pro-ductive action of which artistic doing is only a privileged example" (Agamben 1991a: 59). Cast in this perspective, the anti-aesthetic endeavours of artists such as Duchamp appear as symptoms of a crisis in the regime of human making. Agamben tries to flesh this out through the contrast between praxis, which is defined by the "the will that finds its immediate expression in an act", and *poiesis*, which is marked by the passive

"experience of production into presence, the fact that something passed from non-being to being, from concealment into the full light of the work" (Agamben 1991a: 69). In a few tightly argued pages, Agamben follows the relation of *praxis*, *poiesis* and *ergon* from antiquity to modernity, arguing that the idea of human doing has been increasingly understood in terms of praxis. Eventually, in modernity, Agamben suggests, all human doing is understood as work and the human is understood as "the living being (*animal*) that works (*laborans*) and, in work, produces himself and ensures his dominion over the earth" (Agamben 1991a: 70-71). Hence Agamben's dire diagnosis: "The point of arrival of Western aesthetics is a metaphysics of the will, that is, of life understood as energy and creative impulse" (Agamben 1991a: 72). What is eclipsed in modernity is, then, an idea of human life that allows for *poetic* passivity, since all human doing is understood in terms of the subject's active will. And yet, what arguably remains unanswered in this sketch is the role of philosophy—which assigns the truth to art while its own place remains unsolicited—as well as the addressee of Agamben's analysis—who seems to stand uneasily between art and philosophy. In short, what remains unanswered in Agamben's earliest deconstruction of the metaphysics of subjectivity is the actual 'subject' of this address: "Who Comes after the Subject?"

Strikingly, in some of his most recent essays, Agamben returns to many of the concerns he raised in his very first book. Tracing once more the rise of the aesthetic regime, Agamben notes that: "[A]rt has withdrawn from the sphere of activities that have their *energeia* outside themselves, in a work, and has been transposed into the circle of those activities that, like knowing or praxis, have their *energeia*, their being-at-work, in themselves" (Agamben 2019: 7). Yet, if one compares these analyses with *The Man Without Content*, it becomes clear that the decisive element that has been added to the analysis is a notion that Agamben has framed variously as inoperativity, deactivation and indifference. Arguing against the metaphysical signature of art as "creation"—traces of which he finds even in Gilles Deleuze's work—Agamben notes that: "Politics and art are neither tasks nor simply 'works': they name, rather, the dimension in which linguistic and bodily, material and immaterial, biological and social operations are deactivated and contemplated as such" (Agamben 2019: 27). In *The Man Without Content*, Agamben's analysis remained haunted by the shadow of an idea of "the original space of man"[6] that could be re-

---

[6] See especially the following passage, where art is essentially identified with an understanding of the sacred that recalls Heidegger's highly problematic locutions on the topic but also stands firmly in the tradition of French thought reaching from Marcel Mauss to Georges Bataille—i.e., exactly that tradition which Agamben will later criticize in the harshest terms: "[A]rt is the gift of the original space of man, *architectonics* par excellence. Just as all other mythic-traditional systems celebrate rituals and festivals to interrupt the homogeneity of profane time and, reactualizing the original mythic time, to allow man to become again the contemporary of the gods and to reattain the primordial dimension of creation, so in the work of art the *continuum* of linear time is broken, and man recovers, between past and future, his present space" (Agamben 1991a: 101-102).

appropriated, and it is precisely against these metaphysical residues that Agamben develops his understanding of something we may call an ethics of inoperativity. Accordingly, the section devoted to ethics in *The Coming Community* commences almost with a reversal of the claim found in Agamben's first book: "The fact that must constitute the point of departure for any discourse on ethics is that there is no essence, no historical or spiritual vocation, no biological destiny that humans must enact or realize" (Agamben 2009: 43). Instead of an original space, the human ethos here turns into a question of potentiality and inoperativity. What is "proper" to human life is the absence of anything proper, any essence or origin. Reiner Schürmann has aptly characterized such a severance of action from metaphysical categories as "a life 'without why'", which means, essentially, "a life without a goal, without *telos*" (Schürmann 1987: 10)[7]. Yet, while Agamben endorses the idea of a "without why", he has always remained critical of the various anti-foundational philosophies of difference and their elaboration of non-finality in terms of scatter, dissemination, or an irreducible manifoldness.

## 4. ENCOUNTERS: FOUCAULT AND HEIDEGGER

In *The Use of Bodies*, the un-finished conclusion of the *Homo Sacer* series, Agamben weaves together several threads of his work. As in his previous analyses, the subject appears as a central category in the originary fracture between being and language that pervades the history of philosophy in its entirety: "Western ontology is from the very beginning articulated and run through by scissions and caesurae, which divide and coordinate in being subject (*hypokeimenon*) and essence (*ousia*), primary substances and secondary substances, essence and existence, potential and act, and only a preliminary interrogation of these caesurae can allow for the comprehension of the problem that we call 'subject'" (Agamben 2016: 105). Throughout his work, Agamben offers a range of archaeologies of subjectivity—or of processes of subjectivation—and attempts to outline a non-exclusionary understanding of human life in contradistinction to these. One can see the germs of this analysis in *Language and Death*, where the human can only become a speaking being by suppressing the animal voice: "Man is that living being who removes himself and preserves himself at the same time—as unspeakable—in language; negativity is the human means of having language" (Agamben 1991: 85). And one can of course observe a familiar strategy in *Remnants*, where the subject is considered as "a field of forces always already traversed by the incandescent and historically determined currents of potentiality and impotentiality, of being able not to be and not being able not to be" (Agamben 1999b: 147-148). In these differently inflected archaeologies

---

[7] The "without why" is borrowed from Heidegger, who, in turn, borrows the phrase from Meister Eckhart via Angelus Silesius (Heidegger 1997: 57-58). Also see Schürmann's important gloss (Schürmann 2001: 61-62).

of the subject, the human is always captured in the position of a sub-iectum, which in turn is always articulated on the basis of scissions. Given this persistent problematization of the subject, it is no coincidence that the two Intermezzos in *The Use of Bodies* are dedicated to Heidegger and Foucault's responses to the question 'who comes after the subject'. In these strategically positioned excursions, Agamben takes issue with the two key references for his project on the grounds that their attempts remain entrapped in circles of metaphysical divisions and dualisms.

In relation to Foucault's "aesthetics of existence", Agamben sets out by challenging Pierre Hadot's reading, since the latter "does not succeed in detaching himself from a conception of the subject as transcendent with respect to its life and actions, and for this reason, he conceives the Foucauldian paradigm of life as work of art according to the common representation of a subject-author who shapes his work as an object external to him" (Agamben 2016: 100). According to Agamben, however, the crucial gesture of Foucault's late idea of "the care of the self" is that it eliminates any such externalism; in fact, "this care is nothing but the process through which the subject constitutes itself" (Agamben 2016: 104). Here, the subject has no priority in the sense of a constitutive or foundational function; it is thought in purely relational terms. Foucault speaks of the "etho-poetic" function of the various technologies through which individuals can attempt "to question their own conduct, to watch over and give shape to it" (Foucault 1990: 13). Hence, insofar as the self coincides with this relational process, it "can never be posited as subject of the relationship nor be identified with the subject that has been constituted in it. It can only constitute itself as constituent but never identify itself with what it has constituted" (Agamben 2016: 105). In an essay dedicated to the late Foucault, Reiner Schürmann coins the helpful concept of "anarchist subject" to describe this form of auto-constitution that tries to skirt all essentialist foundations. The anarchist subject, Schürmann argues, "constitutes itself in micro-interventions aimed at resurgent patterns of subjection and objectification" (Schürmann 2019: 29). And yet, although the Foucauldian self thus seems to be deprived of its transcendental function, it turns, Agamben argues, into a hypostasis once it is conceived *as constituted* within the process. There is, therefore, a non-coincidence between constituted and constitutive elements, between self and subject in Foucault's work, which the insistence on process and relationality cannot solve: "As constituent power and constituted power, the relation with the self and the subject are simultaneously transcendent and immanent to one another" (Agamben 2016: 106). What Agamben seeks to retain from Foucault is the idea of thinking the life of the self immanently, yet he deems it necessary to skirt the aporia of auto-constitution that led Foucault into this impasse.

Agamben's confrontation with Heidegger also turns on the question of coincidence and co-belonging, but the focus of his analysis shifts. Returning to the investigations begun in *Language and Death* and worked out in *The Open,* Agamben

challenges Heidegger's attempt to propose a fundamental ontology of Dasein that would have detached itself from the metaphysics of subjectivity. Essentially, Agamben takes Heidegger to task for being unable to think "the relation between the living human being and Da-sein" (Agamben 2016: 179). Pointing to Heidegger's frequent comments about the co-belonging yet non-coincidence of the human and Dasein, Agamben argues that what remains unthought in Heidegger is the notion of life, of the living human being, which Heidegger must presuppose and repress at once. What Heidegger understands as the opening of the human to the clearance of being appears, to Agamben, precisely as the exclusion of animality. This is an argument that Agamben first advanced in relation to Heidegger's suppression of the animal voice in *Language and Death* and then extended into a general scrutiny of Heidegger's treatment of animal life in *The Open.* In these texts, Agamben's resistance towards Heidegger's understanding of Dasein insists—from different angels—on the fact that Heidegger's conceptualization of disclosure is permeated by the disavowal, silencing and suppression of animal life. And to the degree that the 'opening' of the human world is predicated on the annihilation of animality, "being is traversed by the nothing"[8]. Here, Heidegger's strategy to elaborate an anti-foundational notion of Dasein is essentially taken to be held captive by the exclusion of life.

This long-standing engagement with Heidegger is at play when Agamben, in *The Use of Bodies*, claims that: "The 'there' of Dasein takes place in the non-place of the living human being" (Agamben 2016: 180-181). Agamben is obviously aware of Heidegger's insistence, throughout his work, that Dasein cannot be thought of as an 'addition' to animal life, lest the exposition would fall back into a metaphysical understanding of the human as a biological substance. Yet, if Heidegger refuses, for this very reason, to grant the status of Dasein to the fact of mere living, this cannot hide the fact that such an understanding of mere living remains the unarticulated and irreducible condition of his fundamental ontology: "[I]f the human being is truly such only when, in becoming Dasein, it is opened to Being, if the human being is essentially such only when 'it is the clearing of Being', this means that there is before or beneath it a non-human being that can or must be transformed into Dasein" (Agamben 2016: 181). To think the human as 'the open'. Agamben

---

[8] "From the beginning, being is traversed by the nothing; the Lichtung is also originarily Nichtung, because the world has become open for man only through the interruption and nihilation of the living being's relationship with its disinhibitor" (Agamben 2004: 69-70). This is strictly analogous to the argument found in *Language and Death*: "And if metaphysics is not simply that thought that thinks the experience of language on the basis of an (animal) voice, but rather, if it always already thinks this experience on the basis of the negative dimension of a Voice, then Heidegger's attempt to think a 'voice without sound' beyond the horizon of metaphysics falls back inside this horizon. Negativity, which takes place in this Voice, is not a more originary negativity, but it does indicate this, according to the status of the supreme shifter that belongs to it within metaphysics, the taking place of language and the disclosure of the dimension of Being. [...]. The thought of Being is the thought of the Voice" (Agamben 1991: 61).

suggests once again, Heidegger is bound to think the open as suppression and suspension of animality. Formally similar to the aporia in which Foucault's thought was caught, Heidegger here remains unable to think the co-belonging of the two terms—the human and Dasein—and ultimately succumbs to a dualism that elevates the human openness above 'mere' animal life. Challenging this conception, Agamben claims that: "Only a conception of the human that not only does not add anything to animality but does not supervene upon anything at all will be truly emancipated from the metaphysical definition of the human being" (2016: 183).

Comparing the digressions into Foucault and Heidegger, it becomes evident that, for Agamben, both authors fail because of similar problems in moving beyond an essentialist understanding of the subject. Heidegger thinks Dasein without any foundation as the pure opening to being; but Dasein's non-base is, in truth, the suppression of animal life, which pervades in the guise of a metaphysics of nothingness. Foucault, on the other hand, thinks 'the care of the self' as an immanent, purely relational process; but his insistence on self-creation and positing ends up in a dualism between constituted and constitutive elements that fractures the supposed immanence of the process.

## 5. SALOMO FRIEDLAENDER/MYNONA

A concept of indifference is the central motif in the prolific writings of a still posthumously to be 'constructed' author[9], namely Salomo Friedlaender (1871-1946) a.k.a. Mynona (the German word for anonymous in reverse). Friedlaender/Mynona (F/M) was quite well known in his time, a century ago, albeit arguably less so for his prolific philosophical writings than for his satirical grotesques, which were printed in expressionist journals like *Der Sturm* and *Die Aktion* and performed/read out in various avant-garde venues frequented by expressionist artists, writers and other intellectuals of the day. The central concept of 'creative indifference'. which he consistently sought to elaborate and refine over decades and throughout numerous publications as well as in extensive works many of which have only been published very recently[10], served as a constant thematic compass even in his less explicitly philosophical, more literary texts. The general gist of this notion can be briefly summarized as a philosophical position which urges the individual to find a point of balance midway between what we generally think of as opposites—

---

[9] "F/M [ist] ein noch in Konstruktion befindlicher Autor" (Thiel 2012: 8).

[10] Salomo Friedlaender's collected works (both philosophical, literary and including a vast correspondence throughout his life with a wide range of cultural figures of his time) are still in the process of being published in over thirty volumes thanks to the extraordinary effort and dedication of Hartmut Geerken and Detlef Thiel. A first extensive anthology of his works translated in English is expected to be published in 2021 in the performance philosophy book series at Rowman & Littlefield Int. (eds. A. Lagaay & D. Thiel).

what he terms polarities—and to creatively engage with the world from this neutral point of indifference. According to F/M, who grounds his thinking first in a close reading of Nietzsche and later, after distancing himself from the later, in a radical 'completion' of Kantian principles ("This is *electrified Kant*" Friedlaender/Mynona 2015: 31 – trans. A.L.), all outward expression, indeed all expression *tout court*, is only possible, i.e. only (o)utterable, within and thanks to a necessary (linguistic) paradigm of perpetually evermore distinct differentiation. This paradigm of differentiation, he claims, is relatable in all instances to the principle of polar oppositionality and has its logical counterpart in a theoretical point of indifference *within* (as opposed to outside) the subject. Conceptualising and moving towards this precise inward point (not zone!) of indifference within themselves, the subject can be freed from the burden, as it were, of 'division' or 'divuation' and become the centre of the world—its most general, universal and absolute origin. Although itself devoid of all characteristic and therefore impossible to express or articulate in words, this zero point is what F/M in later texts refers to as 'heliocentre', 'magical I', or '*Weltperson*' (world persona). It is a theoretical (i.e. non-empirical) 'person' who or which by virtue of having disconnected itself from any individual characteristic, rendered all distinct functions, all adjectives, inoperative (so to speak), is necessarily general, universal and free. Of particular interest is the clear insistence with which F/M seeks to dismiss any suggestion that this theory may be driven by, or associated with, a metaphysical, moral or even religious vein. To quote just one instance in which F/M declares this, in a letter to Traut Simon in 1939, he writes:

> Bitte trauen Sie mir nicht die Geschmacklosigkeit zu, Ihnen etwa gar Moral zu predigen. Ich spreche weder von Moral noch von Religion noch auch nur von Philosophie, sondern ganz nüchtern von purer Lebenstechnik. Denn das Leben will so erlernt und betrieben sein wie eine Präzisionstechnik. (Please do not presume I would be so tasteless as to preach to you a moral. I speak neither of morality nor of religion nor even of philosophy, but quite simply of a pure life technique. For life wants to be learned and practiced like a precision technique (8th March 1939, Friedlaender/Mynona 2020: GS Vol. 31: 210).

At the time of its publication in 1918, F/M's philosophical monograph *Schöpferische Indifferenz* (Creative Indifference) clearly sent considerable ripples of positive contagion and affect throughout the cultural scene of its time. There is, for instance, evidence that it influenced Walter Benjamin, through whom a more or less direct reverberation into Giorgio Agamben is conceivable[11]. F/M's book is also explicitly credited by Fritz Perls as having been a major influence on his development of

---

[11] Detlef Thiel (2012) has assembled ample material demonstrating the affect F/M had on Benjamin. He also provides a thorough analysis of the relationship between F/M and Schelling, Husserl and Derrida respectively (Adorno, Bloch, Kubin, Scholem, Simmel, Unger are just a few of the other contemporaries he explores in some detail). Agamben makes at least one explicit reference to F/M in Agamben 2011: 71. But his description of the process of creative indifference as "dialectical" is misleading. Cf. Thiel 2012: 143.

Gestalt Therapy[12]. The potential line of conduction that connects these very differ-
ent contexts of experience to or via the notion of 'creative indifference' is thought
provoking in itself insofar as it suggests a position in which the philosophical subject
and its bio-political correlation not only coincide with each other, but also with the
experience of a psychological self as well as with the subject's embodied, physical
and structural i.e., in a certain sense, 'objective' being (Gestalt) – all the while being
potentially anonymous and general – once could say: *inoperative.*

That there be a necessary connection between these various parallel dimensions
of subjectivity might seem intuitively obvious, and yet, in the actual practice of the-
ory, especially in the context of academic discourse, more often than not, whilst the
philosophical and the political may increasingly be being discussed in terms of each
other, the subjective position from which the very question of their respective rela-
tivity or indeed equivalence (or not) to the registers of *lived* empirical life, i.e. to
practices and experiences of actual (human) being is posed, still verges on the ta-
boo—despite the efforts of multiple forms of feminism, queer studies and post- and
decolonial studies[13]. It tends to be implied, for instance, that engaging in philosoph-
ical discourse, especially of the kind that mainly involves close reading or textual
exegesis, and especially if done so in a professional academic context, has little or
nothing to do with one's own person (which includes aspects of character, gender,
class, race, situatedness, and calling). A scholar's particular passage through a given
theory—their 'adventure' in discourse—need not be measured or brought to bear in
any way on their personal, biographical life, or only retrospectively so, that is to say,
posthumously, once they become historical 'objects'—suddenly open to a new di-
mension of scholarly scrutiny. (One may think here of Agamben's apt comparison
of the photos in Paul Ricœur's biography, which "depicted the philosopher solely
in the course of academic conferences", and the images of Debord in *Panégyrique,*
which attempt to put life—"the clandestine"—into the foreground, in however insuf-
ficient a way [Agamben 2016: xviii][14]). To leave traces of personal inclination or
attitude in philosophy is generally only welcome in the form of the anecdotal—i.e.
with the clear function of backing up, illustrating or colouring in whatever abstract
topic, theory or position happens to be in discussion; but its affect must be

---

[12] "I recognise three gurus in my life. The first one was S. Friedlander (sic.) who called himself a
Neo-Kantian. I learned from him the meaning of balance, the zero-centre of opposites (...) His phil-
osophical word – creative indifference – had a tremendous impact on me. As a personality he was
the first man in whose presence I felt humble, bowing in veneration. There was no room for my
chronic arrogance" (Perls 1969 quoted in Frambach/Thiel 2015: 245).

[13] Indeed, some of these elisions also affect Agamben's work, as brought out, for instance, with
regard to the relation of biopolitics and black feminist race theory in Weheliye 2014 and with regard
to feminist critique in Deutscher 2008.

[14] In fact, one could also consider in this regard Agamben's *Autoritratto nello studio,* where he
charts his own trajectory—not only in writing, but also by showing photographs of the places and stud-
ies he worked in, the people he lived and thought with, as well as the artworks and books that made
an impact on him. See Agamben 2017.

understood as serving additional and incidental information only, not making an essential difference. Beyond the mere anecdote, drawing on anything too distinctly personal or individual would amount to a confusion of register—not only is it not the "done thing" (cf. "That's How We Do It", Agamben 2016: 240-244), but still now, in philosophy, it would tend to fly in the face of what Derrida aptly diagnosed as the "dream or the ideal of philosophical discourse [...] to make tonal difference inaudible, and with it a whole desire, affect, or scene that works (over) the concept in contraband [...] [t]hrough what is called neutrality of tone, philosophical discourse must also guarantee the neutrality or at least the imperturbable serenity that should accompany the relation to the true and the universal" (Derrida 1992: 29).

Perhaps it is in this sense that F/M's conception of an a-personal person, at the very core of the in-dividual takes on a promising potential—in relation to Agamben. For this 'zero-point' that is conceived as both indifferent and as the source of creation seems to allow intuitively for something that is personal yet not private, intimate (because inwardly oriented) yet by definition communally shareable and indeed intended to be so, that is, in a sense, always already shared. Agamben clarifies this with the distinction he makes in *The Coming Community* between the notion of a boundary as closure (a locked door with no key, an unclimbable wall), in contrast to that of a threshold. "The outside," he insists, "is not another space that resides beyond a determinate space, but rather, it is the passage, the exteriority that gives it access [...]. The threshold is not, in this sense, another thing with respect to the limit; it is, so to speak, the experience of the limit itself, the experience of being-within an outside" (Agamben 2009: 68). It is, in other words, the lived experience of one's vibrant intellectual ability to in-differentiate oneself that gives rise to the differentiation of the "world". For F/M it is a dynamic process, an oscillation between inside and outside, outside and in, that never completely settles either side of the boundary, but that with deliberate practice can give way to a glimpse of the infinite. Agamben is no less hyperbolic: "This *ek-stasis* is the gift that singularity gathers from the empty hands of humanity" (Agamben 2009: 68).

The test of how to compose philosophical discourse from the position of this anonymous and therefore 'collective' voice that is mine but not mine alone would be perhaps a form of writing that disturbs the assumption of objectivity, not necessarily by divulging intimacies but by applying a method of collaboration and indistinction with regard to voice from the start. As such, the question we seek to ask here, not just in theoretical terms but also in terms of the very practice of engaging, as we do, in reading and writing philosophical discourse, really is *who speaks in this empty space?* Who is the thinking, scholarly or other genre of author, who, devoid of all particular characteristics, having suspended all difference, and turned themselves towards their innermost zero point, having come, that is, as close as (only) humanly possible to the point of neutral indifference, having witnessed and become charged by its creative potential, now speaks not just from the position of *anybody*

but *for everyone,* and yet is still capable of formulating the philosophy of that subject? *Who,* in other words, *are we* (that is not us)?

What if, moreover, that 'voice of thinking' (if not necessarily that of reason!) that displays its thought here in the form of a monologue or thesis (as opposed, for instance, to a dialogue between "two"), makes no effort to conceal the fact that it is not the result of a singular voice (if such a thing were ever to be potentially audible as such) but at least of, and likely more than, two?

## 6. INDIFFERENCE AS FORM-OF-LIFE

What most clearly distinguishes Agamben's thinking from Heidegger's Dasein and Foucault's care of the self—but also from Friedlaender's Kantian notion of the subject as well as from most contemporary philosophers in the post-Heideggerian and post-structuralist traditions—is how stubbornly he holds on to the concept of the human, while obviously refusing any essentialist determination of the concept. In many ways, a non-metaphysical elaboration of human life is at the very center of Agamben's thought, and it is only on the basis of this elaboration that his thought on ethics and politics becomes comprehensible.

Agamben's elaboration relies on a set of closely related concepts, which imply or even merge into one another: impotentiality, inoperativity, deactivation, use, form-of-life, to name but a few. There is, however, something like a relay that holds these concepts together, and this relay is the notion of indifference. In fact, Agamben precisely tries to think human life as an indifferentiation of the scissions to which preceding articulations succumbed, not as a substance to be determined in ontic terms. Against Heidegger's thinking of difference as difference, Agamben holds: "It is not a question of having an experience of difference as such by holding firm and yet negating the opposition but of deactivating the opposites and rendering them inoperative" (Agamben 2016: 239). This is the general approach that orients Agamben's attempt to move past the subject. For instance, in contradistinction to Heidegger's anti-biologist determination of Dasein, Agamben claims that it is not a question of seeking "new—more effective or more authentic—articulations" of the divide between the human and the animal. The point is, rather, to expose "the central emptiness, the hiatus that—within man—separates man and animal, and to risk ourselves in this emptiness: the suspension of the suspension, Shabbat of both animal and man" (Agamben 2004: 92). What is crucial here is that the human is not defined in biological or any other substantialist terms; but solely by what Agamben calls here an "emptiness" and which he elsewhere refers to as "void", "absence of relation", or "contact". This is Agamben's way of acknowledging the absence of any human essence or identity. The 'nature' of the human, as he writes elsewhere, is such that the human "appears as the living being that has no work, that is, the living being that has no specific nature and vocation" (Agamben 2007: 2). Yet Agamben

refuses to think this void, as Heidegger does, for instance, in terms of nothingness. The 'privative' aspect of this void is not difference or negation, but a suspension that reveals human impotentiality; it is an indifference of all articulations that are based on dualisms and scissions.

Here, we encounter something that is, perhaps, the most difficult aspect for Agamben's thought. For what Agamben tries to think is a non-essentialist account of the human—of human life and human doing—that does not introduce any divisions for its articulation. It can, however, appear as if Agamben did exactly this, for example when he claims that: "Other living beings are capable only of their specific potentiality; they can only do this or that. But human beings are the animals who are capable of their own impotentiality" (Agamben 1999c: 82). Is "impotentiality" here not simply introduced as the quality or capacity that distinguishes the human from animality? Impotentiality, however, is precisely not a given quality or capacity. It is not a feature of the human that can be actualized as the human comes to its own self-presence. Rather, it is a purely privative quality or capacity. Hence it is absolutely common and absolutely immanent inasmuch as, and this is the decisive point, it is absolutely indeterminate. In his earlier writings, Agamben often drew on the idea that the dispossession of all specific qualities or 'works' could allow for this appropriation of the improper 'as such'. Among the most provocative variations of this line of argument is the claim that pornography and advertising, in their brutal commodification of the living body, "are the unknowing midwives of this new body of humanity" (Agamben 2009: 49). Or that the emergence of a planetary petty bourgeoisie offers the possibility for "making of the proper being-thus not an identity and an individual property but a singularity without identity, a common and absolutely exposed singularity", which would allow humanity to "enter into a community without presuppositions and without subjects, into a communication without the incommunicable" (Agamben 2009: 65). In his more recent work, Agamben opts, instead, for an insistence of deactivation to vindicate indifference. The quick succession and linkage of Agamben's key concepts bears witness to the difficulty involved in holding the different elements of the argument together. "A living being," Agamben writes towards the end of *The Use of Bodies*, "can never be defined by its work but only by its inoperativity, which is to say, by the mode in which it maintains itself in relation with a pure potential in a work and constitutes-itself as form-of-life, in which *zoè* and *bios*, life and form, private and public enter into a threshold of indifference [...]" (Agamben 2016: 247). That is to say: there is no essence or *ergon* unifying the different modes of human life. It is striking to note that Agamben comes back to the figure of the artist at this decisive juncture in *The Use of Bodies*, suggesting that it is possible that in the "artistic condition there comes to light a difficulty that concerns the very nature of what we call form-of-life" (Agamben 2016: 246). The gloss that Agamben supplies on the artist in relation to the notion of form-of-life is revealing:

> And the painter, the poet, the thinker—and in general, anyone who practices a *poiesis* and an activity—are not the sovereign subjects of a creative operation and of a work. Rather, they are anonymous living beings who, by always rendering inoperative the works of language, of vision, of bodies, seek to have an experience of themselves and to constitute their life as form-of-life (Agamben 2016: 247).

The only 'determinacy' that Agamben's understanding of the human has is, thus, an indeterminacy: the indifferentiation of preceding articulations based on division and scission. There is, as Agamben is always at pains to insist, no "immediate access to something whose fracture and impossible unification are represented by these apparatuses" (Agamben 2005: 87)[15]. Hence, it is the suspension of the fractures at the heart of metaphysical humanism that allows for a different understanding of the human, not the return to some primordial human innocence. And the artistic *poiesis* is, from the beginning of Agamben's work until its most recent manifestations, framed as an exemplary case of this suspensive movement. If the language of the speaking subject is premised on exclusion of the animal voice, and if this scission is paradigmatic for the scissions running through the history of philosophy, then the poet's suspension of this understanding of language is paradigmatic for thinking the possibility of a different use. In so doing, the poet offers a guiding thread for Agamben's project of a general suspension of all apparatuses that divide life. There arguably is something quite classical in this gesture of investing art with the capacity of 'healing' the scissions that lacerate life. But in *The Use of Bodies*, Agamben seeks to think the concept of "use", first explored in *The Highest Poverty*, as a form of human doing that would extend the paradigm of artistic suspension to all regions of life, without, of course, implying any aesthetization of life. Rather, life, insofar as it is lived in the immanence of use, would constitute itself as form-of-life: "It defines a life—human life—in which singular modes, acts, and processes of living are never simply facts but always and above all possibilities of life, always and above all potential. And potential, insofar as it is nothing other than the essence or nature of each being, can be suspended and contemplated but never absolutely divided from act" (Agamben 2016: 207). Here, it becomes evident how indifference, form-of-life and the idea of anthropogenesis are related. Since what is at stake in the immanence of life designated by the terms "use" and "form-of-life" is, precisely, a modification of human life such that it would no longer be premised on exclusion and division. And what is at stake in a mode of being designated by the ontology of indifference is the mode of life that has suspended and rendered indifferent all metaphysical articulations of human life. The thought of indifference is the thought of a non-exclusionary life.

---

[15]   In this passage, Agamben continues: "There are not *first* life as a natural biological given and anomie as the state of nature, and *then* their implication in law through the state of exception. On the contrary, the very possibility of distinguishing life and law, anomie and nomos, coincides with their articulation in the biopolitical machine" (Agamben 2005: 87). For Agamben, this structure holds true for any metaphysical articulation of the human.

## 7. EPILOGUE

The greatest danger in thinking indifference and inoperativity is, perhaps, to consider them as absolute or transcendent features that could be actualized once and for all—pointing to a peaceful, if empty neutrality stripped of all differences, dualisms and qualities. Often, these concepts seem to intervene in Agamben's texts as a resolution of sorts, as if they designated the definitive neutralization of a metaphysical paradigm. And yet, Agamben notes that what we call a form-of-life is "a life in which the event of anthropogenesis—the becoming human of the human being—is still happening" (Agamben 2016: 208). Accordingly, the whole group of concepts organized around the idea of indifference do not denote anything that can be fully actualized or come to self-presence (F/M's non-gendered "zero-point" of indifference is in this sense truly a utopia). On the contrary, these concepts allow one to think an abandonment of life to the plurality of its modes, such that it can never stabilize itself in any identity or essence while coinciding with its lived experience. That the 'nature' of the human is its impotentiality translates into the demand that every mode of life must make room for an aberration of the actual. If philosophy is "the memory and repetition" of anthropogenesis (Agamben 2016: 111), then this is not because it knows the truth of the human essence, but because it is one of the practices that answers to this aberrant demand. For Agamben, becoming-human means, then, becoming otherwise than being, other than identity, other than self-same: "The anthropogenetic event has no history of its own and is as such unintelligible; and yet it throws humans into an adventure that still continues to happen (*avvenire*)" (Agamben 2018: 83). The drama that continues to unfold is thus neither tragic nor comic, and the characters embarked on its adventure not predestined to one fate or another, but they are called to acquiesce to a journey. Joining voices in discourse, that is to say, losing one's voice, is an attempt not just to formulate but to practice a form of indifference. Philosophy is one of the practices that tells of and participates in this anonymous tale.

## BIBLIOGRAPHY

Agamben, G. 1991. *Language and Death: The Place of Negativity.* Translated by K. E. Piktus and M. Hardt. Minneapolis: University of Minnesota Press.

Agamben, G. 1999a. *The Man Without Content.* Translated by G. Albert. Stanford: Stanford University Press.

Agamben, G. 1999b. *Remnants of Auschwitz: The Witness and the Archive.* Translated by D. Heller-Roazen. New York: Zone Books.

Agamben, G. 1999c. *On Potentiality.* In *Potentialities: Collected Essays in Philosophy.* Translated by D. Heller-Roazen. Stanford: Stanford University Press, pp. 177-184.

Agamben, G. 1999d. *The End of the Poem: Studies in Poetics.* Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 2004. *The Open. Man and Animal.* Translated by K. Attell. Stanford: Stanford University Press.

Agamben, G. 2005. *State of Exception.* Translated by K. Attell. Chicago - London: Chicago University Press.

Agamben, G. 2007. *The Work of Man.* Translated by K. Attell. In *Giorgio Agamben: Sovereignty and Life*, ed. by M. Calarco and S. DeCarloli. Stanford: Stanford University Press, pp. 1-11.

Agamben, G. 2009. *The Coming Community.* Translated by M. Hardt. Minneapolis - London: University of Minnesota Press.

Agamben, G. 2011. *Nymphs.* Translated by A. Minervini. In Khalip, J. and Mitchell, R, *Releasing the Image. From Literature to New Media.* Stanford: Stanford University Press, pp. 60-80.

Agamben, G. 2016. *The Use of Bodies.* Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2017. *Autoritratto nello studio.* Milan: Nottetempo.

Agamben, G. 2018. *The Adventure.* Translated by L. Chiesa. Cambridge - London: MIT Press.

Agamben, G. 2019. *Creation and Anarchy: The Work of Art and the Religion of Capitalism.* Translated by A. Kotsko. Stanford: Stanford University Press.

Blanchot, M. 1973. *Le Pas au-delà.* Paris: Gallimard.

Blanchot, M. 1982. *The Writing of the Disaster.* Translated by Ann Smock. Lincoln: University of Nebraska Press.

Deleuze, G. 1993. *Logic of Sense.* Translated by M. Lester. New York: Columbia University Press.

Derrida, J. 1991. *'Eating Well', or the Calculation of the Subject: An interview with Jacques Derrida.* Translated by P. Connor and A. Ronell. In *Who Comes after the Subject?*, ed. by E. Cadavo, P. Connor and J.-L. Nancy. New York - London: Routledge, pp. 96-119.

Derrida, J. 1992. *Of an Apocalyptic Tone Newly Adopted in Philosophy.* In *Derrida and Negative Theology*, ed. by H. Coward and T. Foshay. New York: State University of New York Press, pp. 25-72.

Deutscher, P. 2008. *The Inversion of Exceptionality: Foucault, Agamben and 'Reproductive Rights'.* In «South Atlantic Quarterly», 107.1, pp. 55-70.

Foucault, M. 1990. *The Use of Pleasures: Volume 2 of The History of Sexuality.* Translated by Robert Hurley. New York: Vintage.

Frambach, L., Thiel, L. (ed. by). 2015. *Salomo Friedlaender und die Gestalttherapie.* Köln - Bergisch Gladbach: EHP - Verlag Andreas Kohlhage.

Friedlaender, S., Mynona. 2005-2020. *Gesammelte Schriften*, ed. by H. Geerken & D. Thiel. Herrsching: Waitawhile.

Friedlaender, S., Mynona. 2015. *Das Magische Ich. Elemente des kritischen Polarismus. Gesammelte Schriften* Vol. 19, ed. by H. Geerken & D. Thiel. Herrsching: Waitawhile.

Haines, C., Grattan, S. 2017. *Life After the Subject.* In «Cultural Critique», 96, pp. 1-36.

Heidegger, M. 1969. *Identity and Difference.* Translated by J. Stambaugh. New York: Harper & Row.

Heidegger, M. 1991. *Nietzsche,* vols. 1-2. Translated by David Farrell Krell. San Francisco: Harper Collins.

Heidegger, M. 1997. *Der Satz vom Grund.* In *Gesamtausgabe,* vol. 10, ed. by P. Jaeger. Frankfurt am Main: Klostermann.

Heidegger, M. 2001. *Being and Time.* Translated by J. Macquarrie and E. Robinson. Oxford - Cambridge: Blackwell.

Lagaay, A. and Thiel, D. Forthcoming. *Introduction to Salomo Friedlaender/Mynona. 20*[th] *Century Performance Philosopher.* London: Rowman & Littlefield International.

Lagaay, A. and Geerken, H. 2020: *Explosions of 'creative indifference'. Salomo Friedlaender, Sun Ra, sereditpity and the idea of a 'heliocentre'.* In Cull Ó Maoilearca, L. and Lagaay, A., *The Routledge Companion to Performance Philosophy.* London: Routledge, pp. 415-423.

Nancy, J.-L. 1991. *Introduction.* In *Who Comes after the Subject?,* ed. by E. Cadavo, P. Connor and J.-L. Nancy. New York - London: Routledge, pp. 1-8.

Perls, F. 1969. *Gestalttherapie in Aktion.* Stuttgart: Klett-Cotta.

Rauch, M. F. Forthcoming. *Archaeologies of Contemporary Art: Negativity, Inoperativity,* Désoeuvrement. In «Journal of Italian Philosophy».

Schürmann, R. 2019. *On Constituting Oneself an Anarchistic Subject.* In *Tomorrow the Manifold: Essays on Foucault, Anarchy, and the Singularization to Come,* ed. by M. F. Rauch and N. Schneider. Zurich: diaphanes, pp. 7-30.

Schürmann, R. 2001. *Wandering Joy: Meister Eckhart's Mystical Philosophy.* Great Barrington: Lindisfarne.

Schürmann, R. 1987. *Heidegger on Being and Acting: From Principles to Anarchy.* Translated by Chr.-M. Gros. Bloomington - Indianapolis: Indiana University Press.

Thiel, D. 2012. *Maßnahmen des Erscheinens. Friedlaender/Mynona im Gespräch mit Schelling, Husserl, Benjamin und Derrida.* Nordhausen: Verlag Traugott Bautz.

Watkin, W. 2015. *Agamben and Indifference.* London: Rowman & Littlefield International.

Weheliye A. 2014. *Habeus Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human.* Durham: Duke University Press.

# L'OPERA D'ARTE E LA MORTE DI DIO. NIETZSCHE E AGAMBEN[1]

## VANESSA LEMM
*College of Humanities, Arts and Social Sciences*
*Flinders University, South Australia*
vanessa.lemm@flinders.edu.au

**ABSTRACT**

In this article I situate Agamben's theses on 'inoperativity' in dialogue with motifs drawn from Nietzsche's discussion of the death of God and his conception of the 'work of art without artist.' I argue that Agamben helps us to get beyond the Existentialist interpretation of the human subject as creator of its own life (bios) by proposing an anarchic conception of giving artistic form to life (zoe) that deconstructs the position of mastery over life assigned to modern subjectivity and de-centres the idea of the human agency in the process of creation. However, I also suggest that Agamben's conception of the artistic life downplays or avoids other features of Nietzsche's thinking on the death of God and creation that are tied to animality and the divinity of nature. In the first section, "The Work of Art without Artist and the Deactivation of the Artistic Machine" I discuss Agamben's archaeology of the work of art and his thesis that since the Renaissance, the work of art has been produced through what he calls the 'artistic machine.' I examine his proposal to deactivate this machine by thematizing the dimension of human life he calls 'inoperativity,' and what this means for his understanding of the process of creation as anthropogenesis. I also raise the question of whether, by deactivating the artistic machine, Agamben may paradoxically be re-activating what he has previously called the 'anthropological machine.' The second section, "The Death of God and the Death of Man," compares and contrasts the difference between Nietzsche's and Agamben's accounts of anthropogenesis and the relation between animality and divinity. It argues that the death God as the death of the human being in Nietzsche leads to a naturalistic conception of creativity inspired by Greek and Renaissance art that provides some insights into how to deactivate the 'work-artist-operation machine' without falling into the 'anthropological machine.' This article concludes with a third section, "Contingency, Resistance and Self-Overcoming" on the difference between Nietzsche's and Agamben's conceptions of contingency and resistance in the generation of a form-of-life. For Nietzsche a form of life is generated essentially in and through a process of continuous self-overcoming. In Agamben, a form of life is constituted through a dialectical tension between creation and resistance, the artist's potential (impersonal) and potential not-to (personal). Whereas in Agamben the contingency of creation is located within the action, in Nietzsche creation happens to the activity as an event external to it.

---

[1] Per una versione più breve e in lingua inglese di questo articolo, cfr. Lemm 2020a. La presente traduzione è stata condotta da Carlo Crosato su richiesta dell'autrice.

Le ripercussioni dell'idea nietzscheana della morte di Dio non sono percepibili solo nella sfera religiosa, ma anche nel modo in cui pensiamo il significato della creazione, e in particolare il ruolo della creatività nella vita. La riflessione di Agamben sulla creatività come "inoperatività" è il più recente e rilevante contributo al dibattito, verosimilmente avviato dall'Esistenzialismo, intorno a come la morte di Dio si relazioni alla vita intesa come materia prima per la creazione artistica (Agamben 2017). In questo articolo, le tesi di Agamben sull'"inoperatività" saranno confrontate con motivi risalenti alla riflessione di Nietzsche sulla morte di Dio e alla sua concezione dell'"opera d'arte senza artista". Agamben ci aiuterà a superare l'interpretazione esistenzialista del soggetto creatore della propria vita (*bios*) mediante un'idea anarchica di forma artistica di vita (*zoe*), in grado di decostruire la posizione di dominio sulla vita attribuita al soggetto moderno e de-centrare l'azione umana nel processo di creazione[2]. Si suggerirà altresì che la concezione agambeniana di vita artistica minimizza o elude altri aspetti del pensiero nietzscheano sulla morte di Dio e sulla creazione legati all'animalità e alla divinità della natura.

Nelle interpretazioni esistenzialiste, il tema della morte di Dio è inteso come un evento liberatorio che apre all'essere umano la possibilità di divenire l'unico autore della propria vita (*bios*) e di assumere la piena responsabilità di darle un senso (cfr. Sartre 1946): l'attuazione di tale libertà è il segno distintivo della nostra umanità. Esempio di una simile interpretazione esistenzialistica è la lettura di Julian Young (Young 2014: 111-25), secondo cui la morte di Dio non è riducibile alla sola morte del Dio della Cristianità, essendo piuttosto un concetto che si estende a «tutto ciò che attua la funzione di assegnare un significato alla vita umana che un tempo era attribuita a un dio» (Young 2014: 111)[3]. Coerentemente con la tradizione dell'esistenzialismo, Young parte dal presupposto che il significato non sia da considerarsi come un dato o come qualche cosa che siamo chiamati a scoprire, bensì come qualche cosa che produciamo e scegliamo secondo volontà. Al fine di superare il nichilismo, ossia l'assenza di significato derivante dalla morte di Dio, l'individuo è chiamato a creare il proprio percorso di vita e diventare così il creatore della propria vita (Nehamas 1985: 90-91). L'eroica autocreazione della nostra vita (*bios*) si colloca «al di là del bene e del male», e quindi ciò che rileva non è se si siano compiute scelte buone o cattive, ma se la nostra vita sia l'autentica espressione della nostra creatività, di cui siamo responsabili.

In senso lato, il problema di questa lettura esistenzialista della morte di Dio risiede nel fatto che l'essere umano in quanto autocreatore torna a occupare la posizione lasciata vacante dal Dio cristiano, eleggendo se stesso *alter deus*[4].

---

[2] Seguo qui la distinzione tra *bios* e *zoe* proposta da Agamben in Agamben 1995.

[3] Cfr. Vattimo 1998: 28, in cui l'autore sostiene che la morte di Dio rappresenta la dissoluzione dei valori assoluti in una pluralità di interpretazioni.

[4] Si veda anche la considerazione dell'umanità come un *alter deus* in Habermas, il quale osserva Schelling, Feuerbach e Marx sovvertire il tema biblico del Dio creatore dell'uomo, trasformandolo

Tradizionalmente si è associato questo ideale prometeico all'insegnamento di Nietzsche intorno all'*Übermensch*, nuova figura di essere umano capace di superare l'orizzonte del mondo cristiano in direzione di maggiori libertà e creatività. E però Nietzsche non ha mai concesso che lo *Übermensch* potesse occupare la posizione di Dio; piuttosto, come ha correttamente segnalato Löwith, «il superamento del cristianesimo si identifica con il superamento dell'uomo» (Löwith 1982: 286)[5]. La figura esistenzialista dell'individuo creatore della propria vita è eccessivamente concentrata sull'assunzione "eroica" del dominio sulla formazione della vita, perdendo così di vista ciò che si potrebbe chiamare il carattere an-archico della creazione, intesa come processo privo di fondamenti metafisici e aperto invece al caos e alla radicale contingenza. D'altra parte, l'appello nietzscheano a diventare «poeti della nostra vita» (Nietzsche 1965: 174) non invita a un lavoro di (auto)costituzione e di attuazione delle proprie facoltà di creare secondo volontà, quasi che chi siamo e ciò che diventeremo fossero dimensioni "padroneggiate" o "possedute" dall'individuo: per Nietzsche, come si dirà in seguito, il processo di creazione non è mai un processo *individuale* (solipsistico) in senso stretto, ma dipende da una relazione "intempestiva" con la propria condizione storica. Nietzsche menziona l'«azione» (Nietzsche 1970a: 144) dell'artista tra virgolette suggerendo che in realtà non esiste qualche cosa come un "azione" e che la parola si riferisce al nostro fraintendimento del processo di creazione, come se l'artista, con le parole di Agamben, «un bel giorno, [...] decide[sse], come il Dio dei teologi, non si sa come e perché, di mettere in opera [la sua potenza o la sua facoltà di creare]» (Agamben 2017: 27)[6]. Il processo di creazione in Nietzsche non si verifica secondo volontà e non riflette una scelta esistenziale in cui volontà e scelta siano motori della creazione della forma di vita individuale.

Dal punto di vista esistenzialista, la creazione è espressione della facoltà di creare secondo volontà, piuttosto che – con le parole di Agamben – una complicata dialettica tra resistenza e creazione, fra potenza-di e potenza-di-non, fra una dimensione personale e una impersonale della vita. Come affermato da Heidegger, l'esistenzialismo rimane all'interno della metafisica della soggettività (Heidegger 2008). Inoltre quella esistenzialista è una concezione dis-incarnata dell'(auto)creazione, che finisce per rafforzare l'idea che la vita animale (*zoe*) sia accidentale, effimera, forse persino dannosa per l'autorealizzazione artistica dell'individuo (*bios*). L'antropocentrismo che orienta la prospettiva esistenzialista ignora le dimensioni non-

nel tema antropologico secondo cui la divinità è creazione dell'essere umano cfr. Habermas 1978: 231-300.

[5] Cfr. Heidegger 2006: 246-316, specialmente p. 301, in cui l'autore confuta la tesi per cui la morte di Dio significherebbe che Nietzsche avrebbe rimpiazzato semplicemente Dio con l'essere umano.

[6] Cfr. Nietzsche 1970a: 72-73, in cui Nietzsche afferma di temere «che non ci sbarazzeremo di Dio perché crediamo ancora nella grammatica…».

umane della vita (*zoe*) e trascura come questa animalità incida sul nostro «imparare dagli artisti» a diventare «i poeti della nostra vita» (Nietzsche 1965: 88-89, 174)[7].

È possibile apprezzare la complessità (umana e non-umana / personale e impersonale) della concezione agambeniana della vita e della creatività confrontandosi con la risposta di Foucault alla nietzscheana morte di Dio, depositata nella sua «estetica dell'esistenza» (Foucault 1989: 259)[8] e nella nozione strettamente correlata di «ontologia del presente» (Foucault 1998: 261), dal momento che Agamben colloca nel solco foucaultiano la sua «archeologia dell'opera d'arte», «indagine sul passato [che] non è che l'ombra portata di un'interrogazione rivolta al presente» (Agamben 2017: 9). L'«estetica dell'esistenza» di Foucault è agli antipodi rispetto all'etica esistenzialista dell'autenticità di matrice sartriana e alla concezione associata di creazione (cfr. Norris 2018): Foucault sostiene che «piuttosto che attribuire l'attività creatrice al genere di relazione che un individuo ha con se stesso, dovremmo ricondurre ad un'attività creatrice il genere di relazione che egli ha con se stesso» (Foucault 1989: 265). Qui la creatività non è un attributo del sé; è piuttosto la vita (*zoe*) dell'individuo a essere una funzione dell'attività creatrice[9]. Foucault denuncia che

> nella nostra società l'arte sia diventata qualcosa che è in relazione soltanto con gli oggetti, e non con gli individui, o con la vita. E che l'arte sia un qualcosa di specializzato, e che sia fatta da quegli esperti che sono gli artisti. Ma perché la vita di tutti gli individui non potrebbe diventare un'opera d'arte? Perché una lampada o una casa potrebbero essere un'opera d'arte, ma non la nostra vita? (Foucault 1989: 264-265).

Secondo Foucault, l'«arte grande e rara» di «"dare uno stile" al proprio carattere» (Nietzsche 1965: 167-168) è l'arte di condurre una vita creativa.

Nella prima sezione, "L'opera d'arte senza artista e la disattivazione della macchina artistica" si discuteranno l'archeologia dell'opera d'arte di Agamben e la sua tesi secondo cui dal Rinascimento l'opera d'arte sarebbe stata prodotta attraverso ciò che lui chiama "macchina artistica". Si prenderà in esame la sua proposta di disattivare questa macchina attraverso la tematizzazione della dimensione della vita umana che egli chiama "inoperatività", e si chiarirà il significato di tale proposta nella sua comprensione del processo di creazione come antropogenesi. Verrà altresì sollevata la questione se, disattivando la macchina artistica, Agamben non

---

[7] Cfr. anche Ansell-Pearson 2000: 177: «L'umano è dall'origine della sua formazione e della sua deformazione coinvolto in un divenire oltreumano, e questo è un divenire che dipende da forze vitali non-umane, organiche e inorganiche».

[8] Foucault riconosce che l'espressione "estetica dell'esistenza" è ispirata al progetto nietzscheano di dare uno stile al proprio carattere (Foucault 1989: 265).

[9] Questo è un aspetto controverso fra gli studiosi di Foucault. Alcuni interpreti, come Esposito 2004 collocano la fonte della resistenza al potere nella dimensione della vita legata all'animalità (*zoe*), mentre altri, come Revel 2008 identificano la fonte della resistenza nella storicizzazione radicale della *bios* individuale. Secondo la mia interpretazione, sia Nietzsche che Foucault rinvengono una relazione tra animalità e storicità più solidale di quanto sostenuto da questi due punti di vista, come chiarirò di seguito.

finisca paradossalmente per riattivare quella che ha precedentemente chiamato "macchina antropologica" (cfr. Agamben 2002). La seconda sezione, "La morte di Dio e la morte dell'uomo", mette a confronto le idee nietzscheana e agambeniana di antropogenesi e di rapporto tra animalità e divinità. Si sosterrà che la morte di Dio e la morte dell'essere umano in Nietzsche conducono a una concezione naturalistica della creatività ispirata all'arte greca e all'arte rinascimentale, capace di fornire alcune intuizioni su come disattivare la "macchina opera-artista-operazione" senza ripiombare dentro la "macchina antropologica". L'articolo si conclude con una terza sezione, "Contingenza, resistenza e superamento di sé", in cui si affronterà la differenza tra le concezioni di Nietzsche e di Agamben di contingenza e resistenza nella generazione di una forma-di-vita[10]. Per Nietzsche, una forma di vita si genera essenzialmente in e attraverso un processo di continuo superamento di sé. In Agamben, una forma di vita è costituita da una tensione dialettica tra creazione e resistenza, la potenza-di (impersonale) e la potenza-di-non (personale) dell'artista. Mentre in Agamben la contingenza della creazione è rinvenibile intrinsecamente rispetto all'azione, nel concetto di creazione di Nietzsche la creazione avviene all'attività come evento esterno ad essa.

## 1. L'OPERA D'ARTE SENZA ARTISTA E LA DISATTIVAZIONE DELLA MACCHINA ARTISTICA

Intervistato nel 2004 in merito alla sua idea di vita filosofica, Agamben risponde menzionando «la nozione nietzscheana di opera d'arte senza artista» (Rauff 2004: 612-613; cfr. Lemm 2017). Si tratta di un riferimento che Agamben reperisce in un frammento presente negli scritti postumi di Nietzsche: «L'opera d'arte, dove appare senza artista, per esempio come corpo, come organismo... In che misura l'artista non sia che un grande preliminare. Il mondo come opera d'arte che partorisce se stessa» (Agamben 1994: 140). Questo passo veicola un'intima relazione tra la vita incarnata e l'arte, tra la creatività della natura e l'opera d'arte, e apre l'orizzonte di un approccio post-umanista alla creazione. Il medesimo tenore è eminente nel saggio di Heidegger, *La parola di Nietzsche «Dio è morto»* (Heidegger 2006: 301), in cui, com'è noto, viene affermato che la morte di Dio in Nietzsche annuncia la "fine" della metafisica[11] e l'avvento del nichilismo[12]. E però Heidegger sostiene anche che

---

[10] Nella locuzione agambeniana "forma-di-vita", "vita" si riferisce alla relazione e alla reciproca esclusione tra *zoe* e *bios*. Su Agamben e forma-di-vita, cfr. Vatter 2016.

[11] Secondo Vattimo, «sia l'annuncio nietzschiano della morte di Dio sia l'annuncio heideggeriano [...] della fine della metafisica poss[ono] essere trattati come modi generali di caratterizzare l'esperienza della tarda modernità» (Vattimo 2002: 16).

[12] «Sfuggire al nichilismo, che sembra presente sia nell'affermazione dell'esistenza di Dio e nella sottrazione a *questo* mondo di un significato ultimo, sia nella negazione di Dio e nella sottrazione a *ogni cosa* di significato e valore: questo è il problema più grande e persistente di Nietzsche» (Kaufmann 1974: 101).

Nietzsche è l'ultimo dei metafisici, e che la sua concezione dell'opera d'arte riflette ancora la metafisica della soggettività[13]. Per quanto ne so, Agamben non offre un'ampia esegesi dei passaggi di Nietzsche in merito alla morte di Dio; eppure è proprio sul rapporto tra Dio, la creazione e la soggettività artistica presente nell'interpretazione heideggeriana della morte di Dio in Nietzsche che si basano le riflessioni presenti in *Creazione e anarchia*. A differenza di Heidegger, Agamben cerca di distinguere la creatività dalla soggettività, per collegarla invece con quella che egli chiama "inoperatività", ossia il fatto che non vi sia un'"opera" intrinseca alle attività umane essenziali[14]. È proprio l'inoperatività a far segno verso l'apertura di un processo di creazione oltre il nichilismo, in direzione dell'"l'opera d'arte senza artista".

In *Archeologia dell'opera d'arte*, Agamben ricostruisce la concezione dell'opera d'arte dalla *Metasifica* e dalle *Etiche* di Aristotele, passando per la figura dell'artista nel Rinascimento, fino all'arte contemporanea di Marcel Duchamp. Laddove «i greci privilegia[vano] l'opera rispetto all'artista (o all'artigiano)», essenzialmente perché secondo loro «l'*energeia*, l'attività produttiva vera e propria», non risiede nell'artista bensì nell'opera (Agamben 2017: 16), nel Rinascimento

> l'arte è uscita dalla sfera delle attività che hanno la loro *energeia* fuori di esse, in un'opera, e si è spostata nell'ambito di quelle attività che, come la conoscenza o la prassi, hanno in se stesse la loro *energeia*, il loro essere-in-opera. L'artista [...] come il teoreta, rivendica ora la padronanza e la titolarità della sua attività creativa (Agamben 2017: 18).[15]

Nella concezione rinascimentale «l'arte non risiede nell'opera, ma nella mente dell'artista» (Agamben 2017: 19), in un accostamento fra Dio e la creazione artistica: «È da questo paradigma che deriva la sciagurata trasposizione del vocabolario teologico della creazione all'attività dell'artista, che fin allora nessuno si era sognato di definire creativa» (Agamben 2017: 19). Per analogia rispetto al Dio creatore, l'artista rappresenta una natura umana definita dalla sua attività creativa. La connessione, stabilita fin dal Rinascimento, fra opera d'arte, artista, attività creativa, dà forma a ciò che Agamben chiama "macchina artistica" (Agamben 2017: 20), un meccanismo che si mantiene in perfetta continuità con l'idea cristiana di creazione,

---

[13] «Creare possibilità della volontà, le uniche in base a cui la volontà di potenza si libera a se stessa, è per Nietzsche l'essenza dell'arte» (Heidegger 2003: 284). Sull'idea che in Heidegger l'arte sia la condizione fondamentale e precipua per il realizzarsi della volontà di potenza, cfr. Enders 2012: 109. L'arte come volontà di potenza nel pensiero nietzscheano è per Heidegger lo stadio finale della moderna metafisica del soggetto. Heidegger sostiene anche che la figura dell'"artista-filosofo" si scontra contro la negazione della vita da parte del nichilismo della metafisica cristiano-platonica creando nuove forme e valori. Su questo, cfr. Sinnerbrink 2012: 420.

[14] Agamben si chiede se esista «un'opera propria dell'uomo, o se questi non sia per caso come tale essenzialmente *argos*, senz'opera, inoperoso» (Agamben 1996: 109).

[15] Agamben sottolinea come i Greci contrapponessero le attività che producono un'opera alle attività intrinsecamente improduttive e in cui l'*energeia* è invece nello stesso soggetto, come il vedere o il conoscere (Agamben 2017: 15).

conservando nella modernità l'idea di un Dio creatore. Da tale punto di vista, l'idea rinascimentale di opera d'arte secolarizza l'idea della creazione divina, eleva l'artista allo *status* di nuovo Dio e così svaluta l'opera d'arte come semplicemente contingente ed effimera (Agamben 2017: 19-20). Sin dal Rinascimento, l'artista diviene l'operatore supremo di quella macchina artistica che "meccanicamente" sforna opere d'arte.

Le basi teologiche della moderna "macchina artistica" sono evidenti nelle concezioni "misteriche" della religione dei primi del Novecento, che accostano l'azione sacra della liturgia e la prassi delle avanguardie artistiche (Agamben 2017: 19-22). Liturgia e *performance*, per Agamben, possono essere intese come forme di prassi «in cui l'azione stessa pretende di presentarsi come opera» (Agamben 2017: 25). Una simile *performance* trova la sua più estrema e forse ultima espressione nei *ready-made* di Duchamp, che Agamben definisce «atti esistenziali (e non opere d'arte)» (Agamben 2017: 25): «Direi che Duchamp aveva capito che ciò che bloccava l'arte era proprio quella che ho definito la macchina artistica, che aveva raggiunto nella liturgia delle avanguardie la sua massa critica»[16]. Duchamp disattiva la «macchina opera-artista-operazione» introducendo nel museo l'oggetto ordinario, forzandolo così a presentarsi come un'opera d'arte (Agamben 2017: 25-26). Ovviamente l'opera non è un'opera, l'operazione non è un'operazione e l'artista non è un artista: Duchamp «non agisce come artista, ma, semmai, come filosofo o critico o, come amava dire Duchamp, come "uno che respira", un semplice vivente» (Agamben 2017: 26).

Nella lettura offerta da Agamben, Duchamp esemplifica l'idea nietzscheana di "opera d'arte senza artista": i *ready-made* di Duchamp disattiverebbero l'analogia tra il Dio creatore e l'essere umano come creatore. È in questo senso che la morte di Dio implica la morte dell'artista come altro dio: la morte di Dio significa che gli esseri umani non sono più «i titolari trascendenti di una capacità di agire o di produrre opere» (Agamben 2017: 27). Agamben suggerisce così che gli artisti andrebbero pensati come dei «viventi che, nell'uso e soltanto nell'uso delle loro membra come del mondo che li circonda, fanno esperienza di sé e costituiscono sé come forme di vita» (Agamben 2017: 27-28). Il processo di creazione dopo la morte di Dio si situa, per Agamben, oltre il paradigma di (auto)padronanza che sottende l'idea moderna di soggettività. L'arte diviene «il modo in cui l'anonimo che chiamiamo artista, mantenendosi costantemente in relazione con una pratica, cerca di costituire la sua vita come una forma di vita». In tale processo, «come in ogni forma-di-vita, è in questione nulla di meno che la sua felicità» (Agamben 2017: 28)[17]. Ci

---

[16] E ancora: Duchamp «sapeva perfettamente di non operare come artista. Sapeva anche che la strada dell'arte era sbarrata da un ostacolo insormontabile, che era l'arte stessa, ormai sostituita dall'estetica come una realtà autonoma» (Agamben 2017: 25).

[17] La riflessione di Agamben intorno all'essere umano come artista o come autore è esemplificata dal suo approccio metodologico alla concezione deleuziana di atto di creazione: «Perché se si segue fino in fondo questo principio metodologico, si arriva fatalmente a un punto in cui non è possibile

troviamo qui in una posizione opposta rispetto a quella di Heidegger secondo cui la morte di Dio conduce all'egemonia e al parossismo della soggettività moderna. C'è però da comprendere cosa signifchi per Agamben che Duchamp «non agisce come artista» ma come «un semplice vivente». Forse Agamben ci sta suggerendo che nel *ready-made* di Duchamp è il vivente (*zoe*) che dà forma a se stesso? Qual è la relazione fra vita e creazione esemplificata in Duchamp?

Dopo la morte di Dio, il processo di creazione non conduce più a un'opera o a un prodotto, come nella concezione rinascimentale dell'opera d'arte, e l'artista non persegue più un ideale di bellezza o di verità come nell'analogia della creazione di Dio. La macchina artistica si arresta, permettendo all'artista di "girare a vuoto", e apre così nuove possibilità di vita, o quelle che Agamben definisce anche nuove possibilità d'uso (Agamben 2017: 51-52). La disattivazione o l'inoperosità della macchina artistica è centrale nella comprensione agambeniana dell'atto della creazione dopo la morte di Dio.

La riflessione sull'inoperosità getta luce sulla tesi di Agamben sulla relazione interna tra creazione e anarchia. Sviluppando l'intuizione di Deleuze che collega la creatività alla resistenza, Agamben sostiene che l'atto della creazione non è una semplice «opposizione a una forza esterna» (Agamben 2017: 33), dal momento che «la potenza che l'atto di creazione libera [deve] essere una potenza interna allo stesso atto, come interno a questo deve essere anche l'atto di resistenza» (Agamben 2017: 34). Agamben identifica un principio interno, una negatività o una resistenza, all'opera nell'atto creativo. A sostegno della sua tesi, Agamben risale alla *Metafisica* di Aristotele, secondo cui «colui che possiede – o ha l'abito di – una potenza può tanto metterla in azione che non metterla in atto» (Agamben 2017: 35)[18]. Sulla base di questo assunto aristotelico, Agamben può sostenere che «l'uomo può avere signoria sulla sua potenza e aver accesso a essa solo attraverso la sua impotenza; ma – proprio per questo – non si dà, in verità, signoria sulla potenza *ed essere poeta significa: essere in balia della propria impotenza*» (Agamben 2017: 38). Cruciale per la tesi agambeniana è che «il passaggio all'atto può solo avvenire trasportando nell'atto la propria potenza-di-non» (Agamben 2017: 38). Per Agamben, "potenza-di-non" è un altro nome per indicare la contingenza inscritta nell'atto di creazione: «A imprimere sull'opera il sigillo della necessità è, dunque, proprio ciò che poteva non essere o poteva essere altrimenti: la sua contingenza» (Agamben 2017: 40).

---

distinguere fra ciò che è nostro e ciò che spetta invece all'autore che stiamo leggendo. Raggiungere questa zona impersonale di indifferenza, in cui ogni nome proprio, ogni diritto d'autore e ogni pretesa di originalità vengono meno, mi riempie di gioia» (Agamben 2017: 31). Qui la creazione o la produzione è simile a uno "sviluppo" in cui l'autore si perde, uno sviluppo che, una volta giunto a compimento, non può più essere ricondotto all'origine, a un soggetto o a un autore. Secondo Agamben, questo principio metodologico risale all'idea di Feuerbach di *Entwicklungsfähigkeit*, per cui cfr. Agamben 2008: 8, 85 ss.

[18] Questa interpretazione neo-aristotelica è centrale nella filosofia agambeniana, per cui cfr. Agamben 2005; de la Durantaye 2009.

L'idea che nella creatività ci sia il trasferimento nell'atto di una potenza-di-non viene confrontata da Agamben con l'immagine offerta da Simondon della natura dell'essere umano come

> un essere a due fasi, che risulta dalla relazione fra una parte non individuata e impersonale e una parte individuale e personale. Il preindividuale non è un passato cronologico che, a un certo punto, si realizza e risolve nell'individuo: esso coesiste con questo e gli resta irriducibile (Agamben 2017: 41).[19]

Per Agamben, nell'atto della creazione, l'impersonale «precede e scavalca il soggetto individuale» e l'elemento personale «ostinatamente gli resiste» (Agamben 2017: 41). In questa dialettica, l'elemento impersonale rappresenta «la potenza-di, il genio che spinge verso l'opera e l'espressione», mentre il personale rappresenta la potenza-di-non che «resiste all'espressione e la segna con la sua impronta» (Agamben 2017: 41). Da questo punto di vista, l'opera riflette sia l'elemento impersonale, potenza creativa, sia l'elemento personale, che gli resiste, nella loro reciproca tensione.

La riflessione agambeniana sull'inoperosità può essere intesa come un commento alla concezione di Nietzsche della morte di Dio e del diventare «poeti della nostra vita». Agamben descrive la tensione tra potenza e impotenza analogamente alla tensione tra stile e maniera che prende forma nella vita creativa del poeta: «Lo stile è un'appropriazione disappropriante (una negligenza sublime, un dimenticarsi nel proprio), la maniera una disappropriazione appropriarne (un presentirsi o un ricordarsi nell'improprio) (Agamben 2017: 79-80). Il modello della vita del poeta può essere esteso a «ogni uomo parlante rispetto alla sua lingua e [a] ogni vivente rispetto al suo corpo, [essendovi] sempre, nell'uso, una maniera che prende le distanze dallo stile, uno stile che si disappropria in maniera» (Agamben 2017: 80). Questa tensione tra «da una parte appropriazione e abito, dall'altra perdita ed espropriazione» definisce ciò che Agamben definisce "uso" (Agamben 2017: 80), nozione alla base della comprensione dell'umano come essere vivente senza opera, laddove «i moderni sembrano incapaci di concepire la contemplazione, l'inoperosità e la festa altrimenti che come riposo o negazione del lavoro» (Agamben 2017: 49).

Agamben conclude sostenendo che la contemplazione e l'inoperosità sono «gli operatori metafisici dell'antropogenesi» (Agamben 2017: 50). «La domanda

---

[19] La concezione di Simondon dell'umano come essere a due fasi ha forti affinità con l'idea nietzscheana dell'umano come creatura e creatore: «Nell'uomo *creatura* e *creatore* sono congiunti: nell'uomo c'è materia, frammento, sovrabbondanza, creta, melma, assurdo, caos; ma nell'uomo c'è anche il creatore, il plasmatore, la durezza del martello, la divinità di chi guarda e c'è anche un settimo giorno – comprendete voi questa antitesi?» (Nietzsche 1972a: 134). Vale la pena ricordare che Roberto Esposito ha associato l'impersonale all'animale e così offre una lettura di Simondon che potrebbe riconciliare i punti di disaccordo fra Agamben e Nietzsche a proposito di creatività e animale (Esposito 2007).

sull'opera o sull'assenza di opera dell'uomo» è di tale importanza perché da essa dipende «la possibilità di assegnargli una natura e un'essenza propria» (Agamben 2017: 48). Connettendo creatività e inoperatività, Agamben intende liberare «il vivente uomo da ogni destino biologico o sociale e da ogni compito predeterminato» e aprire così l'essere umano a «quella particolare assenza di opera che siamo abituati a chiamare "politica" e "arte"» (Agamben 2017: 50-51).

Agamben dà conto della creatività come inoperosità sfruttando l'artista come modello per il "costituirsi" di una "forma-di-vita". Tuttavia, le considerazioni di Agamben secondo cui la potenza-di-non è intrinseca all'essere umano, e la sua creatività è una funzione della resistenza personale alla dimensione impersonale della vita che gli umani condividono con la vita non umana, solleva la questione se l'inoperosità come operatore metafisico dell'antropogenesi non riattivi paradossalmente la "macchina antropologica" che Agamben ha descritto ne *L'aperto*. L'inoperosità ricostituisce l'uomo attraverso un meccanismo di esclusione mediante il quale l'animale, la vita (*zoe*), il corpo, gli istinti, ecc., sono esclusi in quanto "inumani"? Nella prossima sezione, si mostrerà come la concezione nietzscheana di creazione e creatività fornisca alcuni suggerimenti su come disattivare la "macchina opera-artista-operazione" senza ripiombare nella "macchina antropologica".

## 2. LA MORTE DI DIO E LA MORTE DELL'UOMO

L'inoperosità è considerata da Agamben un operatore antropogenetico post-metafisico. L'essere umano è strutturalmente un essere inoperoso, la cui profonda umanità è legata alla consapevolezza di esser privo di una propria "opera". Per parte sua, Nietzsche non intende la creazione come un processo umanizzante: per Nietzsche, la morte di Dio implica la morte dell'essere "umano", e dunque mette in questione l'idea stessa di (antropo)genesi: «Non vedo perché l'organico in genere debba una volta aver preso *inizio* -- [*entstanden sein muss*]» (Nietzsche 1975: 115). Nell'interpretazione offerta da Löwith, dopo la morte di Dio, l'essere umano non ha più fissa dimora fra l'animalità e il divino[20]. Come tale, l'evento della morte di Dio non lascia vuoto solo il posto di Dio, ma anche quello dell'essere umano. In un frammento postumo, Nietzsche annota: «L'uomo non esiste: perché non è esistito un primo uomo – così ragionano gli animali» (Nietzsche 1986: 51). Contrariamente ad Agamben, per il quale la contemplazione è uno degli operatori dell'antropogenesi, la vita filosofica non si salva dall'antiumanismo nietzscheano. Come ha

---

[20] «Se Dio è morto, l'uomo perde la posizione che finora occupava quale creatura intermedia fra esser-Dio ed esser-animale. Egli sta su se stesso come su un cavo teso sull'abisso del nulla e sospeso nel vuoto» (Löwith 1985: 43-44). Ancora Löwith: «Tutto quanto il complesso dell'umanità tradizionale non è più obbligatorio per la nuova determinazione dell'uomo in Nietzsche» (Löwith 1982: 477).

correttamente segnalato Azzam Abed, dopo la morte di Dio «nel filosofo non rimane altro che l'animale» (Abed 2015: 125-126)[21].

Alcuni commentatori hanno sostenuto che il significato del naturalismo radicale di Nietzsche è che la specie umana produce cultura o arte come se le estrapolasse da precise istruzioni insite nel suo codice genetico, così come gli alberi producono mele (cfr. Leiter 2002: 10). L'arte realizzerebbe dunque il "destino biologico" della specie umana. A ben vedere, però, il naturalismo nietzscheano non può essere definito né ateistico né positivistico (cfr. Figl 2000; Schacht 1983); anzi, Nietzsche considera l'ateismo sintomatico di quel positivismo scientifico che egli rigetta (cfr. Nietzsche 1965: 129-130)[22]. A differenza di Agamben, il quale, seguendo Arendt, segnalerà l'urgenza di liberare l'umano dal suo «destino biologico» prendendo le distanze dalla natura (Agamben 2017: 50-51), Nietzsche invoca che l'uomo sia ritradotto alla natura (Nietzsche 1972d: 139-142; cfr. Lemm 2020b): le nozioni di "codice genetico" o "destino biologico" sono ombre di Dio che vanno superate, per diventare davvero "fisici" e, così, genuinamente creativi. «Dobbiamo diventare coloro che meglio apprendono e discoprono tutto quanto al mondo è normativo e necessario [...] mentre fino a oggi tutte le valutazioni e gli ideali sono stati edificati sull'*ignoranza* della fisica e *in contraddizione* con essa» (Nietzsche 1965: 193-196). I fisici di Nietzsche liberano la natura dalla figura del Dio creatore, scoprendo così che la natura stessa è creativa e artistica. Si tratta della sdivinizzazione della natura di cui Nietzsche segnala l'urgenza: «Quando sarà che tutte queste ombre di Dio non ci offuscheranno più? Quando avremo del tutto sdivinizzato la natura! Quando potremo iniziare a *naturalizzare* noi uomini, insieme alla pura natura, nuovamente ritrovata, nuovamente redenta!» (Nietzsche 1965: 117-118). Per Nietzsche, questa natura «nuovamente redenta» può disvelare ciò che crea e dà forma alla vita, ossia l'animalità dell'essere umano, la naturalità «nuovamente ritrovata» dell'essere umano. La critica mossa da Nietzsche alla concezione tradizionale della cultura (a cui mi sono già riferita in termini di "civilizzazione" (Lemm 2009)) scioglie l'animale e libera così la possibilità di creare nuove forme di vita. La morte di Dio così come morte dell'umano consente di recuperare una nuova relazione tra natura e creatività, e comprendere finalmente cosa significhi per l'animale umano essere "più naturale" e creativo.

Ma se l'essere umano non è altro che un animale, che cosa significa per questo animale creare forme di vita? Da un punto di vista nietzscheano, il parallelo istituito da Agamben tra la dimensione personale (individuale/umana) e impersonale (non individuale/animale) della vita umana, da un lato, e, dall'altro, una produzione in cui l'individuo lascia il proprio segno sulla tensione artistica all'espressione

---

[21] A riguardo, scrive Nietzsche: «Ogni animale, e quindi anche la *bête philosophique*, tende istintivamente a un *optimum* di condizioni favorevoli, date le quali può scatenare completamente la sua forza attingendo il suo *maximum* nel sentimento di potenza» (Nietzsche 1972d: 309).

[22] A proposito di questi passaggi nietzscheani, si veda la brillante interpretazione di Gentili 2001: 241 ss.

resistendole, rimane tutta interna a una comprensione molto tradizionale della crea-zione come processo produttivo di forme culturali attraverso il contenimento delle espressioni vitali dell'animalità, degli istinti e delle pulsioni. La rappresentazione agambeniana dell'artista come qualcuno che «spinge verso l'opera e l'espressione» e «precede e scavalca il soggetto individuale», fa eco allo stereotipo dell'artista come animale la cui espressione disinibita e caotica di impulsi e passioni, ossia delle ener-gie artistiche anarchiche, deve essere imbrigliata, controllata e contenuta dall'indivi-duo affinché tale resistenza lasci un segno e trasformi la vita (*zoe*) in una forma culturale superiore (*bios*): «La resistenza agisce come una istanza critica che frena l'impulso cieco e immediato della potenza verso l'atto e, in questo modo, impedisce che essa si risolva e si esaurisca integralmente in questo» (Agamben 2017: 39).

Con l'immagine della morte di Dio, Nietzsche revoca in questione la tradizionale comprensione della cultura come conferma della posizione di superiorità dell'es-sere umano. Dopo la morte di Dio, la cultura non può più essere assunta come discrimine tra uomo e animale: «Non deriviamo più l'uomo dallo "spirito", dalla "divinità", lo abbiamo ricollocato tra gli animali» (Nietzsche 1970b: 179-180). In senso nietzscheano, il rapporto tra creazione e resistenza pensato da Agamben deve essere invertito: non è l'umano (il personale) a dover resistere all'imposizione dell'animale (l'impersonale) al fine di creare, essendo piuttosto la creatività a venire alla luce nella misura in cui l'animale resiste alle costrizioni della forma umana. Stando alla critica nietzscheana al Cristianesimo, ciò contro cui dobbiamo resistere e che va definitivamente superato è ogni forma culturale di dominio sulla vita, quelli che Nietzsche definisce «delitti contro la vita». Il problema della visione cristiana del mondo non è la sua vicinanza a Dio, ma il fatto che essa deturpi la vita: «Quel che *ci* divide non sta nel fatto che non ritroviamo Dio né nella storia, né nella natura e neppure dietro la natura – bensì nella circostanza che noi sentiamo quel che viene venerato come Dio, non come "divino", ma come miserabile, assurdo, dannoso, non soltanto come errore, ma come *delitto contro la vita*» (Nietzsche 1970b: 229). Nietzsche intende dissipare il pregiudizio secondo cui la "cultura" sarebbe un carat-tere distintivo e nobilitante della specie umana, e a tal fine invita a sdivinizzare la natura e per poi «origliare gli idoli» che si nascondono nella storia, nella natura o dietro essa (Nietzsche 1970a: 53-54). Ma ciò che davvero differenzia il naturalismo di Nietzsche da un naturalismo positivistico moderno è l'affermazione della vita e della creatività della natura, il cui esempio è offerto dai Greci e dal Rinascimento.

Le differenze tra Agamben e Nietzsche in merito al rapporto tra animalità e crea-tività ricadono proprio nelle loro visioni contrastanti in merito al Rinascimento. Se Agamben contrappone la concezione della creazione come inoperatività all'esem-pio rinascimentale della produttività artistica, Nietzsche intende la creatività rinasci-mentale come un modo di divenire più naturale, più animale, dell'essere umano nel suo superamento dell'essere umano come creatore secondo il modello del Dio

cristiano, in direzione dell'apertura di una molteplicità di nuovi dei[23]. Per Nietzsche, il Rinascimento rappresenta un superamento del Dio cristiano, mentre Agamben in *Creatività e anarchia* suggerisce di intenderlo come il momento in cui il Dio cristiano viene reintegrato nella forma della macchina artistica. Nietzsche celebra il Rinascimento come l'epoca in cui si supera la visione cristiana del mondo e l'idea associata di creazione divina, ritornando a un'idea greca della natura, intesa come caos e creatività: «Il carattere complessivo del mondo è [...] caos per tutta l'eternità, non nel senso di un difetto di necessità, ma di un difetto di ordine, articolazione, forma, bellezza, sapienza e di tutto quanto sia espressione delle nostre estetiche natura umane» (Nietzsche 1965: 117). Nietzsche dunque accoglie il Rinascimento e analogamente sfrutta la fine del Cristianesimo come fondamento da cui superare una menzogna millenaria mediante un ritorno all'origine della filosofia greca (Löwith 1982: 285-286). Dal suo punto di vista, la figura dell'artista nel Rinascimento celebra la divinizzazione della natura (umana) ed esemplifica una naturalezza «più naturale» dell'essere umano (Nietzsche 1972b: 352). Nel Rinascimento, l'arte diventa natura e la natura arte[24]. Contrariamente all'antropogenesi descritta da Agamben, con la morte di Dio Nietzsche indica la vita per un ritorno alla vita animale (*zoe*), sorgente di creatività. Questa relazione immanente tra animalità e creatività in Nietzsche si riflette nel carattere an-archico dell'arte e della creazione: mentre Agamben colloca il carattere anarchico della creazione nella potenza-di-non dell'individuo, Nietzsche la riscopre nell'animalità dell'essere umano.

## 3. CONTINGENZA, RESISTENZA E SUPERAMENTO DI SÉ

Le diverse concezioni di Nietzsche e Agamben del tenore an-archico della creatività hanno un riscontro nelle loro visioni divergenti della contingenza e della resistenza in seno alla creazione di una forma-di-vita. Laddove Agamben inscrive la contingenza nella potenza-di-non, Nietzsche concepisce la contingenza della

---

[23] Contro il naturalismo positivistico, Nietzsche sostiene che Dio e gli dei sono il risultato dell'antropomorfosi: tutti gli dei sono prodotti dagli umani e perciò sono mortali e finiti. Nietzsche prevede la nascita di nuovi dei in un'epoca che egli descrive come empia e disumana: «Lo sappiamo, il mondo in cui viviamo è sdivinizzato, immorale, "inumano"» (Nietzsche 1965: 258). E sostiene che divino è il fatto che ci siano molti dei, ma non l'unico Dio cristiano cfr. Löwith 1985: 39. Di qui, Vattimo può sostenere che uno dei principali esiti filosofici della morte del Dio metafisico sia la rinnovata possibilità dell'esperienza religiosa, la rinascita del sacro nelle sue molteplici forme cfr. Vattimo 2002: 15-20, 26-27. La morte di Dio non è la morte degli dei: in realtà, Nietzsche vede nella creazione di nuovi dei una delle più alte espressioni della creatività. Su nuove divinità e una nuova religione in Nietzsche cfr. Figl 2000; Lampert 2006.

[24] Nella sua prima opera, Agamben dà nota del "più alto compito" relativo alla figura nietzscheana dello *Übermensch* e all'eterno ritorno dell'uguale come «un diventar natura dell'arte che è, al tempo stesso, un diventare arte della natura» (Agamben 2002: 139). Si tratta di una posizione piuttosto differente rispetto a quella assunta in *Creazione e anarchia*. Sulla relazione tra recitare un ruolo come artificio e il carattere come natura, si veda anche Nietzsche 1965: 224-226.

creazione come una relazione con il fuori, con l'esteriorità (cfr. Foucault 2004a; 2004b), secondo cui l'opera d'arte rappresenta una esternalizzazione dell'essere umano che assume la forma dell'evento.

Collocandosi nella prospettiva della morte di Dio nietzscheana, è lecito porsi la domanda se le categorie aristoteliche di "potenza di agire" e "potenza di non agire", che Agamben chiama in causa per spiegare il processo di creazione, non siano esempi di «fatti interiori», quelle «cause spirituali» che Nietzsche inserisce tra i «quattro grandi errori». Il processo di creazione, secondo Nietzsche, non può essere spiegato come un movimento o uno stato interiore all'artista o all'individuo, essendo la creazione un evento più che un'azione. La contingenza è dunque sempre e necessariamente l'accadere di un'esteriorità, l'incontro con un corpo. Essere un artista o creare una forma di vita significa abbracciare la contingenza del mondo e amarla: un *amor fati*. Il rapporto tra contingenza e necessità in Nietzsche culmina nella sua visione dell'eterno ritorno dell'uguale, entro cui, affermando la vita in tutte le sue forme, imprimiamo «sull'opera il sigillo della necessità» (Agamben 2017: 40)[25]. La creatività nel senso nietzscheano non è in balia di «ciò che poteva non essere o poteva essere altrimenti», come in Agamben (Agamben 2017: 40).

È per questo che Nietzsche osserva il processo di creazione come quella complessa relazione tra l'artista e il suo tempo che può essere detta il "genio". Stagliandosi sul divenire storico, che Nietzsche concepisce come un alternarsi di permanenza e dissoluzione, il genio emerge nella sua radicale contingenza, culminando in un'opera impossibile da attribuire a un artista. Egli descrive l'inattualità della creazione come fine e punto di svolta, un'esplosione che irrompe nel corso della storia:

> I grandi uomini sono, al pari delle grandi epoche, materie esplosive in cui è accumulata una forza enorme; il loro presupposto, storicamente e filosoficamente, è sempre lo stesso: che si sia lungamente raccolto, accumulato, risparmiato e conservato in vista di loro – che per lungo tempo non si sia verificata alcuna esplosione. Se la tensione nella massa si è fatta troppo grande, basta lo stimolo più accidentale per chiamare al mondo il «genio», l'«azione», il grande destino (Nietzsche 1970a: 143-144).

Nietzsche intende le grandi "azioni" come eventi che non possono essere ricondotti a un atto o una causa individuale, inseparabilmente intrecciati a una costellazione storica entro cui si originano e prendono a esistere. In tale costellazione storica, il genio forse non è altro che uno stimolo accidentale che annuncia l'azione nel mondo (Nietzsche 1965: 159-160). L'idea della creazione come evento rispecchia la dimensione storica della contingenza nella concezione della creatività di Nietzsche, provenendo dal suo rifiuto della trascendenza come conseguenza diretta della morte di Dio.

Esiste, poi, una seconda dimensione della contingenza implicata nell'idea nietzscheana della creazione, che già altrove ho definito "dimenticanza dell'animale"

---

[25] Sull'intimo legame tra la morte di Dio e l'eterno ritorno dell'uguale in Nietzsche, cfr. Löwith 1985; Figl 2000.

(Lemm 2009). Nel naturalismo di Nietzsche, l'oblio animale istituisce il legame tra animalità e creatività (Lemm 2008); e tale oblio è ritrovato da Nietzsche nelle nature vigorose, piene, in cui c'è «una sovrabbondanza di forza plastica, imitatrice, risanatrice e anche suscitatrice d'oblio» (Nietzsche 1972d: 238). L'oblio definisce la creatività del genio della cultura che «si consuma, non si risparmia» (Nietzsche 1970a: 145); esso è anche la fonte del virtuoso, la cui «forza sta nel suo dimenticare se stesso» (Nietzsche 1972c: 400-401); ed è propria del donatore amato da Zarathustra, poiché la sua anima «trabocca [fino a] fargli dimenticare se stesso» (Nietzsche 1973: 10). Nietzsche descrive il processo di creazione come un movimento naturale paragonabile a quello di un fiume che sfonda gli argini. Lo straripamento del sé nell'atto della creazione è involontario e ineluttabile (cfr. Nietzsche 1970a: 143-145; Nietzsche 1973: 3), e impossibile da attribuire a un soggetto intenzionale, a una decisione consapevole o a un atto volontario. L'oblio (animale) non è, per Nietzsche, né una capacità, né una facoltà, né una potenza; è piuttosto una forza vitale attiva nel processo creativo. Tale processo dipende da forze plasmatrici non umane, che non possono essere possedute e che, tuttavia, ci appartengono intrinsecamente. Si può dunque descrivere l'artista come colui nel quale l'animalità e l'esistenza di essere vivente sono tornate a essere creative e produttive.

In Nietzsche, l'oblio animale stringe una relazione agonistica con la memoria, in cui l'oblio cancella le forme precostituite e apre la possibilità di creare nuove forme. Questo movimento è paragonabile alla tensione dinamica osservata da Agamben tra stile, «una negligenza sublime, un dimenticarsi nel proprio», e maniera, «un presentirsi o un ricordarsi nell'improprio» (Agamben 2017: 79-80). Per Nietzsche la creazione comporta perdite radicali (cfr. Bataille 1992): è un movimento espropriante, con il quale il cosiddetto "eroe" subisce (*Untergang*), si abbandona, trabocca e si consuma[26]. L'irruzione di tutta la potenza accumulata nell'azione del genio è pensabile come un dono[27]:

> Il genio – nell'opera e nell'azione – è necessariamente un dissipatore: lo spendersi è la sua grandezza... L'istinto dell'autoconservazione è, per così dire, sospeso; la strapotente pressione delle forze erompenti gli inibisce ogni salvaguardia e ogni cautela in questo senso. Si chiama ciò «olocausto»; si esalta in ciò il suo «eroismo», la sua indifferenza verso il proprio bene, la sua dedizione a una idea, a una grande causa, a una patria: ma sono tutti fraintendimenti... (Nietzsche 1970a: 145).

---

[26] In merito alla «forza sovrabbondante, gravida d'avvenire», che urge nel creatore, cfr. Nietzsche 1965: 249. Si veda anche Nietzsche 1965: 90-92, in cui Nietzsche descrive l'eroe tragico come una «specie di *deviazione dalla natura*»: «forse il cibo più gradevole per la superbia dell'uomo: è per cagion sua che egli ama in generale l'arte come espressione di una elevata ed eroica innaturalezza e convenzione». Nietzsche individua una relazione tra arte e religione: entrambe offrono una visione semplificata e trasfigurata dell'individuo come un eroe, come qualcosa del passato e come un tutto (Nietzsche 1965: 88-89).

[27] Cfr. Nietzsche 1973: 88-93. Secondo Deleuze, la vita come volontà di potenza «è *essenzialmente creatrice e donatrice*» (Deleuze 1978: 130).

È solo abbandonando noi stessi che la vita ci dà forma, ed è distruggendo la forma precostituita che ci si ricrea come forma nuova. E tuttavia, mentre ad Agamben la tensione tra stile («perdita ed espropriazione») e modo («appropriazione e abito») si stabilisce in una forma d'"uso" e "costituisce" una forma-di-vita (Agamben 2017: 80), nel pensiero di Nietzsche questa tensione, questa lotta non si risolve in una figura definitiva. La creazione è an-archica perché, lungi dal perseverare in un'identità o in una forma, Nietzsche concepisce la (auto)creazione come un continuo (auto)superamento.

La nozione di superamento di sé che Nietzsche associa all'*Übermensch* è intimamente correlata al suo pensiero sulla morte di Dio. L'umano non è un nuovo Dio; piuttosto, come già affermato, «il superamento del Cristianesimo si identifica con il superamento dell'uomo» (Löwith 1982: 286)[28]; e, in altre parole, la morte di Dio richiede un continuo superamento di sé dell'essere umano[29]. Per Nietzsche, non ci può essere un superamento definitivo della figura di Dio:

> Nella vecchia Europa, mi sembra che anche oggi sia pur sempre la maggioranza ad aver necessità del Cristianesimo, perciò esso continua sempre a trovare chi gli presta fede. Così infatti è l'uomo: anche se un articolo di fede potesse essere mille volte confutato – posto che egli lo sentisse necessario –, continuerebbe sempre a tenerlo per «vero» [...]. [È] *quell'istinto della debolezza,* che in realtà non crea religioni, metafisiche, convincimenti di ogni specie, ma... li conserva (Nietzsche 1965: 211-212).

Dio resta (*bleibt*) (Nietzsche 1965: 129-130) e allunga la sua «immensa orribile ombra» sull'Europa (Nietzsche 1965: 117)[30]. Questo è il motivo per cui per Nietzsche permane sempre l'urgenza di vincere Dio: la libertà creativa non è scontata, ma va costantemente riconquistata (Nietzsche 1970a: 139-141). Perciò non possiamo semplicemente abbandonare la macchina artistica al suo destino, come suggerisce Agamben: prima che essa inizi a "girare a vuoto", come l'artista-filosofo spirituale Agamben prevede, c'è ancora del lavoro da fare.

---

[28] Heidegger si premura di precisare che sarebbe scorretto assumere la morte di Dio nietzscheana come la mera sostituzione di Dio con l'umano: «Il posto che, *metafisicamente* pensato, è proprio di Dio, è il luogo della effettuazione causativa e della conservazione dell'essente in quanto essente creato. Questo luogo di Dio può restare vuoto [...] L'oltreuomo non subentra né ora né mai al posto di Dio: il posto a cui accede il volere dell'oltreuomo è un altro ambito di un'altra fondazione dell'essente in un altro suo essere. Questo altro essere dell'essente è frattanto divenuto – e ciò segna l'inizio della *metafisica* moderna – la *soggettività*» (Heidegger 2006: 301).

[29] In una nota scritta durante la stesura de *La gaia scienza*, Nietzsche afferma: «Se dalla *morte di Dio* non ricaviamo una magnanima *rinuncia* e una continua vittoria *su di noi*, dobbiamo *portarne la perdita*» (Nietzsche 1986: 422).

[30] In merito alle ombre di Dio in Nietzsche cfr. Campioni 2008; Frank 1998.

## BIBLIOGRAFIA

Abed, A. 2015. *Nietzsche versus Paul.* New York: Columbia University Press.

Agamben, G. 1994. *L'uomo senza contenuto.* Macerata: Quodlibet.

Agamben, G. 1995. *Homo sacer. Il potere sovrano e la nuda vita.* Torino: Einaudi.

Agamben, G. 1996. *Mezzi senza fine. Note sulla politica.* Torino: Bollati Boringhieri.

Agamben, G. 2002. *L'aperto. L'uomo e l'animale.* Torino: Bollati Boringhieri.

Agamben, G. 2005. *La potenza del pensiero. Saggi e conferenze.* Vicenza: Neri Pozza.

Agamben, G. 2008. *Signatura rerum. Sul metodo.* Torino: Bollati Boringhieri.

Agamben, G. 2017. *Creazione e anarchia. L'opera nell'età della religione capitalista.* Vicenza: Neri Pozza.

Ansell-Pearson, K. 2000. *On the Miscarriage of Life and the Future of the Human: Thinking Beyond the Human Condition with Nietzsche.* In «Nietzsche-Studien», 29, pp. 153-177.


Bataille, G. 1992. *La nozione di dépense.* Traduzione a cura di F. Serna, in Id., *La parte maledetta.* Torino: Bollati Boringhieri, pp. 1-22.


Campioni, G. 2008. *Nietzsche. La morale dell'eroe.* Pisa: ETS.


Deleuze, G. 1978. *Nietzsche e la filosofia.* Traduzione a cura di S. Tassinari. Firenze: Colportage.

De la Durantaye, L. 2009. *Giorgio Agamben: A Critical Introduction.* Stanford: Stanford University Press.


Enders, M. 2012. *Heideggers Deutung von Nietzsches Proklamation des Todes Gottes.* In *Heidegger & Nietzsche,* a cura di B. Babich, A. Denker e H. Zaborowski. Leiden: Brill, pp. 97-120.

Esposito, R. 2004. *Bios. Biopolitica e filosofia.* Torino: Einaudi.

Esposito, R. 2007. *Terza persona: politica della vita e filosofia dell'impersonale.* Torino: Einaudi.


Figl, J. 2000. *'Tod Gottes' und die Möglichkeit 'neuer Götter'.* In «Nietzsche-Studien», 29, pp. 82-101.

Foucault, M. 1989. *Sulla genealogia dell'etica: compendio di un work in progress.* Traduzione a cura di M. Bertani, in *La ricerca di Michel Foucault. Analitica della verità e storia del presente,* a cura di H.L. Dreyfus e P. Rabinow. Firenze: Ponte alle Grazie, pp. 257-281.

Foucault, M. 1998. *Che cos'è l'Illuminismo?.* Traduzione a cura di S. Loriga, in *Archivio Foucault 3: Estetica dell'esistenza, etica, politica.* Milano: Feltrinelli, pp. 253-261.

Foucault, M. 2004a. *Preface to Transgression*. Traduzione a cura di C. Milanese, in *Scritti letterari*. Milano: Feltrinelli, pp. 55-72.

Foucault, M. 2004b. *Il pensiero del di fuori*. Traduzione a cura di C. Milanese, in *Scritti letterari*. Milano: Feltrinelli, pp. 111-134.

Frank, D. 1998. *Nietzsche et l'ombre de Dieu*. Paris: Presses Universitaires de France.


Gentili, C. 2001. *Nietzsche*. Bologna: ilMulino.


Habermas, J. 1973. *Prassi politica e teoria critica della società*. Traduzione a cura di A. Gajano. Bologna: ilMulino.

Heidegger, M. 2006. *La parola di Nietzsche «Dio è morto»*. Traduzione a cura di V. Cicero, in Id., *Holzwege. Sentieri erranti nella selva*. Milano: Bompiani, pp. 247-316.

Heidegger, M. 2008. *Lettera sull'"umanismo"*. Traduzione a cura di F. Volpi. Milano: Adelphi.


Kaufmann, W. 1974. *Nietzsche: Philosopher, Psychologist, Antichrist*. Princeton: Princeton University Press.


Lampert, L. 2006. *Nietzsche's Philosophy and True Religion*. In *A Companion to Nietzsche*, a cura di K. Ansell-Pearson. London: Wiley-Blackwell, pp. 133-147.

Leiter, B. 2002. *Nietzsche On Morality*. London: Routledge.

Lemm, V. 2008. *The Biological Threshold of Modern Politics: Nietzsche, Foucault and the Question of Animal Life*. In *Nietzsche, Power and Politics: Nietzsche's Legacy as a Political Thinker*, a cura di H.W. Siemens e V. Roodt. Berlin: De Gruyter, pp. 679-699.

Lemm, V. 2009. *Nietzsche's Animal Philosophy: Culture, Politics and the Animality of the Human Being*. New York: Fordham University Press.

Lemm, V. 2017. *Points of Reference: Friedrich Nietzsche*. In *Agamben's Philosophical Lineage*, a cura di A. Kotsko e C. Salzani. Edinburgh: Edinburgh University Press, pp. 171-177.

Lemm, V. 2020a. *The Work of Art and the Death of God in Nietzsche and Agamben*. In *Agamben and Existentialism*, a cura di C. Dickinson e M. Norris. Edinburgh: Edinburgh University Press.

Lemm, V. 2020b. *Homo Natura: Nietzsche, Philosophical Anthropology and Biopolitics*. Edinburgh: Edinburgh University Press.

Löwith, K. 1982. *Da Hegel a Nietzsche. La frattura rivoluzionaria nel pensiero del secolo XIX*. Traduzione a cura di G. Colli. Torino: Einaudi.

Löwith, K. 1985. *Nietzsche e l'eterno ritorno*. Traduzione a cura di S. Venuti. Bari-Roma: Laterza.


Nehamas, A. 1985. *Nietzsche: Life as Literature*. Cambridge: Harvard University Press.

Nietzsche, F. 1965. *La gaia scienza*. Traduzione a cura di F. Masini, in *Opere complete di Nietzsche*, vol. V.2. Milano: Adelphi, pp. 11-276.

Nietzsche, F. 1970a. *Il crepuscolo degli idoli, ovvero come si filosofa col martello*. Traduzione a cura di F. Masini, in *Opere complete di Nietzsche*, vol. VI.3. Milano: Adelphi, pp. 51-163.

Nietzsche, F. 1970b. *L'Anticristo*. Traduzione a cura di F. Masini, in *Opere complete di Nietzsche*, vol. VI.3. Milano: Adelphi, pp. 165-262.

Nietzsche, F. 1972a. *Al di là del bene e del male*. Traduzione a cura di F. Masini, in *Opere complete di Nietzsche*, vol. VI.2. Milano: Adelphi, pp. 1-209.

Nietzsche, F. 1972b. *Considerazioni inattuali II. Sull'utilità e il danno della storia per la vita*. Traduzione a cura di S. Giametta, in *Opere complete di Nietzsche*, vol. III.1. Milano: Adelphi, pp. 257-355.

Nietzsche, F. 1972c. *Considerazioni inattuali III. Schopenhauer come educatore*. Traduzione a cura di M. Montinari, in *Opere complete di Nietzsche*, vol. III.1. Milano: Adelphi, pp. 357-457.

Nietzsche, F. 1972d. *Genealogia della morale. Uno scritto polemico*. Traduzione a cura di F. Masini, in *Opere complete di Nietzsche*, vol. VI.2. Milano: Adelphi, pp. 211-367.

Nietzsche, F. 1973. *Così parlò Zarathustra*. Traduzione a cura di M. Montinari, corrispondente a *Opere complete di Nietzsche*, vol. VI.1. Milano: Adelphi.

Nietzsche, F. 1975. *Frammenti postumi 1884-1885*, a cura di S. Giametta, corrispondente a *Opere complete di Nietzsche*, vol. VII.3. Milano: Adelphi.

Nietzsche, F. 1986. *Frammenti postumi 1882-1884*, a cura di L. Amoroso e M. Montinari, corrispondente a *Opere complete di Nietzsche*, vol. VII.1.2. Milano: Adelphi.


Norris, M.A. 2018. *Existential Choice as Repressed Theism: Jean-Paul Sartre and Giorgio Agamben in Conversation*. In *Religions*, 9.106, pp. 1-12.


Rauff, U. 2004. *An Interview with Giorgio Agamben*. In «German Law Journal», 5.5, pp. 609-614.

Revel, J. 2008. *Identità, natura, vita: tre decostruzioni biopolitiche*. In *Foucault, oggi*, a cura di M. Galzigna. Milano: Feltrinelli, pp. 134-149.


Sartre, J.P. 1946. *L'existentialisme est un humanisme*. Paris: Éditions Nagel.

Schacht, R. 1983. *Nietzsche*. New York: Routledge.

Sinnerbrink, R. 2012. *Heidegger and Nietzsche on the End of Art*. In *Heidegger and Nietzsche*, a cura di B. Babich, A. Denker e H. Zaborowski. Leiden: Brill, pp. 417-428.


Vatter, M. 2016. *Law and Life Beyond Incorporation: Agamben, Highest Poverty, and the Papal Legal Revolution*. In *Agamben and Radical Politics*, a cura di D. McLoughlin. Edinburgh: Edinburgh University Press, pp. 234-263.

Vattimo, G. 1998. *La fine della modernità*. Milano: Garzanti.

Vattimo, G. 2002. *Il Dio che è morto.* In Id., *Dopo la cristianità. Per un cristianesimo non religioso.* Milano: Garzanti.

Young, J. 2014. *The Death of God and the Meaning of Life.* London: Routledge.

# COSTITUZIONE ESTETICA O DESTITUZIONE ESTATICA
## OLTRE LA NOZIONE MODERNA DI SOGGETTO MEDIANTE L'ESPERIENZA DEL LINGUAGGIO. FOUCAULT E AGAMBEN

**CARLO CROSATO**
*Ca' Foscari University of Venice*
*Department of Philosophy and Cultural Heritage*
car.crosato@gmail.com

**ABSTRACT**
This article addresses the critique of the modern notion of Subject that Foucault and Agamben have led drawing from the contact with the language and its materiality. Starting from the discovery of the merely functional nature of the subject, the two authors have taken radically divergent ways to look for the possibility of crossing the boundary that the modern subject has drawn around his logical and rational realm. In his restless experimentation, Foucault has highlighted the need for an emancipated and ungovernable experience, with particular emphasis on the study of literary texts which, abandoning all expressive ambitions, allows to find out the inherent vitally of language. It will be noticed how, through several changes of direction, Foucault would later return to spread light on the ethical-esthetical evenemential breaks achieved by the engagement of the historical thickness of language. I will also deal with the study of the ontological breadth that Agamben gives to his reflection on language, with the aim of retracing, through the contact with poetry, the transcendental origin of every statement, intended as a moment in which man, taking the word, makes himself a historic being.

**KEYWORDS**
Subject, language, literature, poetry, esthetics, ethics, Foucault, Agamben.

## 1. AL DI LÀ DELL'ARCHIVIO FOUCAULTIANO

Nel capitolo conclusivo di *Quel che resta di Auschwitz*, Agamben istituisce un collegamento tra il programma di superamento della linguistica saussuriana proposto da Benveniste attraverso una metasemantica costruita sulla «semantica dell'enunciazione» (Benveniste 1974: 65), e le intuizioni sistematizzate da Foucault ne *L'archeologia del sapere*, dirette allo studio della funzione enunciativa di ogni sequenza linguistica. I due autori, sostiene Agamben, sarebbero così accomunati dall'attenzione alla materialità del discorso in senso filosofico e non strettamente

segnico, al suo aver luogo (Agamben 2001: 15-17), alla dimensione che funge da condizione di esistenza, sempre presupposta da ogni evento linguistico. Primo obiettivo delle pagine che seguono sarà comprendere che cosa in Foucault e in Agamben significhi entrare in contratto con questo "aver luogo": il filosofo france-se, infatti, orienta l'attenzione sulla materialità mediale del linguaggio, ma soprat-tutto a partire dalla seconda metà degli anni Sessanta, e non senza ripensamenti e rotture, questo accesso sarà funzionale allo studio dell'evento, di positività di cui dar conto in quanto coinvolte in geometrie storicamente determinate e determi-nanti una precisa rarefazione di discorsi e funzioni discorsive (Foucault 1997: 52-53); per Agamben, invece, è urgente ricostruire l'orizzonte ontologico su cui si sta-glia ogni atto linguistico, lo stesso aver luogo del linguaggio in sé considerato.

Sono differenze dovute all'intenzione di Agamben di riscoprire tutte le implica-zioni delle novità così promettenti riscontrabili nella prospettiva foucaultiana. A Foucault, afferma Agamben, va riconosciuto il merito di aver orientato lo sguardo verso il linguaggio nella sua esistenza bruta (Agamben 1978: X-XI): non più osser-vato in quanto mero mezzo di comunicazione bensì nella sua evenemenzialità, il linguaggio non è più avvicinato a partire da un soggetto – sia esso trascendente o psicosomatico. Foucault, secondo Agamben, ha saputo criticare i cardini del pen-siero moderno, in particolare la produzione del soggetto trascendentale astratto da tutti gli attributi antropologici e psicologici, e la sua riduzione al puro "io" che si dice. E tale critica è stata avanzata conducendo a estreme conclusioni le premesse dello stesso pensiero moderno, in particolare il dislocamento dell'esperienza lin-guistica dal piano delle proposizioni a un piano a-semantico, a un puro dire, unico oggetto certo dell'autocoscienza, ma invero oggetto privo di contenuto se non il proprio stesso essere evento enunciativo. Proprio nell'atto di autoelezione a so-vrano della storia, nel punto in cui àncora la propria autocoscienza a una trascen-dentalità depurata da condizioni psicologiche o storiche, il soggetto finisce per ri-dursi a mera funzione derivata di quel dire che avrebbe dovuto confermare la sua posizione.

Prendere sul serio il dirsi dell'io moderno significa

> considerare il discorso nel suo puro aver luogo e il soggetto come «l'inesistenza nel cui vuoto s'insegue senza tregua l'effondersi indefinito del linguaggio».

La citazione riportata da Agamben proviene da *La pensée du dehors*, articolo foucaultiano del 1966, in cui il filosofo italiano individua l'occasione per interroga-re l'enunciazione come «*la soglia fra un dentro e un fuori*»; una soglia in prossimi-tà della quale

> il soggetto si scioglie da ogni implicazione sostanziale e diventa una pura funzione o una pura posizione (Agamben 1998: 130-131. La citazione è da Foucault 2001a: 547).

Foucault declina questo progetto ponendo in primo piano le trame concrete che producono e condizionano il soggetto proprio laddove la filosofia moderna ha voluto depurarlo di ogni condizione antropologica o storica. Lo strumento messo a punto da Foucault è quello dell'archivio, «il sistema che governa l'apparizione degli enunciati come avvenimenti singoli», regolando il passaggio tra tutto ciò che il linguaggio consente di dire e ciò che un'epoca ha effettivamente potuto dire (Foucault 1997: 173). Il soggetto vi emerge come un nodo di discorsi e relazioni, in una prospettiva che lo stesso Foucault, soprattutto a partire dalla fine degli anni Settanta ma non senza importanti avvisaglie negli anni precedenti, prenderà a considerare problematica per la difficoltà che essa comporta nel delineamento di pensieri e azioni capaci di emanciparsi dall'anonimo brusio di enunciati e relazioni di potere: su questa soglia Foucault pare collocare la sua linea "fra un dentro e un fuori".

Il tenore ontologico della sua riflessione conduce invece Agamben a superare l'archivio foucaultiano in direzione della lingua. Agamben si colloca «fra la *langue* e il suo aver luogo, fra una pura possibilità di dire e la sua esistenza come tale», illuminando un dicibile che non è più ciò che le procedure storiche di formazione discorsiva permettono di dire, bensì una «potenza in atto *in quanto potenza*» (Agamben 1998: 134-135). Più che a questo o quell'atto discorsivo concreto, Agamben sosta sulla stessa attualizzazione della potenza: qui è collocata la soglia a cui Agamben risale per prevedere una via di emancipazione dalla paradossale dinamica che, mentre permette all'individuo di collocarsi e dotarsi di un'identità dicendo "io", lo destina a essere una mera lacuna del discorso, una sua funzione. Una via di emancipazione che, si vedrà, perciò risulta assai differente dall'etica foucaultiana.

Prima di procedere a un confronto sulla questione etica, indaghiamo gli ambiti di gestazione della critica foucaultiana al soggetto moderno, inoltrandoci fin dentro gli scritti letterari che, paralleli alle indagini archeologiche degli anni Sessanta, testimoniano lo sforzo costante di aprire spazi di rinnovamento senza ricadere in un'ipostatizzazione del soggetto. In seguito, si darà conto del modo in cui, a sua volta in aperta critica nei confronti della fenomenologia husserliana e affrontando la materia letteraria e poetica, Agamben sviluppa l'apertura ontologica utile a integrare e correggere la prospettiva foucaultiana.

## 2. IL DIFFICILE OLTREPASSAMENTO DELLA LINEA

2.1. Il riconoscimento di una soglia tra un dentro e un fuori è un problema che Foucault incontra già in *Storia della follia* e poi, in termini più generali, in *Le parole e le cose*. La storicizzazione del discorso sulla follia lo conduce alla comprensione della dinamica moderna mediante cui la ragione informa ogni discorso di sapere, configurando strutture di controllo all'interno delle quali essa si rinserra

per fissare il proprio dominio e classificare ciò che le è altro, e che è per questo privato del diritto reciproco. Si tratta di configurazioni che negli anni Foucault ridefinirà *episteme*, formazioni discorsive, regimi di verità, con l'intenzione di sottrarle all'assolutezza e alla permanenza astorica delle strutture dello strutturalismo. Foucault ne descriverà con impegno la pretesa consistenza interna, e al contempo si troverà attratto verso il limite che tali configurazioni designano attorno a sé. Avvicinare tale linea, sostare su quella soglia, infatti, significa sia rappresentare queste griglie in tutta la loro storicità e contingenza, sia aprire la possibilità di un loro superamento. È grande lo scalpore che crea l'idea che anche la configurazione di saperi in cui si trova definito l'uomo abbia una data di nascita e una data di fine: a quella che nel '66 sembra una idea estemporanea, segue un profondo lavorio attorno alle «condizioni di possibilità della rottura possibile con ciò che si è» (Revel 2003: 26), con l'uomo e con la figura del soggetto moderno mediante cui l'uomo si elegge sovrano della storia, per divenire non solo altri – e perciò dialetticamente ricompresi nel dominio del medesimo –, ma radicalmente diversi.

Griglie di intelligibilità e regimi veritativi che, nella loro pluralità e nella loro storicità, sembrano mantenere una geometria sovranitaria che rende la loro evasione difficile da pensare. Di tale geometria, sotto il segno dell'eccezione, Agamben ha dato una definizione dal tenore ontologico, in grado di sfidare l'intera forma del pensiero occidentale, e non solo la sua configurazione moderna. Così, se Foucault fin dal 1966 indica la modernità come l'orizzonte storico e culturale in cui si consuma la vicenda dell'uomo, con ampiezza ontologica Agamben, parlando di origine trascendentale più che cronologica, indaga i processi di umanizzazione e disumanizzazione mediante cui da sempre l'uomo cerca di definire la propria coincidenza a sé (Salzani 2019). Che l'uomo sia luogo di transito di processi di umanizzazione e disumanizzazione è manifestato, per Agamben, dal fatto che chiunque intenda offrire una definizione davvero esaustiva dell'umano si troverebbe a dar testimonianza di lati dell'esperienza così estremi da strappare la stessa possibilità di parlare. Parimenti, essendo il soggetto situato nell'intreccio dei vettori che catturano in termini disposizionali la vita, non solo parlare del soggetto implica una qualche inevitabile oggettivazione, ma lo stesso parlar di sé del soggetto comporta, per Agamben, un processo al contempo soggettivante e desoggettivante perfino più profondo del mero assoggettamento che in Foucault accompagna la soggettivazione.

Del paradosso di una soggettivazione sempre legata a processi di cattura della soggettività, di una soggettivazione cioè sempre e inevitabilmente emergente come positività di discorsi e relazioni di potere Agamben presenta il caso più estremo, quello del Musulmano di Auschwitz. Un paradosso, afferma Agamben, sfiorato una sola volta da Foucault, nel testo *La vie des hommes infâmes* del 1977, prefazione a un'antologia di documenti burocratici nei quali avviene un paradossale incontro tra il soggetto e le trame di saperi e poteri. Proprio nel momento in cui

l'individuo è bollato d'infamia, esso viene portato alla luce in quanto inconoscibile impenetrabilità. Si viene così proiettati di fronte all'interrogativo dell'oltrepassamento della linea, dell'urgenza di «passare dall'altra parte, di ascoltare e far comprendere il linguaggio che viene da altrove o dal basso», non nei termini – già condizionati dalle trami disposizionali – di un soggetto che si confessa, quanto in quelli di un'esperienza "selvaggia", irriducibilmente ingovernabile, che piega a sé il discorso del potere. «Il punto più intenso delle vite, quello in cui si concentra la loro energia è proprio là dove si scontrano con il potere, si dibattono con esso, tentano di utilizzare le sue forze o di sfuggire alle sue trappole», resistenti loro malgrado e per una vocazionale incontenibilità, per una forma propria e in assegnata (Foucault 2001b: 241).

2.2. Lo sforzo di muovere in direzione di un'esteriorità rispetto a trame eteroimposte accompagna già il fugace ma significativo avvicinamento del giovane Foucault allo sforzo operato da Binswanger nello studio della dimensione onirica al di là sia del positivismo psicologico sia di forme filosofiche a priori. Nel sogno «la rete dei significati sembra dissimularsi» (Foucault 2001a: 96), e vi si può osservare l'immaginazione del soggetto libero che si fa mondo. Rompendo l'«oggettività che affascina la coscienza vigile», la *Daseinsanalyse* interroga il soggetto non come mero significato, ma come significante, non come immagine raffreddata e desiderio appagato, ma come immaginazione inesauribile (Foucault 2001a: 107 e 143. Cfr. Luce 2009: 28 ss). Un movimento che la *Daseinsanalyse* illumina nel sogno, ma che Foucault già nel '54 proietta sull'espressione poetica, come lavoro di continuo rifiuto, negazione del desiderio realizzato, grazie a cui si rivelano tutte le forme possibili che un'esistenza può assumere.

Lo slancio fenomenologico dell'introduzione a *Sogno ed esistenza* risulta già notevolmente attenuato nello studio dello stesso anno, *Maladie mentale et personalité*, in cui la domanda sul movimento originario dell'esistenza è sostituita dall'attenzione all'orizzonte epistemico in cui, mediante l'uso degli strumenti delle scienze naturali, viene formulata la definizione del patologico. Quelli della metà degli anni Cinquanta sono passaggi cruciali: matura l'allontanamento dalla fenomenologia, corrente che aveva offerto il primo movente per interrogarsi su un'esperienza irriducibile al discorso scientifico, e avviene un sensibile avvicinamento allo strutturalismo, prospettiva concentrata sulla descrizione di condizioni culturali e oggettive del reale.

Il confronto con lo strutturalismo conduce Foucault a prendere progressivamente le distanze dalla pretesa fenomenologica di mettere tra parentesi il mondo oggettivo al fine di affermare i privilegi di una presunta soggettività non assoggettata, originaria e produttrice di senso: tale figura, sosterrà Foucault con sempre maggiore forza, lungi dall'essere originaria, è essa stessa il prodotto di una precisa configurazione storica. In questa fase, l'urgenza di "oltrepassare la linea" assumerà

gradualmente il significato di liberarsi dalla nozione moderna di soggetto, sma-scherando tale concetto come un evento che ha consolidato l'ordine epistemico che l'ha prodotto e ha legittimato forme di sapere e di potere rispetto alle quali Foucault intende rinvenire possibilità di discontinuità[1]. Questa rottura, tuttavia, non va intesa come un pacifico e completo affidamento al metodo strutturalista o come un più generico interesse esclusivo per le strutture oggettive parimenti asto-riche e incapaci di accogliere la discontinuità (Revel 1996: 41). Se è vero che lo strutturalismo offre il movente sperimentale per assumere una posizione critica nei confronti della soggettività moderna e del soggetto della fenomenologia, è pa-rimenti vero che il continuo confronto con i testi letterari, fino alla rilettura di Nie-tzsche che con tali testi è legato da un reciproco rimando (De Cristofaro 2008: 31-36), restituisce l'inquieta ambizione di Foucault di smarcarsi certo da un soggetto astorico, senza tuttavia arenarsi nelle secche di una oggettività irrefutabile. L'inquieto smarcamento prima dalla fenomenologia e in seguito dallo strutturali-smo permette insomma di comprendere come la giovanile urgenza di sostare sul limite, di trasgredirne l'impermeabilità, non possa arrendersi alla riduzione del soggetto a pura positività strutturata, rimanendo piuttosto aperta alla ricerca di un'autonomia sempre storicamente collocata rispetto alle forme del limite di cui si fa esperienza (Domenicali 2018: 106-110), di una differenza irriducibile – com'è invece l'alterità – al medesimo (Revel 1997).

2.3. Quella tra differenza e alterità non è una distinzione di poco conto nell'esercizio foucaultiano del limite, se si considera la binarietà dal vago sapore hegeliano che ancora in *Storia della follia* funziona lizza l'alterità al discorso so-vrano del medesimo. E non è una distinzione secondaria perché proprio il recu-pero critico della movenza dell'inclusione di qualcosa in quanto escluso è ciò che caratterizza l'osservazione agambeniana dell'ontologia occidentale.

L'intera vicenda intellettuale agambeniana è volta a mettere in luce la negatività intrinseca alla metafisica occidentale, che impiglia a sé anche i tentativi di aggirarne gli esiti, come nel caso della comunità negativa di Bataille (Agamben 1988). Da parte sua, anche Foucault non manca di rilevare l'inanità di un oltrepassamento che, trasgredendo il limite imposto dalle formazioni storiche di saperi e poteri, in-direttamente finisce per confermarlo. Nel '63, lo stesso Foucault si confronta con Bataille, e in particolare con il suo concetto di trasgressione inteso come «un gesto che concerne il limite» e che «supera e non cessa di riprendere a superare una li-nea che, dietro a essa, subito si richiude [...] recedendo così di nuovo fino all'orizzonte dell'insuperabile» (Foucault 2001a: 264-265). Nella ricerca di occa-sioni per produrre alterità e discontinuità, limite e trasgressione si implicano vi-cendevolmente, e anzi «devono l'uno all'altra la densità del loro essere» (Foucault

---

[1] Temi centrali nel corso *L'ermeneutica del soggetto*, dell'81-82, come si tornerà a vedere. Cfr. Luce 2015.

2001a: 265). L'anomalia è già momento del medesimo, che la ricomprende come mera alterità entro il proprio statuto privilegiato, ne ritraduce con il proprio lessico e la propria sintassi il linguaggio, la arruola per la legittimazione del limite[2].

È in prossimità di queste riflessioni che Foucault matura le proprie intuizioni in merito al fatto stesso che «i discorsi esistono» (Foucault 2011: 34), alla materialità dei discorsi che Agamben intenderà valorizzare e superare. Dalla frustrazione del gesto trasgressivo entro una geografia capace di pacificarsi in senso dialettico, Foucault prende a indagare ordini linguistici autonomi, eterogenei, sperando di incontrarvi voci che l'ordine precostituito non riesce a riassorbire, che con la loro irriducibile positività, oltre la volontà di verità che le circonda (Catucci 2007), producono una *impasse* tra i saperi (si pensi a certe esperienze letterarie e alla loro combinazione con la follia (Foucault 2001a: 440-448)[3]) e tra i poteri (di qui la fascinazione di Foucault nei confronti degli infami e di Rivière (Foucault 1973)).

2.4. Il riferimento filosofico cui Foucault fa appello nel '66, dopo aver brevemente esitato presso la trasgressione in senso battailleano, è il *dehors* di Blanchot, inteso come esperienza di superamento della completa presenza a sé dell'*io penso* cartesiano, attraverso lo spazio vuoto aperto dall'*io parlo* della parola letteraria. È in questa occasione che Foucault matura le riflessioni che Agamben cita in *Quel che resta di Auschwitz* come punto di raccordo tra la sua riflessione e quella foucaultiana. Anche l'*io parlo*, come l'*io penso*, appare capace di porsi come polo di raccolta e organizzazione di tutto un linguaggio; e tuttavia la lettura di Blanchot consente a Foucault di immaginare un'inversione di tale movimento, grazie alla quale «il vuoto in cui si manifesta l'esiguità senza contenuto dell'"io parlo"» appaia essere l'apertura assoluta, una breccia attraverso cui il linguaggio possa diffondersi all'infinito, proprio mentre il soggetto, lungi dal riscoprirsi responsabile del discorso, si ritrova disperso fino a scomparire in un indefinito recupero di sé da parte del linguaggio[4]. L'io dell'*io parlo* illumina uno spazio di proliferazione del linguaggio di cui non è sovrano. Sospesa l'illusione di un soggetto-autore della cui interiorità essa sarebbe manifestazione, la letteratura può rendere possibile «un passaggio al "di fuori"», in cui il linguaggio si libera dalla funzione rappresentativa e in cui «la

---

[2] Analogamente al potere con la voce dei folli, anche nel trattamento riservato sia dalla grammatica di Port-Royal che dalla linguistica moderna alle parole, Foucault ritrova «la medesima volontà di analizzare la grammatica, non come un insieme di precetti più o meno coerenti, bensì come un sistema in cui si dovrebbe poter trovare una ragione per tutti i fatti, perfino per quelli che sembrano i più devianti». Di nuovo questa idea di un limite che, minacciato, si richiude attorno al gesto trasgressivo per riportare ogni possibile anomalia a coerenza, rendendo completamente vana l'idea di un'esperienza ingovernabile (Foucault 2001a).

[3] Curioso, a proposito, l'aneddoto ricordato da Eribon, secondo cui pare che, concludendo la propria dissertazione orale di dottorato, Foucault abbia affermato l'urgenza di un talento poetico per essere all'altezza del tema di ragione e follia, e che Canguilhem rispose «ma lei ce l'ha, signore» (Eribon 1990: 133). In generale, cfr. Righetti 2011: 6-20.

[4] Si veda anche Foucault 2001a: 278-289.

parola letteraria si sviluppa a partire da se stessa», aprendo spazi di dispersione anziché di adesione a sé di segni e soggetti, e tenendosi

> sulla soglia di ogni positività, non tanto per afferrarne il fondamento e la giustifica-zione, ma per ritrovare lo spazio dove essa si dispiega, il vuoto che le serve da luogo, la distanza nella quale essa si costituisce e dove sfuggono, non appena osservate, le sue certezze immediate (Foucault 2001a: 549).

Foucault riformula la sua domanda inerente l'oltrepassamento della soglia come istanza che si rifiuta di essere apologia della positività, e che osserva il fuori non come uno spazio avvicinato e gestito da un gesto sovrano – muovendo verso il quale si ricadrebbe nuovamente in una dimensione autocelebrativa del dentro –, bensì luogo di positività differenti.

«L'essere del linguaggio non appare di per sé che nella sparizione del soggetto»; ma laddove Agamben concentrerà la propria attenzione su questa apertura onto-logica in quanto tale, Foucault si affaccia sull'apertura della potenza trascendente del linguaggio come risorsa di discontinuità storica, oltre le linee d'ordine esisten-te, prima fra tutte quella che il soggetto sovrano traccia attorno a sé e dalla quale si dipartono, come cerchi concentrici, le possibilità di dire la propria interiorità. A questo proposito, Foucault immagina una *conversion* dei moti di riflessione e fin-zione, per piegarli altrove rispetto a dove rischierebbero sempre di precipitare[5]. Lungi dal lavorare in senso centripeto come conferma dell'interiorità, il linguaggio riflessivo deve rivolgersi «verso un'estremità nella quale deve continuamente con-testarsi». Laddove negare in termini dialettici significa «fare entrare ciò che si nega nell'interiorità inquieta dello spirito», la conversione della riflessione conduce a una negazione del proprio discorso, un costante passaggio fuori di sé perché il lin-guaggio sia «libero per un ricominciamento» impossibile da riconciliare. Anche la finzione viene ribaltata in senso centrifugo, in modo che non sia più impegnata nella conservazione del brillamento della positività, bensì dispieghi le proprie im-magini, vivificandole mediante l'illuminazione della loro trasparenza: l'immagine viene eviscerata, perché – e questa è un'espressione su cui converrà tornare a bre-ve – si possa vedere «come sia invisibile l'invisibilità del visibile» (Foucault 2001a: 551-552).

La richiesta che Foucault, con Blanchot, rivolge alla letteratura in questi anni, nella sua ricerca di una via di accesso a una ben intesa esperienza selvaggia, è per-ciò quella di un discorso «libero da qualsiasi centro, liberato da ogni luogo origina-rio e che costituisce il suo proprio spazio come il di fuori verso il quale, fuori del quale esso parla» (Foucault 2001a: 552-553). Non più funzione di un soggetto che si presume trascendentale, questo fuori parla di un'esperienza "selvaggia", capace di far segno verso una possibile fonte di nuovi ordini. Il soggetto non è cancellato, bensì liberato dal peso dell'autonarrazione moderna, perché esso sia dotato del

---

[5] A tal proposito, Foucault 2001a: 821-824.

coraggio di avanzare incessantemente oltre l'ordine del già detto, verso uno spazio non ancora illuminato, in cui il linguaggio rimane estraneo e inconcepibile. Tale esperienza, Foucault la descrive come l'urgenza di sporgere verso qualcosa che da sempre ci accompagna come ciò con cui non abbiamo legami: il fuori è così osservato come una domanda inevasa oltre un limite che è il vero negativo su cui sbatte il linguaggio del soggetto moderno. Un limite oltre il quale Foucault sfiora la potenza del linguaggio incaricandola però sempre dell'onere di attuarsi altrimenti.

2.5. Vi sono alcune interessanti occasioni in cui Foucault esplora la possibilità di scaricare il linguaggio dell'onere dello strumento in mano a un soggetto sovrano. Sono esempi degni di nota, perché mostrano come egli, pur entrando in contatto con delle esperienze che l'avrebbero permesso, non spinga la sospensione della comunicatività fino all'orizzonte ontologico entro cui Agamben illumina il *factum loquendi* in se stesso. Più che gettare luce sull'orizzonte della potenza, il tenore storico della ricerca foucaultiana è attratto dall'operatività concreta di nuovi ordini linguistici: in tali sperimentazioni, Foucault rinviene una sorta di esoterismo strutturale, una vitalità interna al linguaggio capace di stravolgere gli equilibri, in primo luogo quello della rappresentatività al servizio del soggetto.

Già nell'estate del 1957[6], durante le scritture della tesi di dottorato, Foucault entra in contatto con le opere di Raymond Roussel, autore di cui descriverà la capacità di restituire l'esperienza di una «nascita sempre rinnovata di un infinito rapporto fra le parole e le cose» (Foucault 1978; le parole sono tratte da Foucault 2001a: 449-452. Cfr. Deleuze 2002), restituendo un tenore dionisiaco alla parola. «Il disparato di Roussel non è affatto bizzarria dell'immaginazione: è il casuale del linguaggio instaurato nella sua onnipotenza all'interno di ciò che dice». Ruotando attorno a metagrammi o scomponendo i suoni di frasi prese a caso per costruire immagini differenti, il procedimento di Roussel fa muovere nello spessore visibile del racconto una serie discorsiva invisibile che organizza meticolosamente il suo svolgimento (Roussel 1935). Quello che, a tutta prima, pare un casuale effluvio di immagini erranti che si dipanano in un linguaggio piano e recepibile, o, ciò che è peggio, fantasia ispirata dall'interiorità dell'autore, è tale solo se osservato dalla prospettiva del soggetto nella sua esplorazione di sé e del mondo: gli accostamenti visibili nel racconto, in realtà, obbediscono a un'economia discorsiva tutta nuova, a una vera e propria necessità interna, che risponde alla stessa materialità delle parole libere dall'urgenza rappresentativa e governate da una trama invisibile che ora si rende visibile in quanto invisibile; al fatto «che vi sia del linguaggio» (Foucault 1978: 47).

La figura di Roussel torna a essere evocata, oltre che nella Prefazione di *Le parole e le cose*, anche in un articolo che Foucault scrive nel 1970 come introduzione a *La Grammaire logique* di J.P. Brisset, in cui compare anche la figura enigma-

---

[6] Si veda Foucault 2001b: 1418-1427.

tica di L. Wolfson (Foucault 2001a: 881-893; Deleuze 1970; Sabot 2019). Roussel, nell'assunzione della «costrizione della casualità e dell'associazione», denuncia l'uso strumentale del linguaggio e rivendica la capacità produttiva della materia fonica. Brisset, da grammatico e schizofrenico, riuscirà a spingersi anche oltre, abbandonando l'intenzione di Roussel di estendere un testo narrativo e combinando la capacità compositiva di omofonie, assonanze, metagrammi, e quella della sua psicosi, e finendo per trasgredire ogni norma compositiva della morfosintassi francese in senso intimamente e paradossalmente poetico (Breton 1973: 235) che confonde inesorabilmente letteratura e linguistica, etimologia e mitologia, invenzione e logica. Ed è proprio questo intreccio, che scompagina gli stessi ordini del sapere scientifico, che attira l'attenzione di Foucault.

Con lo spirito del grammatico, Brisset non solo sospende l'aspetto rappresentativo del linguaggio, ma si esercita nella ricerca di una paradossale lingua primitiva. Anziché risalire la catena delle differenziazioni storiche che le diverse lingue hanno subìto, al fine di recuperare pochi atomi elementari e originari, Brisset moltiplica fra di loro le sillabe del francese, intendendo la primitività come quello «stato fluido, mobile, indefinitamente penetrabile del linguaggio, una possibilità di circolarvi in tutti i sensi, il campo libero a tutte le trasformazioni, capovolgimenti, tagli, la moltiplicazione in ogni punto, in ogni sillaba o sonorità, dei poteri di designazione» (Foucault 2001a: 882-883). Brisset, insomma, non si colloca nello iato discreto tra parole corrispondenti di differenti lingue, ma al contrario riempie, nella sua sola lingua, lo spazio tra una parola e l'altra, ottenendo così un'emulsione da cui sembrano rinascere, come in successivi lanci di dadi, nuove parole. Ogni parola non rappresenterebbe così l'evoluzione storica di un determinato significato, bensì la contrazione di interi discorsi, di catene di enunciati che è possibile svolgere e riavvolgere senza limiti, ribaltando l'interiorità in un'esteriorità che si autoproduce. Brisset approfondisce e colma lo spazio che separa ogni parola dalle altre della medesima lingua, opponendosi alla ricerca etimologica di una corrispondenza tra le parole e le frasi delle differenti lingue storiche; di qui, l'assoluta intraducibilità delle produzioni di Brisset, ma anche la fuoriuscita della parola dal campo del sapere e l'emersione dentro a essa di una potenza produttiva autonoma, non riportabile a una legge generale stabile. È come se la *parole* – l'operatività del discorso – avesse una propria soggettività, di cui il soggetto tradizionale, con la sua urgenza di significato rappresentativo, non pare poter prendere immediatamente controllo.

La terza figura considerata da Foucault è quella di Wolfson, uno schizofrenico il cui turbamento nei confronti della madre gli impedisce di sopportare la sua lingua natia, e lo costringe a bombardare la propria quotidianità con una molteplicità di lingue straniere mediante cui costruire una propria lingua. L'ordine interno è rovesciato verso l'esterno, sbaragliando ogni familiarità e producendo una sorta di apolidia diffusa. Tra le occasioni per aprire un varco entro l'ordine del discorso

che Foucault indaga negli anni Sessanta – altre verranno depositate in *L'ordine del discorso*, quando Foucault inizierà a pensare il problema dei discorsi in funzione di quello del potere (Foucault 2004a: 26 ss) –, quella offerta da Wolfson è certamente la più radicale, poiché declina in una Babele di dieci lingue il gioco già praticato in francese da Brisset.

Si tratta di figure che permettono di sostare a contatto con la perpetua rinascita della lingua, con ciò che consideriamo massimamente familiare eppure si palesa così inquietante nelle mani del grammatico che la restituisce alle sue stesse leggi. La critica foucaultiana al soggetto cartesiano sfiora così occasioni le cui condizioni appaiono promettenti ma assai onerose: alla dissoluzione del soggetto cartesiano come origine autoeletta sovrana del linguaggio, seguono esempi in cui il soggetto è privato della sua integrità, casi di perdita del soggetto *tout court* in una condizione di disfacimento del singolo. Permanendo nel contesto ontologico dell'operatività che ha prodotto il soggetto moderno, la ricerca di una differenza affermativa e ontologicamente forte conserva residui della figura del soggetto, limitandosi a degradarne la consistenza. Dotare il linguaggio di una tale vitalità propria rischia anzi di ribaltare gli esiti della sperimentazione in una forma di feticismo, ipostatizzando la vitalità insita nei soggetti parlanti e trasformandola in una potenza a essi estranea, con il risultato di precipitare nuovamente nella negatività di un soggetto resistente suo malgrado e di un discorso che parla sempre un ordine altro.

Il passaggio attraverso la trasgressione e il rischio del suo riassorbimento in termini dialettici, da un lato, e, dall'altro lato, un pensiero del fuori a tal punto radicale da dissolvere la stessa intenzionalità del singolo, costituisce il segno di una domanda che, fin dai primi passi della ricerca foucaultiana, rimane aperta, generando sperimentazioni e ripensamenti costanti e sempre nuovi. L'ideazione di forme di resistenza a ordini discorsivi e di potere che in tanto assoggettano in quanto concedono una identità soggettiva, sembra dover inevitabilmente passare per il rischio di minare le stesse condizioni di esistenza dell'individuo e la sua stessa capacità di resistenza.

## 3. IN PROSSIMITÀ DEL DICIBILE IN QUANTO TALE

3.1. Conservando l'attenzione sulle griglie che storicamente determinano lo spessore dei discorsi al di là della loro dimensione puramente proposizionale, negli anni Ottanta Foucault ricalibrerà la propria indagine sul soggetto in direzione delle forme di immanenza come pratiche di soggettivazione e come lavoro su di sé «all'interno del campo storico delle pratiche e dei processi entro cui [il soggetto] non ha smesso di trasformarsi» (così in una bozza della conferenza *Sexuality and Solitude* tenuta a New York nel 1981; questa bozza confluirà in un dossier intitolato *Gouvernement de soi et des autres*, inedito, di cui abbiamo testimonianza nella nota firmata da Gros, in Foucault 2003: 472-473). E proprio rispetto all'attualità

delle forme cui mira Foucault è possibile misurare la distanza dell'iniziativa agambeniana, il cui tenore ontologico è rivolto al trattenimento della potenza, intesa come dimensione in cui è in gioco la stessa categoria del soggetto. Una distanza che si riflette sui concetti di "materialità" del linguaggio che i due autori coinvolgono. Una nozione che Foucault specifica non essere assimilabile a quella della semiotica, tanto meno afferente alle «unità descritte dalla grammatica o dalla logica» (Foucault 1997: 145), essendo piuttosto ciò che storicamente governa l'apparizione e la trasformazione, e in generale il funzionamento degli eventi discorsivi. Come si comprenderà, pur avvicinando tale concetto a partire dal confronto con le intuizioni foucaultiane e dagli studi della linguistica, Agamben distingue la sua idea di linguaggio sia dalla storicità delle prime sia dalle proprietà normative considerate dai secondi. Di qui l'oltrepassamento in chiave filosofica della linguistica, al fine di esporre il fatto stesso che vi sia il linguaggio; scopo in funzione del quale la filosofia non si presenta come un metalinguaggio che tematizza la lingua come sistema di segni e regole, e nemmeno può fermarsi alla mera storicità di ciò che viene detto, ma anzi risale all'orizzonte ontologico su cui segni, regole e storia sono possibili, a ciò che sempre viene presupposto e che solo un dire di frontiera fra filosofia e poesia sa illuminare davvero (Agamben 2016: 44-45; Agamben 2005: 57-75; Agamben 1968: 113).

3.2 Alla discussione di questi argomenti e alla loro relazione con il soggetto Agamben giunge mediante un confronto preliminare fra le nozioni antica e moderna di esperienza e conoscenza. Se il problema antico era la relazione tra il molteplice e l'uno, tra la pluralità degli individui e l'intelletto divino, con l'epoca moderna il problema diviene quello del rapporto con l'oggetto da parte di un soggetto unico, punto archimedico astratto di coincidenza tra conoscenza ed esperienza: l'*ego cogito* cartesiano il cui punto d'appiglio alla realtà è l'autocertezza conquistabile ogniqualvolta egli si concepisce dubitante di tutto (Agamben 1978: 11-13; Descartes 2007: II, 10-13). Ridotto ogni contenuto psichico eccetto il puro atto del pensare, Cartesio giunge a un soggetto che, nella sua purezza originaria è, a ben vedere, «un ente puramente linguistico-funzionale» sussistente giusto il tempo dell'enunciazione "io penso, io sono", e difficilmente raggiungibile al di fuori di essa, denudato com'era di ogni suo predicato. Lungi dal rilevare questa funzionalità puramente enunciativa del soggetto appena concepito – funzionalità rilevata da Foucault in senso storico, anche con l'appoggio dello strutturalismo, e da Agamben in senso ontologico, rifacendosi alla linguistica contemporanea –, Cartesio sostanzializza l'Io, fornendo le basi per un nuovo soggetto metafisico che possa sostituirsi all'anima della psicologia cristiana e al *nous* greco. Agamben ricostruisce l'influenza che tale mossa avrà sui pensatori successivi, descrivendo lo sforzo del pensiero post-cartesiano per recuperare la realtà, messa fra parentesi dal dubbio iperbolico, e l'impegno del pensiero post-kantiano nel recupero di una qualche

conoscibilità del soggetto: è su tale linea, oltrepassata ora in un senso ora nell'altro, che Agamben vede la filosofia moderna mantenersi in equilibrio precario.

Nel Novecento, affrontando il problema dal lato dell'urgenza di restaurare un'unita coerente e conoscibile nella corrente inafferrabile degli *Erlebnisse*, alla ricerca di un dato originario per l'esperienza di coscienza, Husserl mediterà la possibilità di recuperare un'esperienza trascendentale dell'io cartesiano. Sia per la riflessione trascendentale che per quella puramente psicologica, secondo Husserl, «l'inizio è dato dall'esperienza pura e per così dire ancora muta», precedente sia la soggettività sia una supposta realtà psicologica, la cui manifestazione davvero prima è però da lui identificata con «l'ego cogito cartesiano» (Husserl 2009: II, § 16), ossia con il momento della sua espressione, «con il suo divenire da *muta, parlante*» (Agamben 1978: 33). Sul crinale di una riflessione impegnata nella ricerca dell'esperienza pura di un soggetto trascendentale che fosse, al contempo, rivolto verso la realtà oggettuale, Agamben incontra l'ipotesi husserliana di un'esperienza pura, che non si sia ancora fatta presupposizione inconoscibile di una trascendenza e non si sia fatta incoerente rincorsa di oggetti: un'esperienza muta che, però, paradossalmente Husserl identifica con l'*ego cogito* cartesiano, realtà che è già mediata da un'espressione logica di sé. Di qui, il compito di interrogare in modo compiuto questa urgenza del soggetto di esprimersi per aversi: compito che lo stesso Foucault aveva avvicinato smascherando l'*io parlo* alle spalle dell'*io penso*, e che la linguistica contemporanea avrebbe saputo sviluppare, aprendo la via alla piena considerazione del discorso nel suo puro aver luogo e del soggetto come «d'inesistenza nel cui vuoto s'insegue senza tregua l'effondersi indefinito del linguaggio» (citazione da Foucault riportata in Agamben 1998: 130-131).

Rieccoci dunque al punto di contatto fra Foucault e Agamben. A partire da esso, il pensatore francese prende a elaborare la sua critica del soggetto come nodo di trame disposizionali, prima in senso discorsivo e poi in senso analitico-politico, e, successivamente, si impegna nel ripensamento delle vie emancipative verso nuove forme di vita. Per parte sua, Agamben intraprende un'interrogazione ontologica che vede nel soggetto un effetto del farsi storico dell'uomo mediante il linguaggio; tale interrogazione lo condurrà a retrocedere anche rispetto alle determinazioni storiche, non per far segno verso un dire differente, bensì verso l'orizzonte in cui, non essendo ancora stato detto nulla, il soggetto viene a dirsi. Quella che la disattivazione dei dispositivi del pensiero occidentale recupera è un'intenzione pura, in cui la "linea" che la filosofia moderna ha superato in un senso o nell'altro, si dissolve lasciando posto a una dimensione estatica precedente la dicotomia soggetto-oggetto. «Qualcosa come una "contemplazione senza conoscenza" un pensiero privo di carattere cognitivo» (Agamben 1997)[7], in una revisione ontologica in cui la

[7] Nel 2009, durante una lezione presso la European Graduate School, *The Problem of Subjectivity*, il cui testo è inedito, Agamben racconta l'esperienza di Fernand Deligny, pedagogista, il quale, avendo a che fare con bambini autistici, trascriveva i loro movimenti su fogli trasparenti che, so-

verità sia definibile come la stessa intelligibilità, la stessa conoscibilità, la stessa dicibilità che spezzano il rapporto presunto diretto tra soggetto e oggetto[8]. Questa è la dimora della medialità assoluta e, perciò, dell'etica (Agamben 2001: 39-40), più adeguata all'uomo. La via d'accesso a questa potenza trattenuta nell'atto è l'esperienza di un linguaggio non presupponente che spezza la movenza strutturalmente nichilistica della metafisica, e che permetta all'uomo di riscoprire il proprio (infondato) statuto poetico[9].

3.3. Di tale *dehors* di pura potenzialità presupposta e mai davvero tematizzabile, e del suo statuto eminentemente linguistico, dagli anni Ottanta Agamben non ha mai smesso di occuparsi (Salzani 2015). In una conferenza del 1984, l'occasione per affrontare lo statuto della presupposizione è la lettura della *Lettera VII* di Platone, in cui, con un'espressione variamente interpretata nei secoli, il filosofo greco introduce tra gli elementi necessari per l'instaurazione della conoscenza "la cosa stessa", connotandola come qualche cosa che, seppure conoscibile, risulta impossibile da dire a causa di una debolezza intrinseca del linguaggio, che non le si può mai adeguare (*Lettera VII* 342a8 - 343a3).

Laddove la tradizione attribuisce alla "cosa stessa" una natura mistica, con cura filologica Agamben propone di tradurre il passo platonico definendo la "cosa stessa" come ciò «attraverso cui ciascuno degli enti è conoscibile e vero» (Agamben 2005: 14). L'interpretazione del dettato platonico restituisce la "cosa stessa" non più come «l'ente nella sua oscurità, come oggetto presupposto al linguaggio e al processo conoscitivo», bensì come «ciò *per cui* esso è conoscibile, *la sua stessa conoscibilità e verità*». Nella conoscenza di qualcosa, Agamben invita così a collocarci «nel medio stesso della sua conoscibilità, nella pura luce del suo rivelarsi e annunciarsi alla conoscenza» (Agamben 2005: 14-15), di fronte al fatto che le cose dicibili risiedono entro un'apertura mediale che, pur non risultando dicibile dal linguaggio, le rende conoscibili e dicibili. La "cosa stessa" non sarebbe perciò una cosa fra le altre, ma la stessa dicibilità, «la stessa apertura che è in questione nel linguaggio, che *è* il linguaggio», che è presupposto indicibile di ogni discorso in atto (Agamben 2005: 18). Forse, scrive Agamben, la "cosa stessa" «è, nel suo intimo, oblio e abbandono di sé», e può essere trattenuta solo in quanto presupposta,

---

vrapposti, restituivano alcune costanze e ricorrenze: queste *lignes d'erre*, sostiene Agamben, sono i contorni di una forma-di-vita, condizione d'atto senza essere soggetto sovrano.

[8] Alcuni spunti per pensare l'esistenza di una pura potenza vengono dalle riflessioni di Averroè sull'intelletto materiale: «Il tentativo di pensare, a proposito dell'intelletto materiale, l'esistenza di una pura potenza come un quarto genere d'essere [...] contiene [...] degli spunti per una concezione alternativa del soggetto rispetto a quella che si è affermata a partire da Descartes. [...] Averroè pensa il *subiectum* non come una sostanza autonoma, ma, per così dire, come una pura esigenza della potenza. L'averroismo pensa, cioè, il soggetto come soggetto di una potenza, e non soltanto di un atto» (Agamben 2020: 32).

[9] Argomento già toccato da Agamben 1970, e poi ripreso in merito alla medialità in Agamben 2018. In merito, si veda anche Spina 2019.

secondo una movenza di "eccezione" che conserva e dissimula la linea tra il dentro e il fuori nell'alternarsi di ordini positivi in atto (Zartaloudis 2010: 239-277; Prozorov 2014: 66 ss).

Della negatività cui è destinata tale apertura perché ogni ordine e ogni proposizione possano essere attuati, Agamben aveva già largamente trattato due anni prima, nel seminario *Il linguaggio e la morte*, in cui essa è denominata "Voce". Per il suo particolare statuto, Agamben stabilisce di usare la *V* maiuscola, essendo essa non l'esperienza di un semplice stile vocale o un'emissione sonora – come nel caso degli animali –, pur permanendo al di qua della più complessa enunciazione comunicativa tra umani: essa è l'esperienza più elementare del linguaggio, consistente in una pura intenzione di significare, un «puro voler-dire, in cui qualcosa si dà a comprendere senza che ancora si produca un evento determinato di significato» (Agamben 1982a: 45). Non una proposizione di senso, bensì un puro evento di linguaggio la cui esistenza, come Dio nella prova ontologica di Anselmo, è presupposta in ogni nominazione linguistica significante (Agamben 2005: 27).

Intimamente caratterizzata dall'oblio e dall'abbandono, la Voce è la negatività intrinseca al non esser più mero suono, e non essere ancora un significato; ma soprattutto è la negatività consustanziale all'emersione del significato determinato, in funzione del quale la dimensione dell'aver-luogo e della pura intenzione inespressa retrocede, così come il puro essere rispetto all'ente (Agamben 2005: 20 ss). La Voce «è *fondamento*, ma nel senso che essa è ciò che va *a fondo* e scompare, perché l'essere e il linguaggio abbiano luogo», si concretino nella storia.

La pura intenzione scompare, ma rimane ancorata – in quanto esclusa – all'aver-luogo concreto dell'essere e del linguaggio grazie a delle strutture linguistiche, specialmente agli *shifters*, quegli elementi che, per se stessi, non veicolano alcun significato, ma che possono funzionare nel discorso in atto perché sospendono la loro incapacità di significare e illuminare lo stesso evento di linguaggio (Clemens 2008: 43-65). Consustanziale all'atto enunciativo, lo *shifter*, nullo e vuoto fuori dall'enunciazione, si rivela essere il luogo in cui dal significare si passa all'indicare. Ma a che cosa esso faccia segno è rimasto un problema fino a quando la linguistica moderna ha spiegato come l'indicazione avvenga sempre in direzione di qualche cosa che, nell'enunciazione, è immancabilmente presente: l'istanza di discorso in quanto tale, in quella sua dicibilità che il significato ricaccia sempre nell'oblio. Gli *shifters* sono segni vuoti che acquisiscono senso non appena vengono assunti in un'istanza di discorso. Per questo essi hanno la funzione non tanto di operare l'articolazione dall'indicazione sensibile alla dimensione linguistica, quanto invece «di permettere il passaggio dalla *lingua* alla *parola*», da un codice linguistico a una parola in atto: eccoci ricollocati in quel passaggio che Foucault invece ha interrogato solo nel senso dell'archivio, e che Agamben invece considera per esaltare l'istanza stessa del discorso, il luogo in cui il linguaggio si fa evento storico in atto.

Nell'evento di parola, lasciandosi alle spalle la totipotenza di una Voce già intenzionata a significare pur non essendo significato attuale, l'uomo si definisce perpetuamente come soggetto nella storia. Ogni fondazione costituente l'atto ricaccia la potenza in un oblio ineffabile e quasi mistico, e su tale negatività poggia la struttura – per questo, intimamente nichilistica – della metafisica occidentale, del pensiero e della pratica anche politica, che Agamben propone di superare mediante «un'esperienza di parola che non supponga più alcun fondamento negativo» (Agamben 1982a: 67), e che esponga il *factum loquendi* nella sua pura esistenza.

«Solo l'esperienza della pura esistenza del linguaggio dischiude al pensiero la pura esistenza del mondo» (Agamben 2005: 65). La dimensione aperta che è sempre stata chiamata "essere" dalla tradizione filosofica occidentale a ben vedere, osserva Agamben, ha l'ampiezza «dell'aver-luogo del linguaggio e metafisica è quell'esperienza di linguaggio che, in ogni atto di parola, coglie l'aprirsi di questa dimensione». Gli *shifters*, perciò, si rendono operatori anche di un distacco dal mondo storico e ontico, permettendo uno sguardo verso l'apertura stessa dove l'uomo si trova a conoscere e dire. È per tornare a dimorare in questa apertura, intesa come dimensione di trattenimento in atto della potenza, che Agamben interroga il linguaggio, sottraendolo dalle mani di un presunto soggetto sovrano, sedicente polo di conoscenza trascendentale. D'altronde, alla luce di queste considerazioni, con le parole di Benveniste, qual è la "realtà" del pronome io, se non «unicamente una "realtà di discorso"»? È in questi termini che la linguistica contemporanea può aiutare a ripensare la nozione di trascendenza, riconoscendo il primato genealogico del linguaggio.

3.4. Con l'ontologia heideggeriana, la filosofia occidentale torna a pensare l'Essere come la stessa apertura priva di fondamento in cui si ritrova a vivere l'uomo. Tale infondata apertura, che significa l'impossibilità di un rapporto determinato con il mondo, è dovuta all'assenza nell'uomo di una voce propria, che gli permetta una codifica diretta di ciò che lo circonda. Una condizione di angosciante sospensione nel linguaggio (Agamben 1982b), che Heidegger ha illuminato senza tuttavia riuscire a sostare in quella pendenza in quanto tale. Un avvicinamento a questa apertura totipotenziale è ritenuto possibile da Agamben a partire dalla capacità della linguistica di Benveniste di far segno verso il confine tra linguistica e filosofia, tra lingua e il fatto del linguaggio: come Heidegger ha riflettuto sull'Essere, così Benveniste avrebbe fatto segno verso la stessa dimensione di evento del linguaggio entro cui sola ogni cosa può esser detta. Le due aperture, ontologica e linguistica, coincidono dal momento che l'uomo ci si trova dentro senza far di esse una proprietà; e coincidono al punto che Agamben può scrivere che «la trascendenza dell'essere e del mondo è la trascendenza dell'evento di lin-

guaggio rispetto a ciò che, in questo evento, è detto e significato» (Agamben 1982a: 69).

La linguistica di Benveniste, secondo Agamben, ritorna sulla distinzione saussuriana tra *langue* e *parole*, superandola sovrapponendole la distinzione tra la sfera del semiotico e la sfera del semantico e affermando l'impossibilità del passaggio dall'una all'altra (Agamben 1978: 52-55), se non attraverso l'evento singolare (e quindi non più parte del semiotico) che logicamente precede ciò che viene comunicato (e quindi non ancora parte del semantico). All'altezza dell'enunciazione – che ci riporta di nuovo a contatto con quella dimensione intenzionale che Agamben chiama Voce, e di cui gli *shifters* sono indicatori –, Benveniste offre la possibilità di considerare la natura linguistica dell'io, non essendo la soggettività altro che la capacità di ogni locutore di «porsi come un *ego*»; una capacità non riconducibile a un presunto sentimento muto di autoadesione di ognuno con sé o a un esperienza psichica ineffabile dell'*ego*. La soggettività, fondata sulla possibilità offerta dal linguaggio a ogni locutore di dirsi *ego*, è perciò «la trascendenza dell'io linguistico rispetto a ogni possibile esperienza» (Agamben 1978: 43; McLoughlin 2013; Attell 2019).

L'immediatezza della rappresentazione di sé cui Husserl subordinava l'esperienza di formazione linguistica del soggetto, risulta perciò inattingibile, non essendovi un concetto "io" capace di comprendere tutti gli "io" che vengono enunciati dai vari locutori. Ciò che vale per tutti gli *shifters*, cioè di non riferirsi ad altro che a una realtà di discorso, vale anche per il pronome della prima persona singolare; ma nel caso di "io", questo significa che

> la configurazione della sfera trascendentale come una soggettività, come un «io penso», si fond[a] in realtà su uno scambio fra trascendentale e linguistico. *Il soggetto trascendentale non è altri che il «locutore», e il pensiero moderno si è costruito su questa assunzione non dichiarata del soggetto del linguaggio come fondamento dell'esperienza e della conoscenza.*

Lo studio del soggetto è lo studio di un elemento del discorso, di un momento dello stesso farsi storico del discorso. Il risultato della ricerca di una soggettività pura arriva sempre e immancabilmente a una dimensione linguistica, nella cui trascendenza il soggetto si forma. Il soggetto è sempre un locutore: Agamben nega la possibilità di reperire nel soggetto una trascendentalità muta, perché è proprio mettendo fine al silenzio ed esprimendosi che il soggetto si appropria del linguaggio e si forma, è nel linguaggio e attraverso di esso che l'essere umano si costituisce come soggetto. "Io" non corrisponde a un individuo reale o a un concetto ineffabile ed esterno al linguaggio ma, con le parole di Agamben, è «l'ombra della lingua», «l'affiorare nell'essere di una proprietà esclusivamente linguistica» (Agamben 1998: 113). E tuttavia – e qui sta l'urgenza di oltrepassare la linea – il linguaggio è un dispositivo (Agamben 2006: 22) che, mentre dona la possibilità di farsi

soggetti, al contempo cattura e – scrive Agamben ben oltre il concetto foucaultiano di "assoggettamento" – desoggettiva (Agamben 1998: 108-109).

L'uomo diviene soggetto identificando se stesso nel linguaggio, nel momento in cui la lingua prende luogo; il soggetto dice sé impossessandosi del linguaggio, ma invero accettando di divenire un essere parlante espropriato di sé. Un gesto non storico, ma che, anzi, è «storicizzante» (Agamben 1978: 47), dà il via alla storia, permette all'uomo di farsi essere storico: è su questa soglia antropogenetica che Agamben situa la linea da oltrepassare, per usare l'espressione foucaultiana, scoprendo la sovranità del linguaggio e la mossa mediante cui esso tiene l'uomo sospeso in un bando inevadibile (Agamben 1995: 25-26). Il rapporto che Agamben intese con la poesia porta a maturazione quello proposto da Foucault dal momento che non cerca un nuovo ordine del dire, ma anzi offre un'occasione per sostare nella soglia – in cui la linguistica e la filologia lasciano il posto alla filosofia (Agamben 1977: 181-189) – fra appropriazione ed espropriazione del linguaggio, liberandosi dall'illusione del soggetto sovrano che fa del linguaggio un mezzo di comunicazione proprio nel momento in cui il linguaggio è ragione della sua desoggettivazione.

3.5 È su tali basi che la ricerca di un'esperienza originaria conduce Agamben a qualche cosa che precede il soggetto e il gesto di appropriazione del linguaggio. Agamben definisce *infanzia* questa esperienza, descrivendola come l'origine trascendentale di ogni atto enunciativo, soglia di ogni evento linguistico in cui, impossessandosi di volta in volta del linguaggio e collocandosi nel passaggio tra *lingua* e *parola*, il soggetto si determina (Agamben 1978: 49). L'urgenza di superamento della linguistica saussuriana, reso possibile da Benveniste, risale alla fine degli anni Settanta, quando, con riferimento al *Cours de linguistique générale*, Agamben rimprovera a Saussure di aver attribuito un primato ontogenetico alla *langue* mediante l'ipostatizzazione degli elementi di *parole*, laddove essa è piuttosto «una costruzione della scienza a partire dalla parola» (Agamben 1980: 157). Ciò che Saussure non avrebbe colto è perciò la priorità ontologica dell'«istanza concreta di discorso [...] immediatamente e concretamente esperibile». Queste considerazioni risultano interessanti perché permettono di mettere in luce la proiezione di categorie ontologiche da parte di Agamben sulle intuizioni di Saussure, tutte tese invece a ricercare l'oggetto precipuo e funzionale della linguistica. A ben vedere, infatti, già per Saussure, la *langue* non è il *primum* ontologico dell'esperienza linguistica, bensì l'oggetto cui la scienza del linguaggio attribuisce maggior rilievo data la sua stabilità e il suo carattere sociale (Saussure 1976: 37).

Chiarito il tenore ontologico che Agamben proietta sulle riflessioni di Saussure, si comprende il senso di accordare alla distinzione tra semiotico e semantico di Benveniste il merito di aver chiarito che fra il piano astratto e impersonale della *langue* e quello concreto della *parole* non è possibile alcun passaggio (Agamben

2016: 90; Agamben 1978 57; D'Alonzo 2018). E tuttavia Agamben sembra trascurare che Benveniste gioca la propria distinzione tra semiotico e semantico tutto internamente alla dimensione della *langue*, ampliandola di molto rispetto a quella saussuriana: in essa confluiscono non solo i segni e le strutture e i sistemi che essi compongono, ma anche le frasi, che sono più che semplici somme di segni (Benveniste 1966: 117-131). È entro il dominio della *langue* che Benveniste rileva l'irriducibilità dei «mondi distinti» di segni e frase; ed è ancora nella declinazione semantica della *langue* che si inserisce «l'attività del locutore» come operatore della combinazione tra i contesti infra- ed extralinguistico in cui le frasi sono impiegate (Benveniste 1974: 224-225). Questa è la collocazione attribuita da Benveniste al locutore e all'enunciazione, intendendo quest'ultima come «l'atto stesso di produrre un enunciato» (Benveniste 1974: 80).

*Langue* e *sémiotique* perciò non sono coestensivi, constando la prima anche delle dimensioni enunciativa e discorsiva. Fra i due modi di significazione interni alla *langue*, quello del segno e quello della frase che invece Saussure aveva escluso dalle competenze della linguistica, Benveniste istituisce uno iato impossibile da ricucire; ed è su questo iato che opera l'enunciazione, lasciando alla dimensione della *parole* il solo enunciato. Per Saussure, la *parole* si distingue per la libertà delle sue combinazioni, e nulla impone che ciascuna combinazione di segni – sintagma – sia liberamente generata. Manca per Saussure un criterio netto per distinguere, entro il dominio dei sintagmi, «il fatto di *langue*, contrassegno di un uso collettivo, e il fatto di *parole*, che dipende dalla libertà individuale» (Saussure 1976: 173). Esattamente a questa altezza si inserisce Benveniste attribuendo alla linguistica della *langue* il compito di studiare la frase, e superando di fatto l'idea che essa sia una mera sequenza segnica. Di qui la distinzione tra semiotico e semantico, per specificare l'irriducibilità della frase alla somma dei segni che la compongono; e il contemporaneo passaggio in secondo piano della coppia *langue-parole*, con il riconoscimento dell'autonomia del discorso (D'Alonzo 2018: 150-151). L'autonomia della frase e la sua dignità scientifica sono i punti di maggiore innovazione che Benveniste ha apportato nel dialogo con Saussure. Punti per affermare i quali è necessario riconoscere la stretta inerenza dell'enunciazione al piano semantico, ciò che Agamben manca di fare preferendo vedere nell'enunciazione una funzione di «ponte su quello iato» aperto fra piani di significazione (Agamben 2008b: 63).

Tali difficoltà interpretative si riflettono sul concetto di origine trascendentale che è l'infanzia, che Agamben colloca nello iato tra *langue* e *parole*, come esperienza dell'aver-luogo del linguaggio, della possibilità di prendere parola. Una possibilità che però, proiettando sulla distinzione saussuriana delle pretese ontologiche e sovrapponendole le riflessioni di Benveniste, coincide anche con l'impossibilità radicale dell'esperienza dello spazio aperto tra *langue* e *parole*. Ha dunque senso chiedersi con D'Alonzo come sia possibile superare lo iato aperto

fra questi che Agamben considera a tutti gli effetti fenomeni eterogenei; in che cosa consista l'esperienza dell'infanzia e «come si fa a parlare se fra lingua e parola c'è un abisso che sembra incolmabile?» (D'Alonzo 2018: 154). La conseguenza che maggiormente tocca gli argomenti fin qui trattati, tuttavia, è che se la distinzione fra semiotico e semantico è, rigorosamente intesa, tutta interna alla *langue*, il luogo di istituzione del soggetto e, per converso, di possibile esperienza dell'infanzia non è lo spazio fra *langue* e *parole*, bensì interno alla *langue*. Questo ricolloca l'esperienza dell'aver-luogo del linguaggio, che Agamben esplicitamente afferma essere possibile solo nell'atto concreto di parola che dovrebbe corrispondere al piano semantico, tra il semiotico e il semantico, in una posizione di trascendenza non solo rispetto alla *parole* di Saussure ma anche rispetto all'enunciazione benvenistiana, privandoci così dell'opportunità di osservare l'enunciazione e il locutore nella loro attualità storica ed empirica. Aspetto, quest'ultimo, coerente con l'iniziativa di incaricare la filosofia del solo compito di studiare il *factum loquendi* nella sua monologicità (D'Alonzo 2015: 50-53), riducendo il soggetto a mera concrezione linguistica mediata dai pronomi.

## 4. FRA COSTITUZIONE ESTETICA E DESTITUZIONE ESTATICA

4.1. La critica del soggetto nella definizione che la filosofia moderna, da Cartesio a Husserl, ne ha offerto, colloca Foucault fin dagli studi giovanili fra due fuochi: da un lato, condizioni storiche del discorso e dell'azione impossibili da padroneggiare per un soggetto sempre condizionato e prodotto; dall'altro, l'urgenza di immaginare, oltre le secche dello strutturalismo o, più genericamente, del determinismo, la possibilità di un'esperienza emancipata dai vincoli in cui il soggetto moderno si è costretto. Importante snodo in queste riflessioni è una conferenza del 1969, dunque coeva a *L'archeologia del sapere*: *Qu'est-ce qu'un auteur?*, il cui movente è rappresentato dalle critiche ricevute da Foucault per l'uso fatto in *Le parole e le cose* del materiale bibliografico, delle «masse verbali» e «degli strati discorsivi». Soprattutto il confronto con gli autori era stato criticato, e Foucault tenta di giustificarlo mediante l'intento di scoprire «le condizioni del funzionamento di pratiche discorsive specifiche», di scoprire, con spirito intimamente poetico, un differente "ritmo", al di là delle unità tradizionali (Foucault 2001a: 819).

Il tema del linguaggio come sistema simbolico e mezzo di comunicazione – obiettivo critico già ne *Le parole e le cose* e nella prefazione che Foucault scrive per l'edizione americana dell'*Anti-Edipo* di Deleuze e Guattari (Foucault 1983) – nella conferenza del 1969 viene sviluppato non solo con riferimento alla funzione dell'autore, paradigma del soggetto sovrano dei discorsi che produce, ma anche con attenzione particolare alla figura del lettore, non interprete passivo ma una fra

le positività direttamente coinvolte in un'ontologia plurale[10]. Sono interrogativi che anche Barthes in quegli anni si sta ponendo, aprendo il campo a intuizioni inerenti una «spersonalizzazione» che mina le basi della figura dell'autore, dando voce al linguaggio (Barthes 1988: 52) e permettendo il riconoscimento delle condizioni storiche che precedono il gesto di inscrizione dell'individuo nel linguaggio e che lo stesso Foucault, nella sua lezione inaugurale al *Collège de France*, confesserà di voler assecondare (Foucault 2004a: 3).

Barthes definisce l'enunciazione «un procedimento vuoto» che può funzionare anche senza che tale "vuoto" sia colmato ricorrendo alle persone degli interlocutori. Analogamente, nella conferenza del '69 Foucault parla di un vuoto che, se non colmato dal feticcio di altre sintesi precostituite, rende accessibile la materialità dei discorsi, le «modalità della loro esistenza: i modi di circolazione, di valorizzazione, di attribuzione, di appropriazione dei discorsi», la sempre mutevole dimensione irriducibile alle regole della grammatica e della logica, come alle leggi dell'oggetto. Proprio riscoprendo nell'autore una delle specificazioni assunte dal soggetto che presume di padroneggiare il linguaggio come strumento comunicativo, egli afferma l'urgenza

> di rivoltare il problema tradizionale. Non porre più la domanda: come può la libertà di un soggetto inserirsi nello spessore delle cose e dare loro un senso, come può animare, dall'interno, le regole di un linguaggio e chiarire così le finalità che le sono proprie? Ma porre piuttosto queste domande: come, secondo quali condizioni e sotto quali forme, qualcosa come un soggetto può apparire nell'ordine dei discorsi? Quale posto può occupare in ogni tipo di discorso, quale funzione esercitare, e obbedendo a quali regole? In breve, si tratta di togliere al soggetto (o al suo sostituto) il suo ruolo di fondamento originario, e di analizzarlo come una funzione variabile e complessa del discorso.

Solo capovolgendo in questo senso l'interrogazione, non partendo più da un'origine soggettiva, ma anzi assumendo il soggetto nella sua funzionalità interna al discorso, si può accedere a quello spazio aperto di un linguaggio che ci precede, in cui avviene il passaggio dalla *langue* alla *parole*, interrogato da Foucault non come condizione ontologica bensì come serie di condizioni storiche. È un aspetto non secondario, se si intende comprendere, da un lato, il modo in cui Foucault, a partire dalla sua proposta anarcheologica, pensa di riprendere il discorso intorno alla soggettivazione, e, dall'altro, l'insoddisfazione di Agamben nei confronti di tale proposta, cui fa seguito un ampliamento di respiro ontologico.

Una simile operazione è interessante perché, con la dissoluzione della sovranità dell'autore e con l'apertura di una dimensione plurale del testo, Foucault acquisi-

---

[10] Tema centrale del confronto fra Derrida e Foucault sulla postura ermeneutica da adottare nello studio di Cartesio. Cfr. Derrida 1990. Foucault risponderà nel 1971 con *Mon corps, ce papier, ce feu*, posto in appendice nelle edizioni della *Storia della follia* a partire dall'edizione del '72; ma si veda anche l'intervista *Michel Foucaul Derrida e no kaino* (2001a: 1149-1163). Più in generale, cfr. Perego 2018.

sce elementi di analisi che confluiranno poi nella sua analitica del potere. Ma, a ben vedere, la morte dell'autore, l'evenementalizzazione del testo e di ogni discorsività, e il coinvolgimento dello scrivente e del lettore in una sperimentazione attiva e non più in una mera ricerca ermeneutica dell'origine, ha già un valore intimamente politico. Ricucendo le riflessioni inerenti alle intuizioni di Nietzsche, Bataille, Blanchot, Klossowski – ma anche la drammatica esperienza di Roussel, Brisset, Wolfson – con il lavoro sulla soggettivazione degli anni Ottanta, in un'intervista del 1980 Foucault afferma che il problema che è urgente porsi «non è quello della costruzione di sistemi, bensì quello di compiere esperienze dirette, personali» (Trombadori 2005: 31); proprio quella messa in gioco, rischiosa perché completa, che è al centro del concetto di *parrhesia*, come lavoro di critica radicale e costituzione di sé. Una costituzione di sé che, nel proprio nucleo, è animata da un'esperienza-limite di dislocazione del soggetto da sé, dall'intreccio di dispositivi che lo producono: primo fra essi, proprio il discorso strategico che lo definisce come attore sovrano della storia, origine di senso, e che paradossalmente gli impedisce di essere davvero originale (Trombadori 2005: 31); e in seguito i dispositivi che attribuiscono a ciascuno un'identità definitoria.

4.2. Con la critica della figura dell'autore, Foucault muove passi decisivi, attraverso la critica della filosofia del soggetto e l'inscindibile coppia soggettivazione-assoggettamento, in direzione di uno sforzo autopoietico, volto a sostituire la pedissequa interpretazione di una funzione con delle pratiche autocostitutive. Un percorso che, in primo luogo, conduce Foucault a riscoprire alle spalle della nozione tradizionale di soggetto la costruzione di un'interiorità che viene indotta a manifestarsi, a esprimersi perché siano rimirabili le sue parole e controllabili le sue azioni[11]; fino agli anni Ottanta, quando rispetto a questa interiorità, presunta originaria e invero minuziosamente governata, facendo tesoro delle sperimentazioni archeo-genealogiche Foucault preferirà suggerire un'etica capace di dislocare in senso critico l'individuo[12]. Oltrepassare la linea significherà ora ripensare il rapporto del soggetto con la verità non come completa adesione originaria di sé con sé, ma come pratica di dislocamento sempre in atto, di smarcamento da sé.

E ciò avviene, anche negli anni Ottanta, rimanendo concentrati sulle condizioni normative attuali rispetto a cui smarcarsi per poter dire la propria verità, che è sempre una verità di sé storica (Cavallari 2016; Crosato in via di pubblicazione). Sono illuminanti a questo punto le intuizioni di Foucault in merito a un *ethos* di ispirazione cinica, capace di relazionarsi in maniera concreta e problematica con il proprio presente, di «distaccarsi» dalla congiuntura epistemica e politica da cui ci

---

[11] In merito al ruolo dell'esame e della confessione, si possono vedere i corsi sul *Potere psichiatrico* (1973-1974) e su *Gli anormali* (1974-1975).

[12] Come momento di apertura alle riflessioni degli anni Ottanta, si veda Foucault 2015b. Per un sorvolo generale sulle questioni appena menzionate, cfr. Dean-Zamora 2019: 75-101.

si trova preceduti e prodotti (Foucault 2001b: 1416). Questo non implica tanto un'analisi ontologica delle modalità di produzione del soggetto come tale, quanto invece un posizionamento coraggioso del soggetto nei discorsi, lavorando sullo spessore disposizionale che ne definisce la collocazione storica più che sull'ordine proposizionale. Quella che a partire dal 1980 Foucault chiama "anarcheologia" consiste nello svincolarsi rispetto alle fratture che ogni ordine di senso cela, e che già archeologia e analitica del potere hanno reso evidenti come, al contempo, punti di attacco e fronti di lotta (Foucault 2014: 86; Avelino 2018).

Guadagnata una prospettiva sulle condizioni pragmatiche e sugli ordini materiali che governano storicamente il dicibile, Foucault propone il modello della *parrhesia*, pratica consistente nell'irruzione discorsiva atta a rivelare la storicità di ogni assetto d'ordine (Foucault 2015a: 66-69)[13]. Foucault la definisce mediante un confronto con l'atto di discorso performativo, inerendo entrambi alla materialità del discorso in modo tale da sospendere il valore denotativo del linguaggio e facendo coincidere *dictum* e *factum* (Agamben 2008a: 74 ss), ma agendo essi in maniera speculare rispetto a tale materialità.

L'atto linguistico performativo è assunto come paradigma della stretta parentela tra soggettivazione e assoggettamento, dal momento che il suo spazio d'avvento è tale da assegnare mere funzioni discorsive e imporre coerenza rispetto agli enunciati che lo precedono e lo rendono possibile, espropriando il soggetto della propria singolarità e dettando norma a una circostanzialità del tutto indifferente alla singolarità etica del soggetto chiamato a garantire una *performance* (Lorenzini 2015: 266-267; Sforzini 2019). L'atto parresiastico è presentato da Foucault come un evento speculare, in cui «questa indifferenza non è possibile» (Foucault 2015a: 69). Ciò non significa né restituire sovranità a un soggetto trascendentale operante da un fuori assoluto, né osservare il discorso parresiastico come espressione di un'interiorità soggettiva: entrambe queste realtà sono, anzi, prodotto dell'ordine di pensiero oggetto di critica. Ribaltare le pretese performative avanzate dall'ordine discorsivo significa in primo luogo agire sulla materialità dei discorsi a prescindere dal loro contenuto semantico; significa cioè irrompere in maniera singolare, e legarsi alla propria enunciazione e agli effetti di scompaginamento provocati dalla propria incoerenza nel senso di un rilevamento della contingenza delle relazioni di potere esistenti e delle funzioni che esse ammettono.

La *parrhesia* è al contempo un atto di desoggettivazione e di irriducibile soggettivazione etico-politica proprio in quanto, mediante essa, ci si sottrae dalla funzione soggettivante-assoggettante imposta dall'ordine esistente, e si mette in gioco la propria stessa vita nella sua insostituibile concretezza, al di là dei regimi di veridizione accettati. Il soggetto fa della propria vita manifestazione della propria parola, attraversando obliquamente l'ordine disposizionale vigente senza farsene cattura-

---

[13] In termini generali, cfr. Ferrando 2012. Per il dibattito sul problema del soggetto in Foucault: Flynn 1985; Rovatti 1986; Dews 1989; Leclercq 2007; Galzigna 2008; Rovatti 2008.

re, senza funzionalizzarsi a esso, ma anzi facendone emergere lo spessore, la contingenza, la storicità della volontà di potenza che lo puntella, e perciò la criticabilità. Così, viene disattivato il dispositivo che produceva il soggetto come sovrano del linguaggio proprio mentre lo riduceva a mera funzione anonima: attraverso un atto che non proviene da fuori e non conduce verso l'esterno, essendo piuttosto lo sforzo di tendere la miriade di segmenti che compongono la trama entro cui ciascuno si trova prodotto e, proprio mediante questa tensione, dire la propria verità, che è sempre una verità storica.

4.3. Una volta rinunciato alla nozione di un soggetto puro di stampo cartesiano, le possibilità di trasformazione emopoietica (Foucault 2016: 73) del soggetto non possono che procedere da una mossa immanente al sistema di autorappresentazioni che circondano il soggetto, e dall'irruzione di un discorso che forza le geometrie date entro ciascun regime di verità. Non potendo mai uscire in senso assoluto dalla matassa di poteri-saperi verso un illusorio recupero della purezza originaria, la cura di sé che predispone alla soggettivazione corrisponde a una presa di consapevolezza di ciò che si è, della propria collocazione entro giochi di forze e delle possibilità di proporre per sé un posizionamento nuovo che, al contempo, riassesti le geometrie circostanti (Marzocca 2016: 14-15). Non l'evasione – mai possibile – dai limiti, ma un passaggio in prossimità dei molteplici limiti che dettano ordine alla realtà, al fine di condizionare gli schemi regolativi interni e curvarne le trame costitutive. «Un'*attitudine limite*», oltre l'«alternativa del fuori e del dentro» (Foucault 2001b: 1393), che prima di tutto renda osservabili i modi in cui l'uomo è reso soggetto e al contempo assoggettato a un ordine che lo funzionalizza, e, in secondo luogo, apra la possibilità di inventare differenti pratiche e nuovi tracciati di soggettivazione (Cesaroni 2013: 140). Il soggetto, in quanto punto di emergenza di un intrico di dispositivi, ritrova attorno a sé non solo una disarmante complicità di forze che lo trattengono, ma anche i punti di attacco per altrettanti fuochi di resistenza. Così, lungi dal proporre uno sforzo volontaristico a partire da un punto originario o finale, Foucault afferma non esserci punto di resistenza esterno al rapporto di sé con sé.

> Se consideriamo la questione del potere politico [...] come un campo strategico di relazioni di potere, con tutto quello che di mobile, trasformabile, reversibile, esse comportano, in questo caso ritengo che la riflessione su tale nozione debba necessariamente allora passare, sia da un punto di vista teorico, sia da un punto di vista pratico, attraverso l'elemento costituito da un soggetto che è definito dal rapporto di sé con sé (Foucault 2003: 221).

La posta in gioco è chiaramente etica e politica. D'altra parte, il lavoro foucaultiano degli ultimi anni, che risale fino al problema antico del «modo in cui l'individuo si costituisce soggetto morale delle proprie azioni» (Foucault 2004b: 30-37), ha come proprio movente l'urgenza di praticare il governo di sé. Ed è solo

in relazione al governo di sé e alla costituzione di sé come soggetti morali che Foucault introduce il tema dell'estetica dell'esistenza: la costruzione della propria vita come opera d'arte ha senso solo in funzione di una *epimeleia heauton*, da non confondere, come invece farà Hadot, con «una specie di dandismo» o con «l'affermazione e la sfida, a un tempo, di uno stadio estetico e individuale non superabile», ossia con una estetizzazione dell'esistenza gelosamente avvinghiata all'io (Foucault 2003: 14; Hadot 1989). Le pratiche del sé, mediante cui gli uomini hanno cercato «di fare della loro vita un'opera che esprima certi valori estetici e risponda a determinati criteri di stile» sono pratiche problematizzanti e già immediatamente eto-poietiche (Foucault 2014b: 15-17).

Leggendo i Greci, Foucault può affermare che «la cura di sé è etica in se stessa; ma implica dei rapporti complessi con gli altri» (Foucault 2001b: 1533). È sempre all'interno di una complessa – e inevadibile – trama relazionale che Foucault pensa le sue forme di emancipazione. Nell'intrico delle tecnologie del potere e delle razionalità che le orientano, il soggetto non è definibile come il punto di origine che trascende assolutamente la storia e vi dimora in modo sovrano – come invece vorrebbe la nozione di soggetto derivante dalla tradizionale sfera dell'*officium*. Se si mettono in sequenza le considerazioni foucaultiane degli anni Sessanta sull'urgenza di disfarsi del vincolo tra autore e opera e quelle degli anni Ottanta contenenti l'invito a vivere la vita come un'opera d'arte (Foucault 2001b: 1211), si intende come il ripensamento dell'etica contempli una figura di soggetto irriducibilmente costituente, ma che, non più sovrano, è sempre processo e relazione problematica con il sé costituito. Anzi, il soggetto, desostanzializzato in favore di una soggettivazione sempre *in fieri*, è definito da una relazione di problematizzazione e autocostituzione. Rimangono tuttavia il sospetto di una ipostatizzazione scivolata dal soggetto al sé, e il rischio di rendere al contempo stabile e mobile il sé, soggetto e oggetto di distacco (Foucault 2014b: 14), producendo così un effetto *à la* Barone di Münchhausen (Redaelli 2011: 79-91). Di tale problematicità riguardo all'attività etica del soggetto avverte Agamben, in una serie di puntualizzazioni depositate in *L'uso dei corpi*, e volte a un ripensamento, non più in chiave storica ma in chiave ontologica, della «stessa concezione dell'etica e del soggetto» (Agamben 2014a: 138).

Di contro alla concezione tradizionale di un potere definito costituente in quanto crea e separa da sé un potere costituito che fungerà da legittimazione della sua azione fondativa, lo sforzo foucaultiano di ripensare in termini di immanenza la relazione costitutiva soddisfa la definizione agambeniana per cui «costituente è, in verità, soltanto quel potere – quel soggetto – che è capace di costituir sé come costituente» (Agamben 2014a: 143). Agamben, tuttavia, approfondisce la discussione di questo primo promettente passo nel rinnovamento della concezione di etica: come l'essere spinoziano, che si autocostituisce e si autorappresenta rimanendo sempre immanente a sé in quanto costituentesi, e senza mai separarsi da sé in una

sostanza, così dovrebbe essere anche la relazione con sé che determina il modo in cui l'individuo si costituisce come soggetto del proprio agire. La costante *déprise* foucaultiana è correttamente definita come un'attività costantemente costituente; e però, rigorosamente intesa, proprio come tale essa non dovrebbe mai precipitare in una forma costituita. «La cura di sé – commenta Agamben – passa necessariamente per un *opus*» (Agamben 2014b: 138). Facendo della sua estetica una costituzione del sé sempre intrisa di rapporti di potere e, entro questi, sempre tesa ad affermarsi come forma di vita determinata, Foucault ricadrebbe nella contraddizione di una pratica che si vuole inesauribilmente costituente e, al contempo, si concreta in una forma costituita.

Il meccanismo a cui nemmeno Foucault riesce a sottrarsi è quello per cui «qualcosa viene diviso, escluso e respinto al fondo e, proprio attraverso questa esclusione, viene incluso come *archè* e fondamento» (Agamben 2014a: 334). Un meccanismo che, scrive Agamben chiudendo il proprio progetto *Homo sacer*, è «costitutivamente connesso all'evento di linguaggio che coincide con l'antropogenesi». E ancora nel linguaggio avviene la soggettivazione come, al contempo, avvento del soggetto e sua cattura nell'evento enunciativo (Heron 2011), in maniera del tutto analoga a come il potere costituito confisca la carica potenziale del potere costituente, sottraendole la forza destituente capace di abbattere tale fissità.

È proprio in un gesto destituente che Agamben intravede la promessa di una soluzione alle difficoltà fra cui Foucault si è trovato preso fino agli ultimi giorni della sua vita. Difficoltà che si renderebbero evidenti nel momento in cui, dal piano teorico, Foucault passa al piano pratico, in cui a occupare il campo sono soggetti che si vogliono liberi, che intendono cioè soggettivarsi in una certa forma di vita, ma che, per condurre se stessi come tali, non possono evitare di entrare in relazioni di potere, assoggettando altri o essendo da altri assoggettati. La determinatezza della forma di vita in cui Foucault si ostina a vedere la messa in opera della relazione con sé, la determinatezza quindi del soggetto in cui si completa la sempre *in fieri* relazione di sé con sé, costringe all'ingresso in relazioni di potere:

> Come potere costituente e potere costituito, la relazione con sé e il soggetto sono l'una per l'altro insieme trascendenti e immanenti. E, tuttavia, è proprio l'immanenza fra sé e soggetto in una forma di vita che Foucault ha cercato ostinatamente di pensare fino alla fine mostrandosi, certamente, capace di accogliere l'esempio antico della cura e della costituzione di sé, ma al contempo ostinandosi a tener ferma la coappartenenza – tipicamente cristiana – di tale costituzione di sé con il soggetto (Agamben 2014a: 145).

Foucault, afferma Agamben, non riesce a liberarsi davvero della figura del soggetto perché, ponendo in primo piano il tema della cura di sé rispetto a quello dell'uso, non porta alle dovute conseguenze la movenza costituente in quanto tale. Non ne osserva, cioè, la inesauribile potenzialità: si concentra piuttosto sul tema

etico di una cura concretata in un gesto di comando su sé o sugli altri per farsi forma di vita attuale, credendo di identificare in tale "rapporto con sé in quanto soggetto di uso di sé e del mondo" la vera e concreta libertà dell'umano, e ponendo in secondo piano l'uso stesso, relazione di indeterminazione tra soggetto e oggetto in cui ogni possibilità rimane aperta (Agamben 2014a: 56-64) e in cui le relazioni di potere intimamente connesse alla violenza nichilistica della metafisica occidentale sono sospese.

> Se le relazioni di potere rimandano necessariamente a un soggetto, [Foucault non sembra vedere la possibilità] di una zona dell'etica del tutto sottratta ai rapporti strategici, di un Ingovernabile che si situa al di là tanto degli stati di dominio che delle relazioni di potere (Agamben 2014a: 148).

4.4. La figura wittgensteiniana della mosca inconsapevole del bicchiere in cui è intrappolata ricorre in Foucault e in Agamben con due significati differenti. In Foucault, la figura della mosca nel bicchiere o, secondo una suggestione infantile, del pesce rosso nella boccia, è utile a descrivere ciò che negli anni Sessanta veniva chiamato *episteme*, e che poi è dissolto in formazioni discorsive meno monolitiche e, infine, in complessi disposizionali: ognuna di queste figure parla di una configurazione storica di saperi e poteri che strutturano l'esperienza dell'individuo, il quale stenta a rendersene conto e a predisporre metodi emancipativi (Veyne 2010: 157). La stessa paradossale espressione, ricorrente negli anni Ottanta, di "ontologia dell'attualità" piega l'attenzione ontologica in senso storico.

Agamben nel '84 usa la figura della mosca nel bicchiere non per rappresentare una configurazione storica, bensì la stessa ontologia che struttura il pensiero e l'azione occidentali secondo la geometria della presupposizione e dell'eccezione. Questo attribuisce al suo "fuori" non il significato di una differenza, bensì quello dell'orizzonte stesso in cui ogni differenza può avvenire (Agamben 2019). Illuminare tale orizzonte è compito comune di filosofia e teologia della rivelazione, anche se oggi, dopo la morte di Dio, pare più accessibile alla prima, che sorveglia le nostre parole, senza che di esse si possa fare il verbo divino. Così «il pensiero contemporaneo ha finito col riconoscere l'inevitabilità, per la mosca, del bicchiere in cui è prigioniera» (Agamben 2005: 33).

Nel 1990, in relazione al legame contemporaneo tra politica e linguaggio, poi, rifacendosi alle intuizioni di Debord, vede nella società dello spettacolo un'occasione per l'emersione della comunicatività in quanto tale: la società dello spettacolo è la separazione in una sfera autonoma di ciò che unisce gli uomini e che, così separata, impedisce la loro comunicazione. Proprio nell'alienazione operata nello spettacolo, «è la nostra stessa natura linguistica che ci viene incontro rovesciata» (Agamben 2001: 64), non in vista di una rivelazione, ma manifestando anzi il nulla di tutte le cose. Agamben ne parla come di uno svelamento nullificante: la politica del nostro tempo si presenta come un «devastante *experimentum linguae*, che disarticola e svuota su tutto il pianeta tradizioni e credenze, ideologie

e religioni, identità e comunità» (Agamben 2001: 66; si veda anche Agamben 1996b: 60-73). E nella scoperta di tale dimora di mezzi senza fine e di potenza trattenuta Agamben vede la definizione della politica che viene, priva della violenza sovrana, come l'apertura dello spazio dell'erranza umana, dell'«essere-in-unmezzo come condizione irriducibile degli uomini» (Agamben 1996b: 92).

Tale esperienza oggi accessibile grazie all'alienazione spettacolare del linguaggio conduce verso un superamento dei concetti di appropriazione e di espropriazione, permettendo di pensare «la possibilità e le modalità di un *uso libero*» (Agamben 1996b: 93)[14]. Ecco dunque la categoria di "uso", che Agamben aveva incontrato negli ultimi lavori foucaultiani, ma che lì rimaneva in ombra rispetto a quella più "operativa" di "cura".

La riscoperta di questo concetto avviene in Agamben mediante la sua riconduzione al termine greco corrispondente, *chrēsis*. E ciò avviene in primo luogo nel 2000, nell'interpretazione del messianismo paolino, in cui il verbo *cháō* permette di apprendere la contrapposizione tra la proprietà, atteggiamento di messa in opera del mondo secondo gli ordini e le identità attribuite dalla storia, e l'uso, condotta di «depropriazione» che non conduce alla fondazione di nuove forme di vita – alla ricostituzione, alla messa in opera, all'atto, alla cura, alla proprietà –, quanto alla sospensione profanatoria della disposizionalità, e dunque alla conservazione di una potenza d'uso (Agamben 2000: 31-32 e 91-93).

Nell'economia di questa depropriazione, come ogni altro dispositivo, è coinvolto anche il linguaggio. Significativamente, anche Agamben, per spiegare tale disattivazione, la descrive in maniera speculare rispetto all'autoreferenzialità dell'atto performativo, che, revocando la dimensione costativa, non descrive il mondo ma ne predispone uno, riordina la realtà in riferimento a sé. Non è però l'ordine così costituito a rappresentare l'oggetto della critica: Agamben ricerca una specularità non rispetto all'ordine predisposto dall'atto performativo, bensì rispetto alla stessa gestualità costituente di cui esso rappresenta un ottimo paradigma legale. «Come, nello stato di eccezione, la legge sospende la propria applicazione solo per fondare, in questo modo, la sua vigenza nel caso normale, così, nel performativo, il linguaggio sospende la sua denotazione proprio e soltanto per fondare il suo nesso con le cose». La prospettiva soteriologica che Agamben affianca al messianismo paolino – e, a ben vedere, anche benjaminiano (Agamben 2005: 36-56; Heller-Roazen 2019) – è invece orientata verso l'esperienza della «pura parola» capace di aprire lo spazio della «gratuità dell'uso». Più che l'esperienza di un nuovo ordine discorsivo, si tratta di

> un'esperienza della parola che – senza legarsi denotativamente alle cose né valere
> essa stessa come una cosa, senza restare indefinitamente sospesa nella sua apertura

---

[14] Si veda già Agamben 1977: 55-64. Per la disattivazione della catena mezzo-fine, si veda Agamben 1996b: 45-53.

né chiudersi nel dogma – si presenta come una pura e comune potenza di dire, capace di *un uso libero e gratuito del tempo e del mondo* (Agamben 2000: 126).

Giocato ancora come una postura alternativa all'ontologia dell'effettualità, l'uso viene ripreso nell'ultimo volume di *Homo sacer*. In quel luogo, a partire dalle peculiarità grammaticali e dalla polisemia del verbo greco *chrestai*, Agamben spiega che esso, né attivo né passivo, era per il greco antico una forma diatetica media, in cui la distinzione – così netta per il pensiero moderno – tra soggetto e oggetto sfuma: il soggetto, anzi, è il luogo stesso in cui avviene il processo e, viceversa, il soggetto è interno al processo, non come autore che trascende la sfera degli oggetti e governa la propria azione, ma come colui che compie qualcosa che si compie in lui. Così che, proprio per il fatto di "usare", il soggetto non agisce transitivamente su un oggetto, ma «implica e affeziona innanzitutto se stesso nel processo»; parimenti, «il soggetto non sovrasta l'azione, ma è egli stesso il luogo del suo accadere».

Si può comprendere finalmente da cosa intendesse prendere le distanze Agamben quando osservava la cura foucaultiana finire in una certa forma di vita, in un atto soggettivo e di rottura e ricostituzione dell'ordine storico. Ponendo in primo piano la relazione d'uso, Agamben ambisce a retrocedere rispetto all'autonarrazione del soggetto sovrano, per sostare presso una dimensione originaria in cui lo stesso soggetto risulta essere una delle possibilità aperte in uno scenario in cui «soggetto e oggetto sono disattivati e resi inoperosi e, al loro posto, subentra l'uso come nuova figura della prassi umana» (Agamben 2014a: 48-55).

Solo ora è possibile osservare come l'esperienza poetica, apra la strada verso un simile scenario soteriologico. D'altra parte, come si è visto, la figura dell'individuo che, creando un nuovo linguaggio, perde se stesso nella follia, in qualche misura creava problema a Foucault, il quale non intendeva sacrificare la figura del soggetto, ma offrirle una capacità ricostituente concreta e consapevole. È invece verso una destituzione della dicotomia soggetto-oggetto e verso la dimora etica al contempo impotente e totipotente che Agamben spinge la propria idea di uso del linguaggio: avvicinandola proprio grazie alla poesia, vera e propria «relazione a un inappropriabile» (Agamben 2014a: 116) ed esposizione della pura medialità in cui sola «la lingua riposa in se stessa», inoperosa e puramente dicibile, in cui proprio e altro, intimo ed estraneo, soggetto e oggetto si indeterminano; luogo in cui il soggetto è sospeso sul punto di dire (Agamben 2009: 275).

4.5. La lingua, e in particolare la lingua materna, pare essere per ciascuno ciò che vi è di più intimo e proprio; eppure, a ben vedere, la lingua non è questione privata, ma è per statuto uso comune. Soprattutto, essa giunge al parlante

dall'esterno: viene trasmessa e perfino imposta all'infante[15], che con essa deve familiarizzare. Che essa resti irriducibilmente estranea al parlante, sono testimonianza «i *lapsus*, i balbettamenti, le improvvise dimenticanze e le afasie», come per il corpo i *tic* tourettici (Agamben 2014a: 121).

È il poeta ad abitare questa zona di indistinguibilità tra ciò che è proprio e ciò che è improprio: egli, per far uso della lingua, si libera delle convenzione e degli aspetti più familiari della lingua, si rende «straniera la lingua che dev[e] dominare, inscrivendola in un sistema di regole arbitrarie quanto inesorabili», al punto che essa pare giungere suggerita da un principio divino, una musa. Il gesto del poeta viene descritto da Agamben come «un'appropriazione disappropriante (una negligenza sublime, un dimenticarsi nel proprio)» e al contempo come «una disappropriazione appropriante (un presentirsi o un ricordarsi nell'improprio)» (Agamben 2014a: 122-123). Una destituzione dell'ordine non per proporne uno nuovo, ma per rimanere nella soglia in cui ogni ordine è possibile, ogni denotazione è sospesa, ogni proprietà sovrana è inaccessibile – e proprio in questi termini si comprende l'occasione persa da Foucault, che pur aveva preso a interrogare Roussel, Brisset e Wolfson in una dimensione espropriante di ciò che è più intimo.

Abitare la soglia tra la patria e l'esilio è la vocazione del poeta, che avvicina i limiti del linguaggio non verso un "ancora non detto", e nemmeno verso un nuovo ordine del dire: il poeta abita la soglia in cui finiscono il discorso e l'enunciare logico attraverso cui il soggetto colloca se stesso (Agamben 1996a: 95); una soglia presso la quale «comincia non l'indicibile, ma la materia della parola» (Agamben 2013: 15), ciò che, solitamente «*consegnato* all'oblio», immancabilmente avanza un appello al poeta (Agamben 2013: 27; in generale, cfr. Dell'Aia 2019). Egli rompe il dire logico e indica verso la «sobria, stremata dimora» (Agamben 2013: 34) in cui il linguaggio avviene all'uomo, dunque: questo il primo e più elementare significato della lingua poetica, ossia la visitazione della verità come erranza che salva rispetto a qualsiasi destinazione chiusa e definitiva; un salvataggio inaccessibile a ciascuna lingua storica, presa nella propria logica, nella propria grammatica, nel proprio significare comunicativo, e accessibile, attraverso «le rovine del linguaggio» (Agamben 2010: 25), solo nel recupero poetico «di ciò che si perde» (Agamben 2017).

La peculiarità del linguaggio poetico non risiede tanto nella quantità, nel ritmo, nel numero delle sillabe, bensì nella possibilità di «opporre un limite metrico a un limite sintattico». È la figura dell'*enjambement* ad attirare l'attenzione di Agamben, essendovi in essa «una non-coincidenza e una sconnessione fra elemento metrico e elemento sintattico, fra ritmo sonoro e senso, quasi che [...] la poesia vivesse soltanto del loro intimo discordo». Il verso rompe il nesso sintattico del *logos*, e

---

[15] L'acquisizione della lingua è descrivibile come un paradossale processo di oblio: «È come se l'acquisizione del linguaggio fosse possibile solo attraverso un atto di oblio» (Heller-Roazen 2005: 11).

con l'*enjambement*, accenna al discorso prosastico e al contempo lo spezza. In questa cesura del verso, Agamben individua lo spazio di erranza e ricerca angosciata che è il pensiero, in cui solo avviene la Voce umana come articolazione intenzionata a significare.

Altrettanto interessante è lo statuto della lingua di cui i poeti fanno uso. Si tratta di una lingua che, rifacendosi a una riflessione di Pascoli, Agamben definisce "morta" o, meglio, l'«esperienza della morte della parola» (Agamben 1996a: 68)[16], intendendo con ciò la rottura della dimensione della comprensione logica, sostituita, grazie a una voce ignota – glossolalia, xenoglossia, onomatopea, ... –, da un «desiderio di sapere» (Agamben 1996a: 69), di una pura tensione errante rispetto a un suono che è inteso essere non più suono animale ma non ancora significato compiuto. Il pensiero si apre a una «dimensione inaudita» (Agamben 1996a: 70), che sospende l'ordine logico non al fine di proporne di nuovi, ma di sostare nel puro voler-dire, nella morte della parola che non simbolizza più nulla ma indica una intenzione di significare. Una dimensione in cui è il luogo dell'avvenire di ogni vocazione, di ogni determinazione.

All'oblio del *factum loquendi*, il dettato poetico sostituisce l'opportunità di far morire la parola, la sua dimensione semantica e la sua logica discorsiva, per riportare a evidenza l'esperienza impotente e totipotente – e perciò desoggettivizzata (Agamben 1996a: 96)[17] – dell'infanzia. Un'inversione consistente nella riconquista di un terreno dimenticato e scisso; e di tale inversione si può dar conto notando che Agamben, che con Pascoli definisce la lingua del poeta una "lingua morta", quando si confronta con la poetica di Andrea Zanzotto parla della lingua del poeta come di un *lógos erchómenos*, una lingua veniente: la poesia è dunque una lingua che, morendo nella sua dimensione logica, si ripresenta rinnovata annunciando la pura potenza inesauribile del linguaggio; in questo non è davvero una lingua, bensì segno verso la dimensione evenemenziale e senza destino in cui ogni storicità può avvenire (Agamben 2013: 29-31).

Una lingua che muore nella sua dimensione semantica per dar luce a una "lingua" irriducibilmente veniente e, assieme a essa, a una comunità che viene: una lingua morta – impotente – che vivifica il luogo dell'erranza totipotente e del pendere senza voce, che è il pensiero. L'espressione che Agamben prende da Zanzotto ha un forte tenore teologico: il sintagma *logos erchomenos* è un riferimento alla figura del Cristo, colui che viene. Tale sintagma nomina negli scritti del poeta trevigiano «un'esperienza particolare del linguaggio», quella della lingua dialettale,

---

[16] Di una Voce così intesa, si trova una prima notizia in un passo agostiniano, in cui si riporta l'esperienza di chi, udendo una parola desueta o "morta", sia mosso dalla tensione amorosa di comprenderne il significato, percependo in quella articolazione di sillabe qualche cosa come un'intenzione di dire.

[17] Introducendo, nel 1980, il testo *Monsieur Teste* di Valéry, Agamben annotava che «La poesia ha da sempre fatto dell'alienazione la condizione normale dell'atto di parola: essa è un discorso in cui *Io* non parla, ma riceve da altrove la sua parola» (Agamben 2005: 103).

materna, nella sua inscindibile relazione con la lingua paterna, l'italiano[18]. Si può cogliere la suggestione della fluidità del dialetto, che sgorga e raggiunge l'uomo, affiancandola alle osservazioni di tenore geografico, offerte, per esempio, da Gobber, che, pur sottolineando il comune aspetto di «insiemi organizzati di elementi, fatti per essere gestiti da una comunità di parlanti», evidenzia come le lingue storiche, per la loro strutturazione, stiano fra loro in relazione di distacco, mentre i dialetti si susseguono sul territorio secondo un *continuum* (Gobber 2006: 29-34). La reciproca tensione statutariamente presente tra la lingua dialettale e una lingua grammaticalmente fissata – a cui Agamben dà un valore ontologico estraneo, per esempio, alle intuizioni linguistiche di Berruto su bilinguismo, diglossia, dilalia (Berruto 1995) – è paradigma del bilinguismo costitutivo di ogni autentica intenzione poetica e, in termini più ampi, di ogni uso libero del linguaggio.

L'interesse rivolto in anni recenti da Agamben alla poesia dialettale è dovuto al fatto che il dialetto, nella sua sorgività inesauribile e impossibile da sistematizzare, si presenta secondo il filosofo come una lingua che rimanda oltre a sé, e permette di guardare nella direzione del luogo inconoscibile da cui il linguaggio viene all'uomo e, prima ancora, nella direzione del non aver un linguaggio dell'uomo, della sua urgenza di riceverlo donde esso provenga.

Tornando alle considerazioni da cui questo articolo ha preso le mosse, Agamben cita Zanzotto e Pasolini (Pasolini 1995: 70), quando indicano nel dialetto un paradigma capace di collocarsi tra *langue* e *parole*, non però come l'ordine dell'archivio foucaultiano, ma prima di esso e rivolgendo lo sguardo in direzione opposta rispetto a quella della costituzione e ricostituzione degli ordini discorsivi: non tanto verso la possibilità di dire in un certo modo o in un certo altro modo, quanto sostando sulla possibilità stessa di dire, nella dimensione della potenza in atto in quanto potenza; e, nella cesura che separa questa dall'archivio che regola l'atto enunciativo, scoprire il soggetto non come funzione di un intreccio di dispositivi o come agente di una forma di vita, bensì come soglia irriducibile di esistenza o annichilimento della parola.

## 5. CONCLUSIONE

L'urgenza di liberare la propria ricerca dalle tradizionali filosofie del soggetto, conduce Foucault in una irrequieta riflessione che, fin dai primi passi giovanili, tocca il problema del linguaggio. L'interesse che Foucault rivolge a precise speri-

---

[18] Le osservazioni di ordine filosofico di Agamben sembrano parallele a quelle storiografiche proposte da De Mauro: «La lingua comune, insomma, non si offriva al singolo come una realtà "naturali" immediatamente acquisibile vivendo la vita associata di ogni giorno, privata o pubblica. Fuori della Toscana e fuori di Roma, la lingua comune era un possesso da acquisire attraverso applicazione e studio scolastico, dunque un possesso riservato a coloro che avevano frequentato la scuola» (De Mauro 1963: 34-35).

mentazioni letterarie rappresenta la necessità di illuminare quella che si può definire un'esperienza selvaggia, libera dal concetto di un soggetto sedicente trascendentale e sovrano e, invero, prodotto da una configurazione culturale storicamente collocabile. Parallelamente allo sforzo in prossimità dei dispositivi che definiscono i discorsi nella loro storicità, Foucault dà seguito a tale urgenza avvicinando figure capaci di frantumare l'ordine dei discorsi, in primo luogo la funzione rappresentativa che il soggetto sovrano suppone essere al servizio della propria interiorità. Si tratta di sperimentazioni che permettono a Foucault di gettare luce sulla vitalità intrinseca del linguaggio, sulla possibilità che essa conserva di disporre nuovi ordini discorsivi.

È certo, tuttavia, che, permanendo all'interno di uno scenario di discontinuità storiche e interrogando il linguaggio nelle forme attuali che esso rende accessibili, in questi anni Foucault si scontra con l'esosità delle esperienze letterarie che studia. Foucault permane entro l'orizzonte ontologico dell'operatività che ha prodotto il soggetto moderno, e così la ricerca di discontinuità affermative si limita a degradare la consistenza della figura del soggetto, anziché minarla alle sue radici. Inoltre, avendo dotato il linguaggio di una simile vitalità creativa rischia di trasformare la sperimentazione letteraria in una forma di feticismo, che proietta nel linguaggio la vitalità insita nei soggetti parlanti e la trasforma in una potenza a essi estranea e incontrollabile.

L'impresa tentata da Agamben di sottrarsi rispetto a un'ontologia dell'operatività, permette di tematizzare il linguaggio a partite dall'origine trascendentale di ogni atto discorsivo attuale, a partire cioè dall'aspetto non storico ma storicizzante che accompagna ogni presa di parola. Nello iato che Foucault indaga nel senso delle griglie di attualizzazione del linguaggio, Agamben sosta interrogando la dimensione che trascende ogni attualizzazione e ogni soggettivazione, in cui risiedono al contempo l'impotenza e la totipotenza umane. Occasione per indagare quello iato è la critica della nozione saussuriana di *langue* e la pretesa di sovrapporre alla distinzione *langue-parole* quella di Benveniste tra semiotico e semantico. L'ontologizzazione della distinzione saussuriana e la sovrapposizione a essa della distinzione benvenisteana compromettono la possibilità di indagare l'aver-luogo del linguaggio all'interno della concreta attività linguistica slegando il linguaggio dalla dimensione monologica a cui invece rischia di relegarlo Agamben, e aprendo l'indagine anche delle condizioni sociali, fisiche, biologiche e pragmatiche che fungono da condizione dell'esistenza reale del linguaggio. Il rischio è dunque quello di reificare la facoltà del linguaggio, separandola in maniera netta dalla realtà individuale e storica entro cui sola essa ha davvero senso.

Insistendo sull'aspetto irriducibilmente evenemenziale del discorso, invece, Foucault riesce a condurre la propria critica del soggetto rielaborandola nel senso di una ontologia all'attualità. Negli anni Ottanta, Foucault propone una concezione di etica che non si disfa della capacità emancipativa del soggetto, ma la declina

come una pratica immanente alla storia e relativa alle disposizioni prescrittive che la animano, pur dovendosi muovere fra l'impoliticità del gesto trasformativo individuale e il rischio di una politica tutta giocata sulla strategia comunicativa e demagogica (Bazzicalupo 2018), in assenza di riferimenti normativi stabili.

## BIBLIOGRAFIA

Agamben, G. 1968. *L'albero del linguaggio*. In «I problemi di Ulisse», 63, pp. 104-114.

Agamben, G. 1970. *L'uomo senza contenuto*. Milano: Rizzoli.

Agamben, G. 1977. *Stanze. La parola e il fantasma nella cultura occidentale*. Torino: Einaudi.

Agamben, G. 1978. *Infanzia e storia. Distruzione dell'esperienza e origine della storia*. Torino: Einaudi.

Agamben, G. 1980. *La parola e il sapere*. In «Aut Aut», 179-180, pp. 155-166.

Agamben, G. 1982a. *Il linguaggio e la morte. Un seminario sul luogo della negatività*. Torino: Einaudi.

Agamben, G. 1982b. *La fine del pensiero / La fin de la pensée*. Paris: Le Nouveau Commerce.

Agamben, G. 1988. *Bataille e il paradosso della sovranità*. In *George Bataille: il politico e il sacro*, a cura di J. Risset. Napoli: Liguori, pp. 115-119.

Agamben, G. 1995. *Homo sacer. Il potere sovrano e la nuda vita*. Torino: Einaudi.

Agamben, G. 1996a. *Categorie Italiane. Studi di poetica*. Venezia: Marsilio.

Agamben, G. 1996b. *Mezzi senza fine. Note sulla politica*. Torino: Bollati Boringhieri. Si è citato:

pp. 45-53, *Note sul gesto*, originariamente in «Trafic», 1 (1992);

pp. 60-73, *Glosse in margine ai Commentari sulla società dello spettacolo*, prefazione a G. Debord, *Commentari sulla società dello spettacolo*, Milano: Fausto Lupetti 1990;

pp. 87-93, *Note sulla politica*, originariamente in «Futur antérieur», 9 (1992).

Agamben, G. 1997. *Verità come erranza*. In «Paradosso», 2-3, pp. 13-17.

Agamben, G. 1998. *Quel che resta di Auschwitz. L'archivio e il testimone*. Torino: Bollati Boringhieri.

Agamben, G. 2000. *Il tempo che resta. Un commento alla «Lettera ai Romani»*. Torino: Bollati Boringhieri.

Agamben, G. 2001. *La comunità che viene*. Torino: Bollati Boringhieri.

Agamben, G. 2005. *La potenza del pensiero. Saggi e conferenze*. Vicenza: Neri Pozza. Si è citato:

pp. 7-23, *La cosa stessa*, conferenza tenuta a Forlì il 26 ottobre 1984, originariamente pubblicata in Aa.Vv., *Di-segno. La giustizia nel discorso*, Milano: Jaca Book 1984;

pp. 24-35, *L'idea del linguaggio*, originariamente in «Aut Aut», 201 (1984);

pp. 36-56, *La trasparenza del linguaggio*, in «Alfabeta», 38-39 (luglio-agosto 1982), pp. 2-4, qui in una versione più estesa con titolo *Lingua e storia. Categorie linguistiche e categorie storiche nel pensiero di Benjamin*;

pp. 57-75, *Filosofia e linguistica. Jean-Claude Milner: Introduction à une science du langage*, pubblicata in francese in *Annuaire philosophique*. Paris : Seuil 1990;

pp. 93-108, *L'io, l'occhio, la voce*, in origine introduzione a P. Valéry, *Monsieur Teste*. Milano: Feltrinelli 1980.

Agamben, G. 2006. *Che cos'è un dispositivo?*. Roma: nottetempo.

Agamben, G. 2008a. *Il sacramento del linguaggio. Archeologia del giuramento*. Roma-Bari: Laterza.

Agamben, G. 2008b. *Signatura rerum. Sul metodo*. Torino: Bollati Boringhieri.

Agamben, G. 2009. *Il Regno e la Gloria. Per una genealogia teologica dell'economia e del governo*. Torino: Bollati Boringhieri.

Agamben, G. 2010. *La ragazza indicibile*. In G. Agamben e M. Ferrando, *La ragazza indicibile. Mito e mistero di Kore*. Milano: Electa, pp. 7-32.

Agamben, G. 2013. *Idea della prosa*. Macerata: Quodlibet.

Agamben, G. 2014a. *L'uso dei corpi*. Vicenza: Neri Pozza.

Agamben, G. 2014b. *Opus Alchymicum*. In Id., *Il fuoco e il racconto*. Roma: nottetempo, pp. 113-142.

Agamben, G. 2016. *Che cos'è la filosofia*. Macerata: Quodlibet.

Agamben, G. 2017. *Che cosa resta?*, disponibile sul sito dell'editore Quodlibet.

Agamben, G. 2018. *Per un'ontologia e una politica del gesto*. In «Giardino di studi filosofici», consultabile nel sito dell'editore Quodlibet.

Agamben, G. 2019. *Porta e soglia*. In L. Dell'Aia e J. D'Alonzo, *Lo scrigno delle segnature. Lingua e poesia in Giorgio Agamben*. Amsterdam: Istituto Italiano di Cultura, pp. 3-8.

Agamben, G. 2020. *Intelletto d'amore*. In Id. e J.B. Brenet, *Intelletto d'amore*. Macerata: Quodlibet.

Attell, K. 2019. *«La voce umana». Agamben e Derrida* (traduzione della rielaborazione del secondo capitolo di Id., *Giorgio Agamben. Beyond the Threshold of Deconstruction*, 2015). In *Giorgio Agamben. Ontologia e politica*, a cura di D. Bonacci. Macerata: Quodlibet, pp. 57-81.

Avelino, N. 2018. *Foucault, il sapere politico e l'agire anarchico*. In *Contro-parola. Foucault e la parrēsia*, a cura di V. Segreto. Milano-Udine: Mimesis, pp. 207-232.

Barthes, R. 1988. *La morte dell'autore*. Traduzione a cura di B. Bellotto, in *Il brusio della lingua. Saggi critici IV*. Torino: Einaudi, pp. 51-56.

Bazzicalupo, L. 2018. *Erosione e rilancio della parrēsia: estetica della politica e differenziazione etica*. In *Contro-parola. Foucault e la parrēsia*, a cura di V. Segreto. Milano-Udine: Mimesis, pp. 21-37.

Benveniste, É. 1966. *Problèmes de linguistique générale*, vol. I. Paris: Gallimard.

Benveniste, É. 1974. *Problèmes de linguistique générale*, vol. II. Paris: Gallimard.

Berruto, G. 1995. *Fondamenti di sociolinguistica*. Roma-Bari: Laterza.

Breton, A. 1973. *Anthologie de l'humour noir*. Paris: Le Livre de poche.

Catucci, S. 2007. *La cura di scrivere*. In *Dopo Foucault. Genealogie del postmoderno*, a cura di E. De Conciliis. Milano: Mimesis, pp. 231-243.

Cavallari, C. 2016. *Archeologia, genealogia, attitudine. La politica della verità di Michel Foucault*. In *Politiche della filosofia. Istituzioni, soggetti, discorsi, pratiche*, a cura di P. Cesaroni e S. Chignola. Roma: DeriveApprodi, pp. 201-221.

Cesaroni, P. 2013. *Verità e vita. La filosofia in Il coraggio della verità*. In *La forza del vero. Un seminario sui Corsi di Michel Foucault al Collège de France (1981-1984)*, a cura di Id. e S. Chignola. Verona: ombre corte, pp. 132-160.

Clemens, J. 2008. *The Role of the Shifter and the Problem of Reference in Giorgio Agamben*. In *The Work Giorgio Agamben. Law, Literature, Life*, a cura di J. Clemens, N. Heron, A. Murray. Edinburgh: Edinburgh University Press, pp. 43-65.

Crosato, C. In via di pubblicazione. *Telling the Truth, or Not. Notes about the Concept of Ethics in Foucault and Agamben*. In «Journal of Italian Philosophy».

D'Alonzo, J. 2015. *Filosofia del linguaggio e critica alla linguistica nei primi scritti di Giorgio Agamben*. In «Rivista italiana di Filosofia del linguaggio», 1, pp. 46-58.

D'Alonzo, J. 2018. *Agamben lettore di Benveniste, tra linguistica e filosofia*. In «Italianistische Zeitschrift für Kulturwissenschaft und Gegenwartsliteratur», 3, pp. 137-156.

De Cristofaro, E. 2008. *Il senso storico della verità. Un percorso attraverso Foucault*. Genova: il melangolo.

De Mauro, T. 1963. *Storia linguistica dell'Italia unita*. Bari: Laterza.

Dean, M. e Zamora, D. 2019. *Le dernier homme et la fin de la révolution. Foucault après Mai 68*. Montréal: Lux.

Deleuze, G. 1970. *Schizologie*. In L. Wolfson, *Le schizo et les langues*. Paris: Gallimard.

Deleuze, G. 2002. *Raymond Roussel et l'horreur du vide* (1963). In Id., *L'Île déserte. Textes et entretiens 1953-1974*. Paris: Les Éditions de Minuit, pp. 102-104.

Dell'Aia, L. 2019. *La poesia e il memorabile*. In Id. e J. D'Alonzo, *Lo scrigno delle segnature. Lingua e poesia in Giorgio Agamben*. Amsterdam: Istituto Italiano di Cultura, pp. 11-22.

Derrida, J. 1990. *Cogito e storia della follia*. Traduzione a cura di G. Pozzi, in Id., *La scrittura e la differenza*. Torino: Einaudi, pp. 39-79.

Descartes, R. 2007. *Meditazioni metafisiche*. Traduzione a cura di L. Urbani Ulivi. Milano: Bompiani.

Dews, P. 1989. *The Return of the Subject in the Late Foucault*. In «Radical Philosophy», 51, pp. 37-41.

Domenicali, F. 2018. *Biopolitica e libertà. Dieci capitoli su Foucault*. Napoli-Salerno: Orthotes.

Eribon, D. 1990. *Michel Foucault*. Paris: Flammarion.

Ferrando, S. 2012. *Michel Foucault, la politica presa a rovescio. La pratica antica della verità, nei corsi al Collège de France.* Milano: Franco Angeli.

Flynn, Th.R. 1985. *Truth and Subjectivation in the Late Foucault.* In «The Journal of Philosophy», 82.10, pp. 532-540.

Foucault, M. 1973. *Moi Pierre Rivière, ayant égorgé ma mère, ma sœur et mon frère….* Paris: Éditions Gallimard.

Foucault, M. 1978. *Raymond Roussel.* Traduzione a cura di E. Brizio. Bologna: Cappelli.

Foucault, M. 1983. *Introduction.* In G. Deleuze, F. Guattari, *Anti-Oedipus. Capitalism and Schizophrenia.* Minneapolis: University of Minnesota Press, pp. XI-XIV.

Foucault, M. 1997. *L'archeologia del sapere. Una metodologia per la storia della cultura.* Traduzione a cura di G. Bigliolo. Milano: Rizzoli.

Foucault, M. 2001a. *Dits et Écrits. Vol. 1,* Paris: Gallimard; da cui si è citato:

pp. 93-147, *Introduction,* originariamente in L. Binswanger, *Le Rêve et l'Existence* (1954), Paris: Desclée de Brouwer, pp. 9-128;

pp. 261-278, *Préface à la trasgression,* originariamente in «Critique», 195-195: Hommage à G. Bataille (1963), pp. 751-769;

pp. 278-289, *Le langage à l'infini,* originariamente in «Tel quel», 15 (1963), pp. 44-53;

pp. 440-448, *La folie, l'absence d'œuvre,* originariamente in «La Table ronde», 196: Situation de le psychiatrie (1964), pp. 11-21;

pp. 449-452, *Pourquoi réédite-t-on l'œuvre de Raymond Roussel?,* originariamente in «Le Monde», 6097 (22 agosto 1964), p. 9;

pp. 546-567, *La pensée du dehors,* originariamente in «Critique», 229 (giugno 1966), pp. 523-546;

pp. 760-780, *Introduction,* originariamente in A. Arnauld e C. Lancelot, *Grammaire générale et raisonnée* (1969), Paris: Republications Paulet, pp. III-XXVII;

pp. 817-849, *Qu'est-ce qu'un auteur?,* originariamente in «Bullettin de la Société française de philosophie», 63.3 (1969), pp. 73-104;

pp. 881-893, *Sept propos sur le Septième ange,* originariamente in J.P. Brisset, *La Grammaire logique* (1970), Paris: Tchou, pp. 9-57;

pp. 1149-1163, *Michel Foucaul Derrida e no kaino,* intervista originariamente in «Paideia», 11 (1 febbraio 1972), pp. 131-147.

Foucault, M. 2001b. *Dits et Écrits. Vol. 2,* Paris: Gallimard; da cui si è citato:

pp. 237-253, *La vie des hommes infâmes,* originariamente in «Les Cahiers du chemin», 29 (15 gennaio 1977), pp. 12-29;

pp. 1202-1230, *À propos de la généalogie de l'éthique: un aperçu du travail en cours,* originariamente in H. Dreyfus e P. Rabinow, *Michel Foucault: Beyond Structuralism and Hermeneutics,* 1983[2], pp. 229-252;

pp. 1381-1397, *Qu'est-ce que les Lumières?,* originariamente pubblicato in inglese, con il titolo *What is Enlightenment?,* in *The Foucault Reader* (1984), a cura di P. Rabinow, New York: Pantheon Books, pp. 32-50;

pp. 1410-1417, *Polémique, politique et problématisations*, originariamente pubblicato in inglese, con il titolo *Polemics, Politics and Problematizations*, in *The Foucault Reader* (1984), a cura di P. Rabinow, New York: Pantheon Books, pp. 381-390;

pp. 1418-1427, *Archéologie d'une passion*, intervista originariamente pubblicata in inglese nel volume *Raymon Roussel. Death and the Labyrinth* (1984), New York: Doubleday, pp. 169-186;

pp. 1527-1548, *L'éthique du souci de soi comme pratique de la liberté*, intervista originariamente pubblicata in «Concordia. Revista internacional de filosofia», 6, luglio-dicembre 1984, pp. 99-116.

Foucault, M. 2003. *L'ermeneutica del soggetto. Corso alla Collège de France (1981-1982)*. Traduzione a cura di M. Bertani. Milano: Feltrinelli.

Foucault, M. 2004a. *L'ordine del discorso e altri interventi*. Traduzione a cura di A. Fontana, M. Bertani e V. Zini. Torino: Einaudi.

Foucault, M. 2004b. *L'uso dei piaceri. Storia della sessualità 2*. Traduzione a cura di L. Guarino. Milano: Feltrinelli.

Foucault, M. 2011. *Le beau danger*. Paris: Éditions de l'École des hautes études en sciences sociales.

Foucault, M. 2014. *Del governo dei viventi. Corso al Collège de France (1979-1980)*. Traduzione a cura di D. Borca e P.A. Rovatti. Milano: Feltrinelli.

Foucault, M. 2015a. *Il governo di sé e degli altri. Corso al Collège de France (1982-1983)*. Traduzione a cura di M. Galzigna. Milano: Feltrinelli.

Foucault, M. 2015b. *Que'est-ce que la critique?*. In Id., *Qu'est-ce que la critique? Suivi de La culture de soi*. Paris: Vrin, pp. 33-80.

Foucault, M. 2016. *Il coraggio della verità. Il governo di sé e degli altri II. Corso al Collège de France (1984)*. Traduzione a cura di M. Galzigna con P.P. Ascari, L. Paltrinieri, E. Valtellina. Milano: Feltrinelli.


Galzigna, M. 2008. *Introduzione*. In *Foucault, oggi*, a cura di M. Galzigna. Milano: Feltrinelli, pp. 7-26.

Gobber ,G. 2006. *Capitoli di linguistica generale*, Milano: I.S.U. Università Cattolica.


Hadot, P. 1989. *Réflextions sur la notion de culture de soi*. In Aa.Vv., *Michel Foucault philosophe*. Paris: Seuil, pp. 261-270.

Heller-Roazen, D. 2005. *Echolalias: On the Forgetting of Language*. New York: Zone Books.

Heller-Roazen, D. 2019. *Leggere ciò che non è mai stato scritto* (traduzione dell'introduzione scritta per la raccolta *Potentialities*). In *Giorgio Agamben. Ontologia e politica*, a cura di D. Bonacci. Macerata: Quodlibet, pp. 25-55.

Heron, N. 2011. v. «Subject». In A. Murray e J. Whyte, *The Agamben Dictionary*. Edinburgh: Edinburgh University Press, pp. 187-189.

Husserl, E. 2009. *Meditazioni cartesiane*. Traduzione a cura di F. Costa. Torino: Bompiani.

Leclercq, J. 2007. *Morte dell'uomo ed emergenza del sé: rileggere Michel Foucault.* Traduzione a cura di A. Cutro. In *Dopo Foucault. Genealogie del postmoderno*, a cura di E. De Conciliis. Milano: Mimesis, pp. 263-280.

Lorenzini, D. 2015. *Performative, Passionate, and Parrhesiastic Utterance: On Cavell, Foucault, and Truth as an Ethical Force.* In «Critical Inquiry», 41.2, pp. 254-268.

Luce, S. 2009. *Fuori di sé. Poteri e soggettivazioni in Michel Foucault.* Milano-Udine: Mimesis.

Luce, S. 2015. *La doublure di Foucault. Il pensiero del "fuori" e le pratiche del vero.* In «Materiali foucaultiani», 4.7-8, pp. 123-136.

Marzocca, O. 2016. *Foucault ingovernabile. Dal bíos all'ethos.* Milano: Meltemi.

McLoughlin, D. 2013. *From Voice to Infancy. Giorgio Agamben on the Existence of Language.* In «Angelaki», 18.4, pp. 149-164.

Pasolini, P.P. 1995. *Empirismo eretico.* Milano: Garzanti.

Perego, V. 2018. *Foucault e Derrida. Tra fenomenologia e trascendentale.* Napoli-Salerno: Orthotes.

Prozorov, S. 2014. *Agamben and Politics. A Critical Introduction.* Edinburgh: Edinburgh University Press.

Redaelli, E. 2011. *L'incanto del dispositivo. Foucault dalla microfisica alla semiotica del potere.* Pisa: ETS.

Revel, J. 1996. *Foucault, le parole e i poteri. Dalla trasgressione letteraria alla resistenza politica.* Roma: manifestolibri.

Revel, J. 1997. *Il limite di un pensiero del limite.* In «Aperture», 2, pp. 36-44.

Revel, J. 2003. *Michel Foucault, un'ontologia dell'attualità.* Soveria Mannelli: Rubbettino.

Righetti, S. 2011. *Letture su Michel Foucault. Forme della "verità": follia, linguaggio, potere, cura di sé.* Napoli: Liguori.

Roussel, R. 1935. *Comment j'ai écrit certains de mes livres.* Paris: Alphonse Lemerre.

Rovatti, P.A. 1986. *Il luogo del soggetto.* In *Effetto Foucault*, a cura di P.A. Rovatti. Milano: Feltrinelli, pp. 71-76.

Rovatti, P.A. 2008. *Il soggetto che non c'è.* In *Foucault, oggi*, a cura di M. Galzigna. Milano: Feltrinelli, pp. 216-225.

Sabot, P. 2019. *Le langage au pouvoir. Foucault, lecteur de Brisset.* In «Phantasia», 8, pp. 5-12.

Salzani, C. 2015. *Il linguaggio è sovrano: Agamben e la politica del linguaggio.* In «Rivista italiana di filosofia del linguaggio», 1, pp. 268-280.

Salzani, C. 2019. *L'umano come segnatura.* In *Lo scrigno delle segnature. Lingua e poesia in Giorgio Agamben*, a cura di L. Dell'Aia e J. D'Alonzo. Amsterdam: Istituto Italiano di Cultura, pp. 37-51.

Saussure, F. de 1976. *Cours de linguistique générale*. Paris: Payot.

Sforzini, A. 2019. *La vérité aux limites du discours: la «performance» politique des cyniques*. In «Phantasia», 8, pp. 31-37.

Spina, S. 2019. *Per un'etica e una politica destituenti. La questione del gesto nel pensiero di Giorgio Agamben*. In «Lessico di Etica Pubblica», 10.1, pp. 111-122.

Trombadori, D. 2005. *Colloqui con Foucault. Pensieri, opere, omissioni dell'ultimo maître-à-penser*, Roma: Castelvecchi.

Veyne, P. 2010. *Foucault. Il pensiero e l'uomo*. Traduzione a cura di L. Xella. Milano: Garzanti.

Zartaloudis, T. 2010. *Giorgio Agamben. Power, Law and the Uses of Criticism*. New York: Routledge.

# SACRIFICE AND DESUBJECTIVATION. THE REVOLUTIONARY SUBJECT IN BATAILLE AND THE VERY EARLY AGAMBEN

**DANIEL MCLOUGHLIN**
*Faculty of Law*
*University of New South Wales*
daniel.mcloughlin@unsw.edu.au

**ABSTRACT**
Desubjectivation is central to Agamben's political thought. In the Homo Sacer project, Agamben identifies two different forms of desubjectivation: the first is the stripping of identity by the state; the second is an experience of letting go of the self which, he argues, provides resources for resisting contemporary biopolitics. In Homo Sacer, Agamben is also profoundly critical of Georges Bataille's thought for reproducing the logic of the sovereign ban, which is the most extreme mechanism that the state uses to deprive people of their identity. In this essay, however, I argue that Agamben's first account of the emancipatory potentials of desubjectivation, his 1970 essay On the Limits of Violence, echoes themes that are central to Bataille's thought. Agamben argues that violence can only break with the history of domination through a non-instrumental action that involves the negation of both self and other, and he formulates this idea by drawing on the example of sacrifice, Marx and Engels' analysis of proletarian revolution, and the existential problem of mortality and the limits of language. I show that while Agamben's analysis of self-negating violence draws on a range of sources, including Hannah Arendt and Walter Benjamin, the key claims of the essay reflect the account of desubjectivation that Bataille develops through his reflections on sacrifice, subjectivity, and the social.

**KEYWORDS**
Agamben, Bataille, revolution, sacrifice, desubjectivation

Agamben is perhaps best known for his analysis of the relationship between sovereignty and biopolitics. In a 2004 Interview with Agamben, Vacarme asks him about the "flip side" of this analysis—the "minor biopolitics" of movements, such as those of undocumented immigrants, the unemployed, or those with AIDS, who "already practice a politics with an awareness—and an experience—of the state of exception" (Vacarme 2004: 115). In response, Agamben gives an account of contemporary politics as a dialectic between processes of subjectivation and desubjectivation. The modern State is, he argues, an apparatus that strips people of their

traditional identities and forms of belonging. This is a reference not only to the sovereign exception, which suspends the legal recognition of individuals and populations, but to spectacular capitalism, which undermines tradition and strips people of their identities through the commodification of culture (Agamben 1993: 63-64, 83; Agamben 2000: 85). However, Agamben also points out that the regulation of subjectivity and identity is central to the functioning of modern power, as indicated by the work of Michel Foucault. As such, alongside the destruction of tradition and community, there is a process of resubjectivation that is managed by the State, through which people take on an identity that allows them to be governed.

According to Agamben, the development of biopolitics complicates the problem of identifying a "revolutionary subject", which many people continue to think "in terms of class, of the proletariat" (Vacarme 2004: 116). While "these are not obsolete problems", the categories of class and subjectivity have become an essential part of the mechanisms of government, and the risk of using them is that one "reidentify oneself, that one invest this situation with a new identity, that one produce a new subject, if you like, but one subjected to the State" (Vacarme 2004: 116). Agamben's response to this dilemma is to argue that the potential for resisting contemporary biopolitics does not lie in constituting a new revolutionary identity, but rather, in practicing a form of desubjectivation that is distinct from the one produced by the State: "Desubjectivation does not only have a dark side. It is not simply the destruction of all subjectivity. There is also this other pole, more fecund and poetic, where the subject is only the subject of its own desubjectivation" (Vacarme 2004: 124). And, according to Agamben, one finds just a moment of poetic desubjectivation in Foucault's late work on government, which not only analyses the care of the self, but also "states the apparently opposite theme: the self must be let go of...'the art of living is to destroy identity'" (Vacarme 2004: 117).

Agamben provides his clearest and most fully developed account of the 'poetic' experience of political desubjectivation in the final two volumes of the *Homo Sacer* project, *The Highest Poverty* and *The Use of Bodies*[1]. According to Agamben, the human is a being defined by inoperativity or impotentiality, that is, our capacity to suspend our ways of being and acting (Agamben 1999b: 182-183)—and, in these works, he develops an account of the 'coming politics' as a praxis in which a "work is deactivated and rendered inoperative, and in this way, restored to possibility, opened to a new possible use" (Agamben 2015: 247). The account of the politics of inoperativity that Agamben develops in the concluding volumes of the *Homo Sacer* project has, however, been ably discussed by others in the context of this special edition, and elsewhere (DeCaroli 2016; Bignall 2016; Vatter 2016; Bernstein 2017; Prozorov 2017; van der-Heiden 2020). While much remains to be said about these works, the present essay does not focus on Agamben's most recent account

---

[1] Part One of *The Use of Bodies* concludes with an extended analysis of Foucault's late work on the subject (Agamben 2015: 95-108).

of the emancipatory potentials of desubjectivation, but upon the earliest—and my argument is that this is to be found in an engagement with a seemingly unlikely source, namely, the thought of Georges Bataille.

In an interview from 1980, Michel Foucault states that Bataille's work provided his own generation of thinkers with important conceptual resources with which to challenge the phenomenology that was dominant at the time. Where phenomenology cast the subject as a transcendental foundation for the meaning of everyday experience, Bataille pursued limit experiences that had "the function of wrenching the subject from itself, of seeing that the subject is no longer itself, or that it is brought to its annihilation or its dissolution" (Foucault 1994: 241). Foucault argues that this practice of desubjectivation was an attempt to open out new possibilities for living, and he conceptualises his own philosophical practice in these Bataillean terms: "However boring, however erudite my books may be, I've always conceived of them as direct experiences aimed at pulling myself free of myself, at preventing me from being the same" (Foucault 1994: 242). He also claims that while the turn to Bataille (and, along with him, Nietzsche and Blanchot) was a break with Marxist orthodoxy, it was a "path toward what we expected from communism" (Foucault 1994: 249). This is because the young generation of philosophers, who confronted a society that had permitted Nazism, and a global politics structured by American Capitalism and Stalinist Communism, "wanted a world and a society that were not only different but that would be an alternative version of ourselves; we wanted to be completely other in a completely different world" (Foucault 1994: 247-8).

While Agamben obviously owes a great deal to Foucault, he is not known for being influenced by Bataille. Indeed, whenever Bataille's name appears in Agamben's work, it is as a target of criticism—and the most strident of these is the claim that Bataille's thought is "useless to us" because it offers only a "real or farcical repetition" of the relationship between sovereignty and bare life that founds political power (Agamben 2000: 7; see also Agamben 1989a: 54; Agamben 1998: 112-123; Agamben 2004: 7-8). Commentators on the relationship between the two thinkers have understandably tended to emphasise these attacks (Stronge 2017: 1; Hirsche 2014; Biles 2011). However, in her entry on Bataille in *Agamben's Philosophical Lineage*, Nadine Hartmann argues that the "persistent downplaying" of Bataille's thought "in Agamben's mature project is itself symptomatic" (Hartmann 2017: 109), and suggests that Agamben might be more indebted to Bataille than his frequent criticisms seem to suggest. In this essay, I develop Hartman's suggestion that Agamben's relationship to Bataille is more complicated than it initially appears to be. However, instead of examining those texts in which Agamben mentions Bataille, as does Hartmann, I turn to a very early text in which his name does not appear, but which, I argue, is important for understanding the development of Agamben's thought, his critique of Bataille, and his later account of the politics of desubjectivation.

David Kishik tells us that a young Giorgio Agamben travelled to Paris in May of '68 "to take part in the final chain of events that turned the city on its head during that restless spring" (Kishik 2012: 1)[2]. However, Agamben has also said that he was "not completely at ease with 1968" due to the fact that he was reading the work of Hannah Arendt, who his "friends on the left considered a reactionary author, of which you absolutely could not talk" (Sofri 1985)[3]. The following year, Agamben penned an essay entitled *On the Limits of Violence*, which draws heavily on Arendt and Walter Benjamin to argue that revolutionary politics has been undermined by an instrumental theory of violence that is tied to a teleological understanding of history. In response, Agamben attempts to theorise a non-instrumental form of action that would, as such, have the capacity to call a "messianic halt" to history and "open a new chronology and a new experience of temporality" (Agamben 2009: 109). This is, he argues, what is at stake in both the ancient practice of sacrifice, Marx and Engels account of proletarian revolution, and the existential confrontation with death—and, drawing on these examples, he argues that a truly revolutionary violence "negates the self as it negates the other; it awakens a consciousness of the death of the self, even as it visits death on the other" (Agamben 2009: 108). Agamben's account of this revolutionary form of violence is brief and enigmatic, and he does not provide citations for many of the ideas that underpin it. Nonetheless, one can detect echoes of some of Agamben's early influences in the argument, including Benjamin, Heidegger, and Arendt, who I will draw upon to help illuminate his analysis. However, the key claim of Agamben's essay is that the revolutionary suspension of history can only occur through a process of self-negation, an argument that he develops by drawing on the example of sacrifice. In this essay, I am going to show that there are some remarkable similarities between Agamben's account of self-negating violence and Georges Bataille's thinking on sacrifice, sovereignty, and subjectivity[4].

---

[2] Kishik does not, however, specify the sense in which he 'took part' in these events.

[3] Agamben does not elaborate on the particular reason for his friends' hostility to Arendt. She had, however, published a number of books critical of the continental revolutionary tradition and of Marxism in particular by the time Agamben travelled to Paris. *The Origins of Totalitarianism* (1951) equated the Soviet Union with Nazi Germany and helped to popularise a term which went on to play a major ideological role in the Cold War. *The Human Condition* (1958) expresses the utmost admiration for Marx, before going on to critique his definition of the human as a labouring being. *On Revolution* (1963) is very critical of the French Revolution, which it compares very unfavourably with the American revolutionary experience.

[4] There are also some remarkable similarities between Agamben's analysis of revolutionary violence and some of the central theses of Furio Jesi's *Spartakus: Symbology of a Revolt*. Jesi and Agamben were both young scholars living in Rome in the late 1960s and Agamben has since drawn upon and written about his work (Agamben 2004: 26, 89; Agamben 1996). Like *On the Limits of Violence*, *Spartakus* was written in 1969, and it draws on the example of sacrifice to theorise revolt as an experience that suspends historical time (2014: 46). Jesi develops this argument, in part, by drawing on the work of Mircea Eliade, whose *Cosmos and History* argues that sacrifice regenerated time through a return to origin, which is the same account of sacrifice that we find in Agamben's essay (1954: 35-6). Citing Eliade, Jesi also argues, like Agamben, that these sacrificial rituals involved the destruction of

This suggests that Agamben first articulates his account of the emancipatory potentials of political desubjectivation through an engagement with the very thinker whose work he later declares to be 'useless'.

## 1. BATAILLE ON SACRIFICE AND SELF-NEGATION

The "'enigma of sacrifice' was a lifelong obsession" for Bataille (Biles 2011: 129). Throughout his work, Bataille opposed the practice of sacrifice to the productivism and instrumental rationality that dominates the modern world. However, the theoretical details of this analysis shift over time depending upon the circumstances to which Bataille was responding and the theoretical resources upon which he drew. A great deal could thus be said about the role that sacrifice plays in Bataille's thought, and we do not have space here for an extensive treatment of the issue. In what follows, I am simply going to highlight two different aspects of Bataille's thinking on sacrifice that are particularly relevant to Agamben's account of revolutionary desubjectivation: first, I illustrate the relationship between sacrifice and revolutionary politics that Bataille articulates in his 1933 essay *The Notion of Expenditure*; second, I examine the relationship between sacrifice and subjectivity in Bataille's thought by turning to his 1953 magnum opus, *The Accursed Share,* and the posthumously published *Theory of Religion.*

*The Notion of Expenditure* argues that utility is the supreme value of the modern world, which esteems individual activity only where it contributes to the production and conservation of material goods. However, drawing on Marcel Mauss' research amongst the Northwestern American Indians, Bataille argues that the earliest forms of economic exchange did not take the rational and utilitarian form of a barter, as classical economics presumed, but rather, involved a practice of giftgiving that squandered wealth (Bataille 1985: 121). Generalising Mauss' insight, Bataille points out that humanity has long engaged in a wide variety of activities that involve expenditure going beyond the need to preserve life and reproduce labour power: the wearing of jewellery; artistic production; competitive games; cultic practices that require "a bloody wasting of men and animals in sacrifice" (Bataille 1985: 119) and "luxury, mourning, war, cults, the construction of sumptuary monuments, games, spectacles, arts, perverse sexual activity (i.e. deflected from genital finality)" (Bataille 1985: 118). According to Bataille, these forms of unproductive expenditure, which he argues had no end beyond themselves, played a central role in the social and

---

the subject through the confrontation with death (Jesi 2014: 157). However, I focus on Agamben's relationship to Bataille, rather than Jesi, for two reasons. First, Bataille's work is the earliest articulation, and hence the likely conceptual source, of the relationship between sacrifice, death and desubjectivation, which then appears in the work of both younger theorists. Second, establishing a connection between Bataille's concerns and the account of revolutionary desubjectivation that Agamben develops in this early essay casts a different light on his later critique of Bataille.

economic organisation of the pre-modern world. The capitalist economy, by contrast, is predicated upon acquisition, accumulation, and rational calculation, and so, in modernity, "everything that was generous, orgiastic, and excessive has disappeared" (Bataille 1985: 124). While the bourgeoisie still consume, they refuse the obligation to engage in social expenditure, and instead display their wealth behind closed doors: as a result, "the people's consciousness is reduced to maintaining profoundly the principle of expenditure by representing bourgeois existence as the shame of man and as a sinister cancellation" (Bataille 1985: 125).

Bataille not only draws on Mauss' anthropology of the gift economy to critique contemporary society, but to identify forms of resistance to it. In the early 1930s, Bataille joined the ultra-left Democratic Communist Circle (CCD), and in 1934 he participated in a massive general strike that gave rise to the Popular Front between the Communist and Socialist Parties. *The Notion of Expenditure* appeared in the CCD journal, *Critique Sociale*, and in it, Bataille identifies class struggle as the "grandest form" of unproductive social expenditure, arguing that workers have developed the principle "on such a scale that it threatens the very existence of the Masters" (Bataille 1985: 126). However, the vision of revolutionary praxis that Bataille develops by drawing analogies with "festivals, spectacles, and games" is an idiosyncratic one that does not emphasise the role of the party, or the democratic practice of workers councils, but rather, the intoxicating experience of revolt—and this is due, in part, to the fact that he reads the Marxian concern with class struggle through the lens of Durkheim's sociology. In *The Elementary Forms of Religious Life*, Durkheim argues that religious rituals are able to bind a community around a common set of religious symbols due to the capacity of a collective assembly to generate strong emotions: "Once the individuals are gathered together, a sort of electricity is generated by their closeness and launches them to an extraordinary height of exaltation" (Durkheim 1995: 217). Bataille drew his analysis of the sacred from the French School of Sociology via the work of Mauss and, as Michel Richman notes, he shared its belief that "the social whole is greater than the sum of its parts, the collectivity induces transformations within its participants, and that such transformation is accessible and sustainable only within a *mouvement d'ensemble*" (Richman 2002: 5). However, the political ends to which Bataille set his analysis of the sacred differed substantially from his sociological sources. Durkheim was primarily concerned with the capacity of collective assemblies to generate social cohesion: they are, he argues, "the act by which society makes itself, and remakes itself, periodically" (Durkheim 1995: 425). Bataille, by contrast, was interested in the ways that the emotions produced by collective assemblies could be mobilised to subvert a modern society to which he was fundamentally opposed (Richman 2002: 14). Thus, in *The Notion of Expenditure*, he argues that the only way for the poor to reclaim social power is through "the revolutionary destruction of the ruling class in other words, through a bloodied and in no way limited social expenditure" (Bataille

1985: 121). Similarly, in *The Popular Front in the Streets*, Bataille criticises the bureaucratic processes of parties, and argues that the masses are driven to insurrection by "the contagious emotion that, from house to house, from suburb to suburb, suddenly turns a hesitating man into a frenzied being" (Bataille 1985: 162).

As we will see in the next section of this essay, Agamben's account of revolutionary praxis in *On the Limits of Violence* echoes this phase of Bataille work insofar as it highlights the parallels between class struggle, revolt, and sacrificial violence. However, the way Agamben analyses sacrifice and revolution also contains echoes of Bataille's later work, which casts sacrifice as an example of the experience of desubjectivation that occurs at the limits of language and knowledge. While Bataille's association with the CCD was decisive for works such as *The Notion of Expenditure*, his alliance with the organised left was to prove short-lived. By the mid-1930s, Bataille had become disillusioned with the capacity of the left to resist the rising tide of fascism, in part, because he believed that the rationalism of socialist thought limited its ability to harness the libidinal energies that fascism was tapping into at the time (Galetti 2018: 24; Surya 2002: 220-221). Bataille's critique of the left played an important role in his founding the infamous secret society *Acéphale* in 1936, along with the journal of the same name, which developed a "ferociously religious" (Bataille 2018: 124) thought heavily indebted to Sade and the Nietzschean themes of the death of God, tragedy, and the Dionysian[5]. One year later, he established *The College of Sociology* with his friend Roger Caillois, which hosted a series of lectures analysing "all manifestations of social existence in which the active presence of the sacred is clear" (Hollier 1998: 5). At the beginning of the War, however, Bataille abandoned these projects, retreated to the countryside, and his work began to emphasise "inner experience" and the question of subjectivity. By the time of his major post-War works, then, Bataille's analysis of sacrifice had undergone a transformation, and he had come to theorise social institutions of useless expenditure as an experience of the "sovereign freedom" that inheres in the subject[6].

Bataille describes sovereignty as an "aspect of existence" that is "opposed to the servile and subordinate" (Bataille 1989a: 197). Sovereignty thus means, first and foremost, the freedom from work, which is only ever performed under the compulsion of the body's need to survive, or at the will of another, and is always performed for some useful end. Because sovereignty is the antithesis of work, it is exemplified in acts of useless consumption: "The sovereign individual consumes and doesn't labour, whereas at the antipode of sovereignty the slave and the man without

---

[5] In the first volume of *Acéphale*, Bataille went as far as to criticise political action as such, because it necessarily imposed an end upon existence, and were therefore alien to the practice of useless expenditure that was so important to his thought (Bataille 2018: 123; Galetti 2018: 24).

[6] Bataille's first treatment of the relationship between sacrifice and the structure of subjectivity is *Sacrifices*, which he wrote only months after *The Notion of Expenditure* (see Bataille 1985: 130-136). However, it is only in his post-War work that Bataille works through this relationship at length, and so it is upon this phase of his thought that I draw.

means labor and reduce their consumption to the necessities" (Bataille 1989a: 198)[7]. Bataille's later work repeats his earlier argument that modernity has eliminated the institutions and practices of useless expenditure (or what he now calls sovereignty) that characterised the pre-modern world. However, he now also takes aim at Soviet communism, which he describes as a "world of denied sovereignty" (Bataille 1989a: 291). While the atheism of communism freed humankind from subordination to God, and its insistence on equality freed people from the sovereignty of the ruling class, Bataille claims that this was on condition of 'man' "having renounced for himself everything that is truly sovereign" (Bataille 1976: 352-353; quoted in Nancy 1991: 16). On his account, communism was the most extreme outcome of the development of the modern economy, as it sought to perfect production by "revolutionary means" (Bataille 1989: 93) and subordinate the "irreducible desire that man is" to "those needs that can be brought into harmony with a life entirely devoted to producing" (Bataille 1976: 352-353; quoted in Nancy 1991: 16).

While the modern world has destroyed the institutional forms that sovereignty once took, Bataille claims that the possibility of sovereign experience persists because it is a constitutive feature of subjectivity. According to Bataille, the subject is not a substance that underpins and guarantees our knowledge of the world, but a negativity that is constituted through the relation to the object. On his account, animals do not experience a distinction between themselves and their environment (Bataille 1989b: 19); and it is the use of tools that first interrupts the "immanence" in which the human animal is originally immersed. Tools are things that we create and are therefore distinct from the naturally given world and from ourselves (Bataille 1989b: 29); as such, they provide the "nascent form of the non-I" that allows us to understand ourselves as a subject opposed to a world of objects. Bataille argues that the use of tools also introduces the means-ends schema into our relationship with the world, as we always employ them to achieve a purpose (we use the hammer to drive a nail into wood, which we use to build a house, which we use to keep ourselves dry and warm, and so on). The effect of this instrumental activity deprives things of their immediate nature, as "the purpose of a plow is alien to the reality that constitutes it; and, with greater reason, the same is true of a grain of wheat or a calf" (Bataille 1989b: 41). Our work upon the world also gives rise to the temporality of duration and denies us access to the present moment, as we begin to repress our desire for immediate pleasure in favor of a satisfaction that arrives when we complete the project. According to Bataille, then, work makes us human, but at the price of alienation from immanence: we are no longer "in the world like water," as

---

[7] This account of sovereignty is indebted to Kojeve, who places the dialectic between Master and Slave at the centre of his reading of Hegel's *Phenomenology of Spirit.* Bataille attended Kojeve's lectures and his thought was deeply marked by this encounter. Agamben has frequently commented on the relationship between Bataille and Kojeve and their treatment of negativity and the end of history (see Agamben 1991: 49-53; Agamben 2004: 5-12).

is the animal (Bataille 1989b: 19); instead, we are subjects in a world of objects, which we can only know inasmuch as they are external to us, and to the extent we attribute them meaning by incorporating them into our projects.

What Bataille calls "sovereign experience" involves the dissolution of the structures of instrumentality, temporality, and knowledge, that arise from the use of tools. If work employs a means to achieve an end, sovereignty involves the "enjoyment of possibilities that utility doesn't justify" (Bataille 1989a: 198). This non-instrumental enjoyment necessarily transforms the experience of temporality: whereas the worker delays the gratification of their desires to attain the end towards which they are working, sovereignty involves the full enjoyment of the present without view to anything other than the moment. Sovereignty thus involves a miraculous interruption of the normal temporal order and the projects that structure it, and in this sovereign moment, the anticipation and futurity that mark the human experience of time dissolve into nothing. Finally, the experience of sovereignty undermines the relation to the object that makes possible knowledge of the world. Bataille writes that knowledge is always the result of "an operation useful to some end...to know is always to strive, to work; is always a servile operation, indefinitely resumed, indefinitely repeated" (Bataille 1989a: 202). The intense consciousness of the moment that occurs in the sovereign experience dissolves one's rational understanding of the world as a collection of objects that can be known, and instead generates a relation of un-knowing that neutralises "every operation of knowledge within ourselves" (Bataille 1989a: 203). For Bataille, then, the subject is only constituted through its relation to the object, and is thus the non-non-I. The nothingness of this subject is revealed as such in sovereign experiences of useless consumption that dissolve the relation to the object that constitutes the subject and thereby demonstrate that "at bottom, I am this subjective and contentless existence" (Bataille 1989a: 378).

Bataille locates this kind of anti-utilitarian moment in a host of subjective experiences and cultural forms, including "laughter, tears, poetry, tragedy and comedy...play, anger, intoxification, ecstasy, dance, music, combat, the funereal horror, the magic of childhood, the sacred...the divine and the diabolical, eroticism...beauty...crime, cruelty, fear, disgust" (Bataille 1989a: 230). However, he sees sacrifice as the most important of the historical institutions through which societies made it possible for individuals to undergo the dissolution of the relation between subject and object. The practice of sacrifice removes something from the profane realm and gives it over to the sacred in a ritual that usually involves the killing or consumption of the victim. From the perspective of the religious believers, this gives them access to a spiritual realm that stands over against the human world of utility. For Bataille, however, the ineffable realm that believers think is the world of spirit is, in fact, the immanent relation to the world that we lost as a result of becoming human. What is important about the act of sacrifice, on his account, is that it destroys the utility of the object: "The thing – only the thing – is what sacrifice means

to destroy in its victim" (Bataille 1989b: 43)[8]. As an act of useless consumption, sacrifice is concerned only with the present moment, and is therefore "the antithesis of production, which is accomplished with a view to the future (Bataille 1989b: 49). In returning an object of utility to the immanence from which it comes, the individual who sacrifices also asserts that they are not reducible to the profane realm things and projects, as they also belong also to the "sovereign world of Gods and myths, to the world of violent and uncalculated generosity" (Bataille 1989b: 44). Finally, Bataille argues that sacrifice has the capacity to interrupt the individual's capture by the utilitarian order by forcing those who participate into an existential confrontation with death:

> Death is the great affirmer, the wonder-struck cry of life. The real order does not so much reject the negation of life that is death as it rejects the affirmation of intimate life, whose measureless violence is a danger to the stability of things, an affirmation that is fully revealed only in death…that intimate life, which had lost the ability to fully reach me, which I regard primarily as a thing, is fully restored to my sensibility through its absence. Death reveals life in its plenitude and dissolves the real order (Bataille 1989b: 46-7).

Sacrifice thus not only played a crucial economic and social role in pre-modern societies: it also produced profound subjective effects in those who took part in the ritual. In sacrifice, "the individual identifies with the victim in the sudden movement that restores it to immanence" (Bataille 1989b: 51) and they are, as such, forced to confront the inevitability of their own destruction; as a result, the one who sacrifices escapes the structures of reason, and brushes up against the immanent world that is lost when we become human.

However, Bataille also points to the limits of historical institutions, such as sacrifice, through which sovereignty was experienced. He describes the monopolisation of sovereignty by the aristocracy as the "perversion" of the sovereign freedom that belongs to all human beings, who "possess and have never entirely lost the value that is attributed to gods and human beings" (Bataille 1989a: 197). Bataille also argues that the objective order of sovereignty tended to obscure the subjective experience of freedom, and that when this inner experience was thematised historically, it was treated as a mystical experience, rather than as a product of human subjectivity and a manifestation of its limits. Moreover, the religious framework that sacrifice provided for understanding the experience of sovereignty means that the form of subjectivity that accompanies it was consumed by anguished as a result of its being overawed by the sacred realm (Bataille 1989b: 95). While the modern world has destroyed the institutions of sovereignty, Bataille suggests that, along with the development of the "clear consciousness" of modern science, this offers the possibility

---

[8] Bataille argues that killing is not necessary – it is just the most extreme form of negation of the "real order" and therefore discloses the "deep meaning" of the practice of useless expenditure (Bataille 1989b: 47-9).

of a more conscious and egalitarian experience of the sovereign freedom that is inherent to human beings: "Sovereignty designates the movement of free and internally wrenching violence that animates the whole, dissolves the whole, and reveals the impossible in laughter, ecstasy, or tears. But the impossible thus revealed is not an equivocle position; it is the sovereign self-consciousness that, precisely, no longer turns away from itself" (Bataille 1989b: 110-111). Indeed, in Bataille's later work, it is not sacrifice that is the contemporary exemplar of sovereign experience, but the "sovereign thought" of Friedrich Nietzsche, whose transvaluation of all values refuses the servile world, and gives to humanity a "gift that nothing limits; it is the sovereign gift, the gift of subjectivity" (Bataille 1989a: 371).

Bataille's work draws upon the history of sacrifice to both critique the productivism and instrumental rationality of modernity and identify forms of praxis that might break with it. However, the way that he understands useless expenditure, and the possibility for such practices in the contemporary world, shifts over time. In his earliest analysis of the sacred, he draws on Durkheimian sociology to identify class struggle as the contemporary form of unproductive expenditure, and casts insurrection as a collective assembly that transforms and binds together its participants and which, as such, has the capacity to put an end to the reign of the bourgeoisie. By the time of his later, more theoretically developed work, Bataille has abandoned his concern with class struggle, and he casts the sacrificial confrontation with death as the exemplary historical instance of sovereign experience. For the later Bataille, then, sacrifice reveals something about the nature of subjectivity, which is a nothingness that comes to light as such through acts of useless consumption. This allows him to identify forms of resistance to the instrumentalism of modernity in a range of limit experiences in which the subject undergoes its own desubjectivation, from laughter and poetry, to the thought and life of Friedrich Nietzsche. The earlier Bataille thus draws upon the history of sacrifice to argue that the revolutionary subject emerges through the intoxicating experience of insurrecionary class struggle. For the later Bataille, we might say that it is the subject as such that is 'revolutionary,' or at least a site for breaking free from the instrumental order of things—but only insofar as that subject is understood to be a negativity that is revealed as such through experiences of desubjectivation.

## 2. ON THE LIMITS OF REVOLUTIONARY VIOLENCE

In February of 1970 a young Giorgio Agamben wrote to Hannah Arendt thanking her for the "decisive experience" her work had given him—and to this letter, he appended a copy of *On the Limits of Violence* (Agamben 2009: 111). The essay opens by drawing on Arendt's *The Human Condition* to analyse the origins of the political tradition, and to argue that this tradition is experiencing a crisis that undermines its fundamental presuppositions. It concludes by making the rather enigmatic

argument that revolutionary violence is the "unsayable that perpetually overwhelms the possibility of language and eludes all justification" (Agamben 2009: 109). Now that I have laid out some of the key aspects of Bataille's thinking on sacrifice, class struggle, and subjectivity, I am going to argue that Agamben's essay reads Arendt's account of revolutionary new beginnings through a theory of sacrificial violence that echoes themes central to Bataille's thought. In the process, Agamben articulates some of the fundamental themes that he will wrestle with over the ensuing decades, and which become central to his political thought some twenty years later.

Agamben notes that Greek thought opposed politics to violence: "To be political (to live in the *polis*) was to accept the principle that everything should be decided by the word and by persuasion, rather than by force or by violence" (Agamben 2009: 104). This political opposition was, in turn, dependent upon a distinction between corporeality, on the one hand, and truth, language and the soul on the other. The political life was predicated on the belief that "truth, in and of itself, could exert persuasive power on the human mind" (Agamben 2009: 104). The body, by contrast, was associated with violence, which "denies the liberty of its victim" and "cannot reveal inner creative spontaneity, only bare corporeality" (Agamben 2009: 105). However, Agamben argues that modernity has radically undermined the classical distinction between violence and politics. Rational persuasion is of little use against the catastrophic forms of violence invented by modern technology. Propaganda is now used to overpower the will and "reduce humans to nature" in an exercise of "linguistic violence" (Agamben 2009: 105). And, most importantly, revolutionary politics seeks to use political violence to usher in the new: as Marx puts it, "violence is the midwife of every old society which is pregnant with the new one" (Marx 1976: 916)[9].

Agamben takes Marx's belief in the creative capacities of violence as the starting point for his critique of the revolutionary tradition. While revolutionary politics has tried to use violence to put an end to exploitation and domination, it has often reproduced the very problems it sought to cure. Agamben claims that these failures are due to the "historical Darwinism" of revolutionary thought, which casts society as being subject to the "linear progression of necessary laws, similar to the laws governing the natural world" (Agamben 2009: 106). Within this schema, revolutionary violence is justified because it hastens the development of the economic laws that govern human history. Yet this vision of history establishes a "reign of mechanistic necessity that contains no space for free and conscious human action" (Agamben 2009: 106) and thereby eliminates the capacity to bring something new into the world that Marx associated with revolutionary praxis. This was to have a profoundly

---

[9] While Agamben does not cite Arendt on these matters, his analysis of propaganda reflects Arendt's concern with its corrosive effect on politics, as articulated in *The Origins of Totalitarianism* and *Lying in Politics*. As we will see later in this essay, his argument that revolutionary politics seeks to bring about the new through violence echoes a key claim of *On Revolution*.

damaging effect on the course of twentieth century politics, as it was "the model adopted by totalitarian movements" whose "self-proclaimed exclusive right to revolutionary violence fostered involutional processes within authentic revolutionary movements" (Agamben 2009: 106).

Agamben develops his response to the crisis of the Western political tradition and the failures of revolutionary politics by turning to Walter Benjamin's *Critique of Violence*. Benjamin's essay describes political history as a "dialectical rising and falling" of the law-making violence that founds a legal order and the law-preserving violence that sustains it (Benjamin 1978: 300). Both natural law and positivist legal theory assume that such violent means can be used to achieve justified ends (Benjamin 1978: 278). On Benjamin's account, however, law is not built upon the justice of the ends it sanctions, but rather, upon the need to establish order and assert power, a task that is pursued through violence. The irreducible gap between law and justice leads Benjamin to the conclusion that the historical function of the law is "pernicious" and its destruction "obligatory" (Benjamin 1978: 297), an obligation to which he responds by attempting to theorise a violence that does not have an instrumental relation to a legal end. According to Benjamin, a violence that does not found or preserve a law, but seeks to suspend or depose it, has the capacity to abolish State power and found a "new historical epoch" (Benjamin 1978: 300)—and, while he provides a number of examples such a violence that deposes the law, the most important of them is the proletarian general strike.

Benjamin's analysis of the general strike draws heavily upon Georges Sorel's *Reflections on Violence*, a work that was influenced by the ideas of Emile Proudhon and the politics of revolutionary syndicalism. According to Sorel, the proletarian general strike is a political myth in which "the revolution appears as a revolt, pure and simple" (Sorel 1999: 129) and "the passage from capitalism to socialism is conceived as a catastrophe whose development defies description" (Sorel 1999: 110). This proletarian mythology, which developed out of the strike practices of revolutionary unions (*syndicats*), tends to intensify class struggle by dividing society into the two hostile camps described in the first chapter of *The Communist Manifesto*; it radicalises the working class by casting minor and every day incidents as part of the drama of a wider social war; and it is utterly hostile to any compromise with the existing order. According to Sorel, the politics of the *syndicats* generated the possibility of a revolutionary praxis that would be qualitatively different from the bourgeois revolutions, which had used State authority to "impose a certain social order in which the minority governs" (Sorel 1999: 166). This is because the proletarian general strike seeks to smash the authority of the State, rather than trying to take it over in order to wield its power—and, in so doing, the proletariat rejects the division between ruler and ruled that the State form necessitates, in favour of self-organisation. This conception of the general strike was taken up and advocated by the 'new school' of Marxist thinkers, amongst whom Sorel included himself, who had begun

to study the syndicalist movement and discovered that they had a great deal to learn from the working class. It was anathema, however, to those socialist politicians who spoke of the self-emancipation of the working class and the withering away of the State, while acting in ways that reinforced their own power and strengthened the machinery of government. Amongst these would be representatives of the working class, then, there developed a contrary vision of a political general strike, in which the *syndicats* would be placed under the control of political committees, and the aim of insurrection was to pass power "from one group of politicians to another – the people still remaining the passive beast that bears the yoke" (Sorel 1999: 149).

Benjamin reads Sorel's analysis of the general strike through the lens of his critique of legal violence. What he calls the partial strike seeks to extract concessions from the existing state and it is, as such, a manifestation of law preserving violence. The political general strike tries to overturn the existing order by seizing the State and is thus an example of law creating violence. However, this form of strike does nothing to escape the problem of domination, as the "mass of producers" simply "change their masters" (Benjamin 1978: 291). These instrumental forms of violence thus lack the capacity to fundamentally transform the political and economic situation. In the proletarian general strike, by contrast, the proletariat withdraws *in toto* from the system of capitalist exploitation backed by State violence, and is determined "to resume only a wholly transformed work, no longer enforced by the State" (Benjamin 1978: 292). The proletarian general strike is thus an 'anarchistic' and non-instrumental form of violence that has the capacity to break with the history of domination because it does not seek material gain through the State, but rather, "sets itself the sole task of destroying state power" (Benjamin 1978: 291).

Benjamin's analysis of the deposition of the law is fundamental for Agamben's political thinking, and he returns to it repeatedly throughout his work as he attempts to theorise the 'coming politics' (Agamben 1998: 63-65; Agamben 2005a: 60-64; Agamben 2015: 269). However, in his first treatment of the *Critique*, Agamben claims that while Benjamin and Sorel pose the essential problem for revolutionary politics, the action they propose remains teleological because it is determined by the end of ousting the existing State. What Agamben is looking for, by contrast, is a violence "that contains its own principle and justification" (Agamben 2009: 107)—and to theorise such an action, he turns to the sacred violence found in the religious rituals of the ancient world. Agamben writes that sacred violence "reveals itself where humans intuit the essential proximity of life and death, violence and creation" (Agamben 2009: 108). When the community was under threat, or "the cosmos seemed empty and vacant", ancient communities would perform sacred rites that, through the "extreme act" of spilling their own blood, produced "an irruption of the sacred and an interruption of profane time" (Agamben 2009: 107). This violence gave the ancients the capacity to regenerate time and begin history anew because it resurrected the "primordial chaos" that gave birth to society, making

"humans contemporaries of the gods", and granting them "access to the original dimension of creation" (Agamben 2009: 107). Agamben then draws an analogy between sacrifice and Marx and Engels' claim that "the revolution is necessary, not only because the ruling class cannot be overthrown in any other way, but also because the class overthrowing it can only in a revolution succeed in ridding itself of all the muck of ages and become fitted to found a new society" (Marx and Engels 1974: 95). What Marx and Engels indicate, according to Agamben, is that revolutionary violence can only break with the history of domination when the revolutionary class negates itself in the process of negating the ruling class. According to Agamben, then, sacrifice and proletarian revolution are both actions that call history to a "messianic halt" through a violence that does not simply aim at the negation of the existing order but which, rather, "negates the self as it negates the other; it awakens a consciousness of the death of the self, even as it visits death on the other" (Agamben 2009: 108).

Having drawn the problem of self-negation out of Marx and Engels and the example of sacrifice, Agamben concludes his essay by arguing that revolutionary violence should be understood in relation to death, which is the ultimate form of negation. This also means that revolutionary violence should also be understood in its relation to the limits of language, which is "the power we wield against death" (Agamben 2009: 109). Language and culture cannot give us access to the originary sphere in which creation and destruction coincide because they are an attempt to 'make peace' with death (the Greeks separated the word from violence precisely because the latter can threaten death). "Only by going beyond language", Agamben writes, "by negating the self and powers of speech humanity gains access to the original sphere where the knowledge of mystery and culture breaks apart, allowing words and deeds to generate a new beginning" (Agamben 2009: 109). "Revolutionary violence alone" can cross the threshold of language, through the "stunning realisation of the indissoluble unity of life and death, creation and negation" (Agamben 2009: 109).

Agamben's analysis of revolutionary violence throws up a number of major interpretative issues. On the face of it, his embrace of the emancipatory possibilities of sacred violence seems to be rather problematic: one of the few commentators on the essay, David Kishik, is clearly troubled by this aspect of Agamben's argument, as he describes the justification of the "physical killing of a sacrificial victim" as a "hypocritical convenience", and calls the idea of the negation of the other as self-negation "dubious" (Kishik 2012: 93). The stakes of Agamben's argument are also somewhat obscure, particularly in the final sections of the essay, which theorise revolutionary violence in relation to mortality and the limits of language. As such, the essay could all too easily be criticised for retreating from concrete political analysis to metaphysical abstraction, in much the same way as Agamben's later account of the 'coming politics' (Sinnerbrink 2005: 259; Power 2010; Behrman 2013).

Agamben's account of revolutionary self-negation is difficult to unpack, however, in part because he does not provide citations for key ideas that he employs. One can, nonetheless, detect echoes of some of Agamben's influences in the argument which can help to cast light on his claims and his conceptual concerns—and the most important of these influences, I argue, are Hannah Arendt and Georges Bataille.

Arendt analyses revolutionary violence, and indeed politics as such, as an expression of the human capacity to bring about the new. Arendt writes: "Beginning, before it becomes a historical event, is the supreme capacity of man; politically, it is identical with man's freedom" (Arendt 1968: 479). This "supreme capacity" is not only key to the political experience of freedom, but the essence of politics as such: what makes "man a political being", she writes, "is his faculty for action; it enables him to get together with his peers, to act in concert...to embark on something new" (Arendt 1972: 179; see also 1958: 178). Arendt's thought also ties the faculty for beginning anew that is at stake in political action to two fundamental conditions of human existence, namely, natality and speech. According to Arendt, the capacity to act politically is predicated on the fact of birth, which is the first beginning that makes all others possible by bringing something unique into the world, namely, a human being that has the capacity to act and create the new (Arendt 1958: 9). She also argues that the political importance of speech lies not in the fact that it conveys information, but rather, that it allows us to be recognised by others as a singular being: "Speech corresponds to the fact of distinctness and is the actualisation of the human condition of plurality, that is, as a distinct and unique being amongst equals...in acting and speaking, men show who they are, reveal actively their unique personal identities and make their appearance in the human world" (Arendt 1958: 178-9).

Arendt's concern for new beginnings underpins the account of revolutionary politics that she develops in her 1963 study, *On Revolution*. In this context, Arendt argues that the French and American revolutions brought something new into the world by connecting the exercise of violence to political freedom and to historical novelty. Arendt distinguishes freedom, which involves self-government through participation in political life, from liberation, which means to be freed from restraint and oppression. While liberation from oppressive circumstances is a precondition for the exercise of political freedom, what made the French and American Revolutions unique is that they combined the desire a liberty by the broad masses of the poor with an attempt to create a new form of republican government that institutionalised freedom. The act of founding a new constitution demonstrated that the social and political order was contingent, leading to a sense that "the course of history" was beginning again and "that an entirely new story, a story never known or told before, is about to unfold" (Arendt 1963: 21). However, Arendt also argues that the revolutionary experience of freedom with respect to history was quickly undermined, in the case of the French Revolution, by an equally powerful

experience of necessity, with those taking part feeling that had been swept up in an irresistible torrent of violence that led from the bourgeois republicanism of 1789, through Jacobinism and the Terror, to Thermidor and the Napoleonic Wars. According to Arendt, this provided the model for Hegel's account of history as a dialectical process that is driven by necessity, but which leads, in the end, to a realm of freedom—an account of history that would, she argues, have a considerable influence on the revolutionary tradition, not least due to the work of Marx, who was "the greatest pupil Hegel ever had" (Arendt 1963: 47)[10].

In *On the Limits of Violence*, Agamben defends Marx against Arendt's argument that he is a thinker of historical necessity, arguing that he "constantly criticised" the Hegelian attempt to reconcile necessity and freedom (Agamben 2009: 106). Nonetheless, like Arendt, he insists that revolutionary thought and politics institutes a connection between violence and historical novelty, and that this political experience has been occluded by a teleological theory of history that understands revolutionary praxis as an expression of necessity. Agamben's debt to Arendt helps to explain the intermingling of ontological and political themes in his essay, which also attempts to rethink revolutionary violence in light of the ontological capacity of the human being to create the new, and the relationship between this faculty and language. However, Agamben also feeds these Arendtian concern through concepts that reflect his debt to Benjamin. First, he casts revolutionary violence as a messianic suspension of history, which is an obvious reference to Benjamin. Second, he describes this as an event in which creation and negation coincide, which is also an idea that is most likely drawn from Benjamin, given that it is central to Agamben's later reading of *Theses on the Philosophy of History* (1999b: 148-159). In the process, he opens out a substantial difference between his account of the human capacity to begin anew and that of Arendt, who argues that the connection between new beginnings and political action makes natality the central category of political thought, whereas for metaphysics the fundamental problem is mortality (Arendt 1958: 9). Agamben, by contrast, insists that the new comes about through the coincidence of creation and negation—and in *On the Limits of Violence*, he interprets this to mean that the messianic suspension of history occurs through a confrontation with death. The claim that mortality is the existential condition of possibility for the emergence of the new generates a further difference from Arendt who, as we have seen, argues that action also needs to be understood in relation to speech. Agamben, by contrast, asserts that beginning anew requires that we negate ourselves, and

---

[10] While Arendt does not make the point explicitly, this critique of Marx as a theorist of historical necessity, and the malign influence that this idea had on the course of revolutionary politics, echoes her earlier argument that Stalinism justified the total domination of human beings, and the absolute erasure of their freedom, on the basis of the laws of history that Marx had ostensibly discovered (Arendt 1968: 461-464).

this requires an experience of the unsayable, because language attempts to reconcile us to death.

Agamben's focus on mortality and the experience of being deprived of language both reflect the concerns of his former teacher, Martin Heidegger. Agamben attended Heidegger's seminars at Le Thor in Provence in 1966 and 1968 (Agamben 2009: 103) and has said that it was through his encounter with Heidegger's thought that philosophy first became possible for him (Agamben 1999a: ii). In *Being and Time*, Heidegger famously argues that *Dasein* is characterised by its being-towards-death (Heidegger 1962: 279-311). It is our mortality that makes it possible for *Dasein* to gather itself from its fallenness in everydayness and to grasp itself as a whole through an authentic decision (Heidegger 1962: 341-348)[11]. According to Heidegger, this decision becomes possible through an experience of the mood of anxiety, which discloses our thrownness in the world (Agamben 1962: 341-348) and, in so doing, deprives us of speech (Heidegger 1977: 101; see also Agamben 1991: 57). It is highly likely, then, that Agamben's concern with mortality and the experience of the unsayable are influenced by his recent and decisive encounter with Heidegger.

Nonetheless, I claim that the particular way Agamben's interprets these issues in *On the Limits of Violence* also suggests the influence of Bataille upon his thought. The first and most obvious connection between the two thinkers is that they each theorise the confrontation with death through the historical example of sacrificial violence. Now, there are certainly differences in the way that each thinker interprets the sacrifice, with Bataille casting it as a form of useless expenditure, and Agamben arguing that it produces a suspension of time[12]. Yet there are also a number of remarkable similarities between the two. In the first place, Agamben deploys the analysis of sacrificial violence in a way that echoes Bataille's philosophical strategy, that is, by attempting to theorise a non-instrumental form of action that can break with the bourgeois order and respond to the limits of the dominant forms of revolutionary politics. Second, both thinkers interpret sacrifice as an act that forces those who participate into an existential confrontation with their own death through the act of killing another; and both cast this experience as a loss of the self that occurs at the

---

[11] Agamben later engages in a major critical confrontation with this aspect of Heidegger's thought. In *Language and Death*, he argues that the "call of conscience" that allows *Dasein* to gather itself and decide authentically is a manifestation of the negative ground that defines metaphysics (Agamben 1991: 54-62).

[12] It is not clear where Agamben takes his analysis of sacrifice from. As noted earlier, his account of sacrifice as an interruption and regeneration of time echoes that of Mircea Eliade in *Cosmos and History*, who Furio Jesi draws upon at around the same time that Agamben writes his essay. However, these aspects of sacrifice were not unknown to Bataille and the circle around him: in a Lecture delivered at the College of Sociology in May 1939, Roger Callois, put forward a *Theory of the Festival* that highlights many of the same features of festival that Agamben highlights in *On the Limits of Violence*: the restoration of possibility through the re-enactment of primordial chaos; the coincidence of death and rebirth; and the suspension of calendar time (Hollier 1989: 281-303)

limits of language and which thereby transforms the experience of temporality. Third, Agamben formulates the experience of sacrificial self-negation by reference to the Nietzschean theme of the Dionysian, which is central to Bataille's thought: "Violence, when it becomes self-negation, belongs neither to its agent nor its victim; it becomes elation and dispossession of self – as the Greeks understood in their figure of the mad god" (Agamben 2009: 109). Indeed, *On the Limits of Violence* concludes by comparing this Dionysian experience to the Hegelian image of the absolute as a "Bacchanalian revel in which no member is not drunk" (Agamben 2009: 109)—a link that is also made in Walter Otto's *Dionysius*, which is extracted extensively in *Acéphale* Volume 3/4 (Bataille 2018: 192). As Rebecca Comay argues, while there are some similarities between Heidegger and Bataille, given their common critique of instrumental rationality, and their insistence on the groundlessness of existence, there is a profound difference between Heidegger's thinking of death in *Being and Time*, which emphasises authenticity and self-possession, and Bataille's account of sacrifice as an ecstatic experience of abandonment and the dissolution of the self (Comay 1990: 72-77). Agamben's emphasis on the loss of the self, and his invocation of the theme of Dionysian ecstasy to describe this experience, are thus particularly strong pieces of evidence that his interpretation of sacrificial self-negation is influenced by Bataille.

My claim, then, is that Agamben first formulates the idea that desubjectivation has an emancipatory potential in this early account of the revolutionary subject; that while his account of revolutionary violence draws on Arendt's concern with new beginnings and Benjamin's messianism, the key moment of this argument is his account of sacrificial violence as an existential confrontation with death; and that the way that Agamben formulates this idea suggests the influence of Bataille upon his thinking. What remains unclear, however, is exactly what Agamben means when he argues that a revolutionary new beginning requires the negation of the self through the negation of the other. What would it mean to practice such a sacrificial politics in the context of a revolutionary process? Is Agamben advocating, for example, a revolutionary terror that puts the class enemy to death? If so, his account of revolutionary violence would certainly stand in stark contrast to that of Arendt, for whom the "lost treasure" of revolutionary politics is its attempt to found new spaces for the exercise of freedom through political action (Arendt 1963: 217-285). Indeed, at much same time that Agamben wrote his critique of revolutionary violence by drawing on Arendt's work, she penned *On Violence*, which applauded the student movements for their appetite for democratic political action, while roundly criticising their rhetorical and conceptual embrace of violence (Arendt 1972: 114-123).

To unpack the political implications of Agamben's argument, it is instructive to compare his analysis of revolution and desubjectivation to that of Bataille. We have seen that Bataille uses the example of sacrificial violence in different ways in different phases of his work. At the time that he was involved in the CCD, he drew quite

direct parallels between the violence of sacrificial festivals and that of insurrectionary class struggle. In his later work, however, the violence of sacrifice becomes a way for Bataille to theorise the "movement of free and internally wrenching violence" (Bataille 1989b: 110) associated with sovereign experience, which he identifies in a range of different practices, from poetry, to drunkenness, and laughter. Agamben's account of revolutionary violence contains echoes of both these approaches to theorising sacrificial self-negation. Like the early Bataille, he explicitly links sacrifice and revolutionary praxis, emphasises class struggle and revolt through the example of the proletarian general strike, speaks of revolutionary violence involving the killing of another, and compares the unsayable experience of revolutionary violence to a Dionysian and drunken revel. However, like the later Bataille, Agamben casts sacrifice and revolutionary violence as examples of a constitutive feature of human existence, namely, the dissolution of the subject that occurs at the limits of language. If, then, we take Bataille's later work as a model for the way that Agamben is theorising revolutionary violence, and cast the experience of desubjectivation as an 'aspect of existence' that appears in a variety of experiences and social phenomena, then the negation of self and other that enables the emergence of the new could occur through means other than physical killing, but which, like this act, brings human beings up against the limits of language and subjectivity.

This is precisely what is at stake in Agamben's other major example of revolutionary desubjectivation, namely, Marx and Engels's claim that the proletariat must "rid itself of the muck of ages" in order to "found society anew" (Marx and Engels 1974: 95). The passage that Agamben cites from *The German Ideology* appears at the end of an extended analysis of the relationship between the proletariat and the possibility of a communist revolution. According to Marx and Engels, previous revolutions had seen the oppressed challenge their exploitation by the dominant class, while "the mode of activity... remained unscathed and it was only a question of a different distribution of this activity, a new distribution of labour to other persons" (Marx and Engels 1974: 94). A communist revolution, by contrast, puts an end to class society by doing away with the exploitative labour that has provided its basis (Marx and Engels 1974: 94). According to Marx and Engels, this requires the expropriation of the means of production by the proletariat; however, this can only occur through revolutionary struggle, the motivation for which comes from the development of a "communist consciousness" that is familiar with the exploitation and immiseration of the proletariat, and is thereby convinced of the "necessity of a fundamental revolution" (Marx and Engels 1974: 94). Since a successful revolution requires that the proletarian majority mobilise against the bourgeoisie, a large scale and radical change in the views of those that make up bourgeois society is needed; and this process of political education is, in turn, most effectively produced through involvement in a collective revolutionary process: "For the success of the cause itself, the alteration of men on a mass scale is necessary, an alteration which can only

take place in a practical movement, a revolution" (Marx and Engels 1974: 94). For Marx and Engels, then, a communist revolution abolishes class by eliminating the economic, legal and political conditions that constitute it, and this requires the wide-spread dissemination of a communist consciousness and the destruction of those beliefs constituted within a class divided society, all of which is to occur through the revolutionary process.

To put Marx and Engels' argument in the terms of Agamben's essay, previous revolutions have only asserted the class of the oppressed in the act of negating their oppressors; a revolution that is genuinely capable of rupturing history by putting an end to exploitation and domination must negate the revolutionary subject in the very act of negating the other[13]. This, in turn, requires a mass of individuals who undergo the "death of the self" through the revolutionary process of negating their class enemy. What Agamben's reference to *The German Ideology* suggests is that, while the example of sacrifice, and the existential confrontation with death that it involves, are central to his account of revolutionary violence, the negation of the self through the death of the other does not necessitate actual violence and the physical killing of another (although in a revolutionary process it may well). Instead, the ex-ample of sacrifice helps him to formulate the idea of self-negation or desubjectiva-tion that he sees as the fundamental ontological condition of new beginnings, and which is necessary for revolutionary violence to bring about the new. This, in turn, allows Agamben to identify what he sees as the truly revolutionary content of Marx's analysis of revolution, namely the dissolution of the proletariat through the elimina-tion of class; and, by implication, to criticise those versions of socialism and com-munism that valorise the identity of the working class, a theoretical tendency that he would warn against many years later in his interview with Vacarme[14].

---

[13] Agamben returns to and complicates his reading of Marx and Engels' account of proletarian self-negation in his reading of Paul's Letter to the Romans in *The Time That Remains*. In this context, he highlights the way that Marx and Engels criticise Max Stirner, who emphasises the revolt of the individual, and instead try to theorise a form of praxis in which this coincides with collective political action aimed at institutional transformation. However, Agamben also criticises the role that the party plays in Marx and Engels' thought, arguing that it would not be necessary if individual revolt and the political revolution were genuinely indistinguishable. He then juxtaposes Marx and Engels account of to the anarchist-nihilism of Benjamin. See Agamben 2005b: 29-33.

[14] Agamben's emphasis on self-negation is an important antidote to the misunderstanding of Marx's account of proletarian revolution that, according to the social theorist GM Tamas, has characterised much of the left. Tamas argues that most socialists and communists has have defined the proletariat in cultural terms, as the working class, rather than in terms of their structural function within the capitalist mode of production. This has been accompanied by a celebration of the superior moral virtues of the working class in comparison to their bourgeois oppressors, and a politics that seeks the elimination of the ruling class and flourishing of the working class, rather than, as in Marx, the attempt to eliminate the structural conditions that constitute class as such. On Tamas' account, this theory has its origins in Rousseau, rather than Marx. See (Tamas 2006). Jessica Whyte was the first to draw on Tamas to analyse Agamben's work, and I am indebted to her for introducing me to his work (Whyte 2014). It is also worth noting that the importance that Agamben assigns to the dissolution of the

## 3. CONCLUSION

The crux of Agamben's early analysis of revolutionary violence is the argument that the new emerges through the negation of self and other. While Agamben's argument draws upon a range of influences, I have shown that he develops this key claim through an analysis of sacrificial violence that mirrors themes central to Bataille's thinking. I have also suggested that, while the essay does involve a rhetorical embrace of violence that echoes the early Bataille, the central argument is that violence can only usher in the new when the revolutionary subject embraces its own dissolution or desubjectivation. Now, as we saw in the introduction to this essay, the theme of desubjectivation is central to Agamben's critique of contemporary politics in the *Homo Sacer* project. By the time of *Homo Sacer*, he is also deeply critical of Bataille's thought for reproducing the structure of the sovereign ban, which is the most extreme mechanism through which the State deprives individuals and populations of their identity[15].

If my argument is correct, the criticism of Bataille that Agamben develops from *Stanzas* through *Language and Death, Homo Sacer*, and *The Open* appears to be a gradual attempt to distance his thinking from a theorist to whom he had initially drawn close. However, the claim that the experience of desubjectivation contains an emancipatory potential remains crucial for Agamben's later political thought, which develops the idea of inoperativity as an antidote to the biopolitical management of life.

The argument that I have put forward in this essay raises the prospect that Agamben's politics of inoperativity may, in fact, be more influenced by Bataille than his criticisms would seem to indicate. Indeed, it is notable that some of Agamben's examples of the coming politics are practices that Bataille theorises in terms of sovereignty: in his interview with Vacarme, for example, Agamben states that one brushes up against a zone of desubjectivation in the "everyday mysticism of intimacy" (Agamben 2004: 117); elsewhere, he claims that ancient festivals such as Charivari "point toward a zone in which life's maximum subjection to law is reversed into freedom and license...in other words, they point towards the real state of

proletariat in this early essay puts him at odds with Arendt's position on this same issue. At much the same time that Agamben wrote his critique of revolutionary violence, Arendt gave an interview in which she argued that capitalism had deprived the working class of property, and that the Soviet Union had then abolished the proletariat as such by destroying the legal rights and institutions, such as labour unions and the ability to strike, that had defined the class (Arendt 1972: 215). On her account, the only viable response to the fate of the masses in both capitalist and communist countries is to restore property to those that have been deprived of it (Arendt 1972: 214-5).

[15] It is also possible that Bataille is an implicit target of *The Kingdom and the Glory*. Bataille argues that glorious display is an example of sovereignty that, as a form of useless consumption, is antithetical to the productivism of bourgeois modernity (Bataille 1989a: 200, 295). According to Agamben, however, the 'governmental machine' of contemporary capitalism relies on practices of glorification whose genealogy he traces back to the ancient and medieval worlds (Agamben 2011).

exception as the threshold of indifference between anomie and law" (Agamben 2005: 72-3). However, the work of thinking through the proximity and distance between Bataille, and Agamben's later account of the emancipatory politics of desubjectivation, remains to be done[16].

# BIBLIOGRAPHY

Agamben, G. 1991. *Language and Death: The Place of Negativity.* Translated by K. Pinkus. Minneapolis: University of Minnesota Press.

Agamben, G. 1993. *The Coming Community.* Translated by M. Hardt. Minneapolis: University of Minnesota Press.

Agamben, G. 1996. *Il talismano di Furio Jesi.* In F. Jesi, *Lettura del "Bateau ivre" di Rimbaud.* Macerata: Quodlibet, pp.5-8.

Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life.* Translated by D Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 1999a. *Agamben, le chercheur d'homme.* In «Libération», 1, pp. II.

Agamben, G. 1999b. *Potentialities: Collected Essays in Philosophy.* Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 2000. *Means without End: Notes on Politics.* Translated by C. Casarino and V. Binetti. Minneapolis: University of Minnesota Press.

Agamben, G. 2004. *The Open: Man and Animal.* Translated by K. Attell. Stanford: Stanford University Press.

Agamben, G. 2005a. *State of Exception.* Translated by K. Attell. Chicago: Chicago University Press.

Agamben, G. 2005b. *The Time That Remains: A Commentary on the Letter to the Romans.* Translated by P. Dailey. Stanford: Stanford University Press.

Agamben, G. 2009. *On the Limits of Violence.* Translated by Elisabeth Fay. In «Diacritics», 39.4, pp. 103-111.

Agamben, G. 2011. *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government.* Translated by L. Chiesa with M Mandarini. Stanford: Stanford University Press.

Agamben, G. 2015. *The Use of Bodies.* Translated by A. Kotsko. Stanford: Stanford University Press.

Arendt, H. 1958. *The Human Condition.* Chicago: University of Chicago Press.

Arendt, H. 1963. *On Revolution.* New York: Viking Press.

Arendt, H. 1968. *The Origins of Totalitarianism.* San Diego, New York, London: Harcourt Brace and Company.

Arendt, H. 1972. *Crises of the Republic*. San Diego, New York, London: Harcourt Brace and Company.

Bataille, G. 1976. *Oevres Completes Vol. 8*, Paris: Gallimard, pp. 352-353.

Bataille, G. 1985. *Visions of Excess: Selected Writings, 1927-1939*. Translated by A. Stoekl. Minneapolis: University of Minnesota Press.

Bataille, G. 1989a. *The Accursed Share: Volumes II & III*. Translated by R. Hurley. New York: Zone Books.

Bataille, G. 1989b. *Theory of Religion*. Translated by R. Hurley. New York: Zone Books.

Bataille, G. 2018. *The Sacred Conspiracy: The Internal Papers of the Secret Society of Acéphale and Lectures to the College of Sociology*. Translated by N. Lehrer, J. Harman and M. Barash. London: Atlas Press.

Behrman, S. 2013. *Giorgio Agamben in Perspective*. In «International Socialism: A Journal of Socialist Theory», 140. http://www.isj.org.uk/index.php4?id=918&issue=140

Benjamin, W. 1986. *The Critique of Violence*. Translated by E. Jephcott. In Id., *Reflections: Essays, Aphorisms, Autobiographical Writings*, ed. by P. Demetz. New York: Schocken Books, pp. 277-300.

Bernstein, J. 2017. *Idiocy/Privacy*. In «Research in Phenomenology», 47.3, pp. 449-459.

Biles, J. 2011. *The Remains of God: Bataille/Sacrifice/Community*. In «Culture, Theory and Critique», 52.2-3, pp. 139-142.

Bignall, S. 2016. *On Property and the Philosophy of Poverty: Agamben and Anarchism*. In *Agamben and Radical Politics*, ed. by D. McLoughlin. Edinburgh: Edinburgh University Press, pp. 49-70.

Comay, R. 1990. *Gifts Without Presents: Economies of 'Experience' in Bataille and Heidegger*. In «Yale French Studies», 78, pp. 66-89.

DeCaroli, S. 2016. *What is a form-of-life: Giorgio Agamben and the Practice of Poverty*. In *Agamben and Radical Politics*, ed. by D. McLoughlin. Edinburgh: Edinburgh University Press, pp. 207-233.

Durkheim, E. 1995. *The Elementary forms of Religious Life*. Translated by K.E. Fields. New York: Free Press.

Foucault, M. 2000. *Power: Essential Works of Michel Foucault, 1954-1984*, ed. by J.D. Faubion. New York: The New Press.

Hartmannn N. 2019. *Georges Bataille*. In *Agamben's Philosophical Lineage*, ed. by A. Kotsko and C. Salzani. Edinburgh: Edinburgh University Press, pp. 109-116.

Heidegger, M. 1962. *Being and Time*. Translated by J. Macquarie and E. Robinson. Oxford and Cambridge: Blackwell.

Heidegger, M. 1977. *Basic Writings*. Edited by D. Krell. New York: HarperCollins Publishers.

Hollier, D. (ed. by) 1988. *The College of Sociology*. Translated by B. Wing. Minneapolis: University of Minnesota Press.

Kishik, D. 2012. *The Power of Life: Agamben and the Coming Politics*. Stanford: Stanford University Press.

Marx, K., and Engels, F. 1974. *The German Ideology: Part One* London: Lawrence & Wishart.

Marx, K. 1976. *Capital, Volume 1: A Critique of Political Economy*. Translated by B Fowkes. London: Penguin.

Power, N. 2010. *Agamben's Missing Subjects*. In «Theory & Event», 13.1. http://muse.jhu.edu/journals/theory_and_event/

Prozorov, S. 2017. *Living à la Mode: Form-of-life and Democratic Biopolitics in Giorgio Agamben's The Use of Bodies*. In «Philosophy and Social Criticism», 43.2, pp. 123-143.

Richman, M. 2002. *Sacred Revolutions: Durkheim and the Collège de Sociologie*. Minneapolis: University of Minnesota Press.

Sinnerbrink, R. 2005. *From Machenschaft to Biopolitics: A Genealogical Critique of Biopower*. In «Critical Horizons», 6, pp. 239-265.

Sorel, G. 1999. *Reflections on Violence*. Translated by T.E. with J. Jennings. Cambridge: Cambridge University Press.

Smith, J.E. 2016. *Form-of-Life and Antagonism: On Homo Sacer and Operaismo*. In *Agamben and Radical Politics*, ed. by D. McLoughlin. Edinburgh: Edinburgh University Press, pp. 189-206.

Surya, M. 2002. *Georges Bataille: An Intellectual Biography*. Translated by K. Fijalkowski and M. Richardson. London: Verso.

Tamas, G.M. 2006. *Telling the Truth About Class*. In «Socialist Register», 42, pp. 228-268.

Vacarme. 2004. *'I Am Sure You Are More Pessimistic Than I Am': An Interview with Giorgio Agamben*. In «Rethinking Marxism», 16. 2, pp. 115-124.

Van der Heiden, G.J. 2020. *Exile, Use and Form-of-Life: On the Conclusion of Agamben's Homo Sacer Series*. In «Theory, Culture and Society», 37.2, pp. 61-87.

Vatter, M. 2016. *Law and Life Beyond Incorporation: Agamben, Highest Poverty, and the Papal Legal Revolution*. In *Agamben and Radical Politics*, ed. by D. McLoughlin. Edinburgh: Edinburgh University Press, pp. 207-233.

Whyte, J. 2014. *'The King Reigns but he Does not Govern': Thinking Sovereignty and Government with Agamben, Foucault and Rousseau.* In *Giorgio Agamben: Legal, Political and Philosophical Perspectives*, ed. by T. Frost. London: Routledge, 154-155.

# NOT NOT. A NOTE ON THE FIGURES OF POWER IN GIORGIO AGAMBEN

JUSTIN CLEMENS
*English & Theatre Studies*
*The University of Melbourne*
jclemens@unimelb.edu.au

ABSTRACT
When one starts to read the work of Giorgio Agamben, one cannot not be struck by his erudition, his eye for previously overlooked or under-interpreted details in the philosophical, political, artistic and legal archives, not to mention his commitment to rethinking those received traditions according to new means. Yet what is also very striking is Agamben's unceasing attention to the apparition and construction of what I will term figures of power. At the beginning of Means Without End, Agamben asks himself "Is today a life of power available?". If Agamben's word here is 'life', it is just as critical to understand that such a term is not to be taken in its biological acceptation; on the contrary, what he means by 'life' must be something other than a scientific category. I will make a number of suggestions as to why the word 'figure' has some pertinence in this context, and why it leads, on the one hand, to a new analysis of operations of negation, and, on the other, to a paradoxical kind of non- or extra-ontological act of impotentiality.

KEYWORDS
Giorgio Agamben, Fredric Jameson, Figure, Inoperativity, Testimony.

> Thus history, with all its concrete force, remains forever a figure, cloaked and needful of interpretation. In this light the history of no epoch ever has the practical self-sufficiency which, from the standpoint both of primitive man and of modern science, resides in the accomplished fact; all history, rather, remains open and questionable, points to something still concealed.
> (Erich Auerbach, *Figura*)

One cannot not be struck by Giorgio Agamben's erudition, his eye for previously overlooked or under-interpreted details in the philosophical, political, artistic and legal archives, not to mention his commitment to rethinking those received traditions according to new means. Yet what is also very striking — and, to my mind, decisive — is Agamben's unceasing attention to the apparition and reconstruction of what I will term *figures of power*. At the beginning of *Means Without End*,

Agamben asks himself "Is today a *life of power* available?" (Agamben 2000: 9) If Agamben's word here is 'life', it is just as critical to understand that such a term is not to be taken in its biological acceptation; on the contrary. I will make a number of suggestions as to why the word 'figure' has some pertinence in this context, and why it leads, on the one hand, to an analysis of non-classical operations of negation, and, on the other, to a kind of non- or extra-ontological act.

These "figures of power" are of an extraordinary variety. Some are fictional, some are historically attested; some bear proper names and are or were once 'living' 'bodies'; others have no proper name, have had no 'real' body or even no possible real body, and are neither living nor dead; some are creatures of law, others appear in different guises altogether. Moreover, despite the moniker that I give them here, they by no means participate in 'power' in the usual senses of the word, as great, forceful, glorious, celebrated, or so on. Certainly, some are household names — but it is not for that that they are of interest. Rather Agamben's commitment to such figures derives precisely from their exceedingly equivocal status, whether in terms of their lack- or minimum- of being, or their frustrated or failed actions. They are perhaps better nominated along the lines proposed by the title of Quentin Tarantino's 2009 World War II film *Inglourious Basterds*: both *inglourious*, in the sense of having botched the job in a humiliating fashion, and *basterds*, from a covert and broken lineage — just as the title itself is both botched in its spelling and inheritance[1]. In a word, these figures never manage to have, to be, or to do with any success, at least according to received criteria; they are in some sense *failed experiments* that, in their very failure, expose something essential about the operations of politics, as they do indeed sketch the lineaments of other more utopian forms-of-life.

Amongst these figures, we could immediately, if not exhaustively, name: the melancholic, the fetishist, Beau Brummell, Herman Melville's Bartleby the Scrivener, Fyodor Dostoyevsky's Prince Mishkin, Franz Kafka's "man from the country", as well as the Ks of *The Trial* and *The Castle*, Robert Walser's assistants, Arnaut Daniel's Ayna, John Keats, St. Paul, St Francis, porn stars, Guy Debord, and many others. If it is also importantly the case that Agamben has changed his position over the course of his writing on the relative 'merits' — a quite dissatisfactory word in this context — of some of these figures, it is still necessary to emphasize that they are not mere abstract concepts but bear upon the vicissitudes of a kind of incarnation, even as these essential vicissitudes preclude them from assuming any stable or substantial identity, not even the minimal identity of a body. After all, Agamben concludes *Homo Sacer* by remarking (in a rigorously anti-Foucauldian fashion) that: "The 'body' is always already a biopolitical body and bare life, and nothing in it or the

---

[1] One of the reasons often adduced for the notorious misspellings in Tarantino's title is to distinguish the film from the 1978 Italian war film directed by Enzo Castellari, *Quel maledetto treno blindato*, which appeared in English as, precisely, *The Inglorious Bastards*.

economy of its pleasure seems to allow us to find solid ground on which to oppose the demands of sovereign power" (Agamben 1998: 187). That said, there is always also an essay at a restitution of 'some body' in Agamben, if, as I have noted, the ontological status of such a body is not, properly speaking, reparable.

Agamben's attempt to present new kinds of negation as coeval with the peculiar unaccomplishments of such figures must also be underlined. As Jessica Whyte remarks, "Agamben's concern [is] with a redemption that would also be a self-negation" (Whyte 2017: 264). For Whyte, it is the central category of 'inoperativity' that serves to indicate in Agamben an enigmatic detachment both from work's instrumental function and from its compulsion, from the division of labour and from "the assignment of individuals to fixed vocations" (Whyte 2017: 269; see also Abbott 2014)[2]. Although in complete agreement with this claim, I will seek to examine some of the particular figures in which Agamben discerns such a paradoxical "revocation of all vocation" in more detail, in order to bring out further peculiarities in the singular negations he pinpoints.

Yet commentary has not always fully acknowledged the centrality of such figures to Agamben's work — they are often simply considered part of the conceptual furniture — and when they are discussed, their nature and implications are just as often misrecognised. Common misunderstandings present Agamben's figures as either too local to bear the weight of conceptual import that they are allegedly meant to, or, to the contrary, as too ahistorical to effectively capture the specificity of their historical site. My examination here seeks to provide a minimal formula for Agamben's use of figures that, to my knowledge, has not elsewhere been so precisely delineated. Let me begin by taking a recent example of such misunderstandings as an entrée to the arcana of Agamben's figural developments.

In the course of a discussion of the status of the proletariat in his extraordinary commentary on *Representing Capital*, Fredric Jameson cannot help himself from providing a catty little footnote about the work of Giorgio Agamben (and, incidentally, Michel Foucault). Jameson's footnote 81 reads:

> Agamben's pseudo-biological concept in *Homo Sacer* proves in reality, like those of Foucault, to draw on categories of domination (as it would have been difficult for it to do otherwise, given his example of the concentration camps). This is why the destitution of unemployment [Jameson's focus in his exegesis of *Capital*] is the more fundamental and concrete form, from which such later conceptualizations derive: what is concrete is the social, the mode of production, the humanly produced and historical; metaphysical conceptions such as those involving nature or death are ideological derivations of that more basic reality (Jameson 2011: 125).

---

[2] Although Abbott's work presents the very word 'figure' in its title, it is directed more to the question of 'this world', than it is to the *figure* itself. See also Colebrook and Maxwell 2016: although they do not thematize 'figure' directly (nor is the term indexed), it occurs relatively frequently in their text, and they have interesting suggestions to make as to its import.

Jameson's project is an examination of capitalism's genius in creating simultaneous overwork and unemployment for its minions, in and for which the figure of the unemployed worker appears as a tormenting symptom: a product of capital's system of alienation, exploitation and expropriation that cannot be reabsorbed into the system itself, indeed must itself be considered an anomaly within that system. A worker has nothing to sell but their labour-power, an alienation which they must undertake in order to live; yet, in unemployment, they are precisely unable to alienate themselves in the form of extorted labour, and, thereby suspended between 'life' and 'death', barely subsist in a necessarily transient form of alienation-from-alienation which cannot either be understood as a return to mere natural life, nor sublimated at a higher level. In this appalling dialectical suspension, 'natural life' coincides directly with the 'unproductive life', as well as with a kind of 'waste life'. Yet, *qua* symptom, this phenomenon in fact proves to be an essential aspect of a *particular* mode of production; accordingly, it is reified whenever it is understood as exceeding such a chronotopic order, as, for example, a paradigm of transhistorical routines of in-human domination.

In making this point, Jameson targets what he considers to be Agamben's deleterious metaphysical ('quasi-biological') idealisation of the categories of life and death, moreover conceiving this putative idealisation as taking an effect for a cause. In properly dialectical fashion (as Jameson himself likes to say), it is not simply the case that Agamben and Foucault are 'wrong'. It is instead that their captivation by technologies of domination — whether sexuality, madness, servitude or incarceration — effaces what is, in the last instance, the concrete operations of politico-economic systems ('the mode of production'). In doing so, they produce analyses that, no matter how strong and persuasive, nonetheless miss their true object. The 'concentration camp victim' in this optic is itself — at least for the committed theoretical understanding that Jameson proposes — a dissimulating avatar or derivative of the actuality of the fundamentally historical situation of the unemployed worker, just as the antinomian animus of Agamben and Foucault (however different these thinkers might otherwise be) mistakenly takes the situated forms of sovereignty or biopolitics as the addressees of its assaults.

For Jameson, then, to attend to 'domination' first and foremost is to in some sense take established powers at face value, the law, police, punishment and so forth, as if their existence could be understood outside their location in the mode of production, and, *a fortiori*, as if they were not ultimately expressions of such a mode[3]. Whatever 'relative autonomy' (*à la* Althusser) one might want to grant to the various institutions of a complex mode, the 'absent cause' that such a mode is, is further tied to 'History or Necessity' — the double-name that constitutes Jameson's

---

[3] As Jameson puts it in a different but related context, "The value of the molecular in Deleuze, for instance, depends structurally on the preexisting molar or unifying impulse against which its truth is read" (Jameson 2002: 38).

own version of Spinoza's *Deus sive Natura* — which is the "ground and untranscend-able horizon" of such modes' taking-place at all, as it is figured in their relations, the residues of more ancient modes, and the multiplicities of the forms that simultane-ously express and misprision it.

Yet from Agamben's standpoint (and, we would also agree, from Foucault's, if in a very different sense), such concepts as 'the economic', 'the mode of production', and 'History' are themselves necessarily abstractions and outcomes of processes that are at once smaller and larger than such categories can allow. For instance, it is rather an archaeology of the concept of the economy itself — and its realization — that is lacking or repressed in most discussions of the 'economy', political or other-wise. And, to the extent that such an archaeology is lacking, we paradoxically find, for example, that the 'dismal science' of economics that purports to explicate and intervene into the operations of the economy inadvertently sponsors versions of empiricism that presuppose the very stakes of what is in question, or, alternately, propose new kinds of mystification.

From such a perspective, Jameson would himself be guilty of both sins at once. Here is Jameson expatiating on the absolute priority of history or necessity as the proper ground for his project:

> One does not have to argue the reality of history: necessity, like Dr. Johnson's stone, does that for us. That history — Althusser's 'absent cause,' Lacan's 'Real' — is *not* a text, for it is fundamentally non-narrative and nonrepresentational; what can be added, however, is the proviso that history is inaccessible to us except in textual form, or, in other words, that it can be approached only by way of prior (re)textualization. Thus, to insist on either of the two inseparable yet incommensurable dimensions of the symbolic act without the other... is surely to produce sheer ideology (Jameson 2002: 67).

For Jameson, then, the work of interpretation holds itself expressly in a division that cannot be either reduced to the priority of matter or text, one over and against the other, nor resolved by asserting their complete non-relation. Yet it is then in such a context that Jameson's project throws up telling symptoms of its own, such as when he holds that Agamben assigns a 'quasi-biological' basis to the 'concept' of *homo sacer*. Jameson's biologizing misreading — familiar as such are in their genre — has serious consequences.

First of all, Agamben is not subscribing to a metaphysical or 'quasi-biological' concept of life per se, but in 'life-in-relation-to-law'; such a phenomenon self-evi-dently cannot be merely an abstract, scientifically-established or socially-independ-ent 'life', precisely because it emerges from real practices of law-making[4]. Yet this

---

[4] In a personal communication Daniel McLoughlin has claimed that, for Marx, "Class is an abso-lutely historical category, one that functions differently in different modes of production, but also one that functions in a specific way under the capitalist mode of production". This too holds for Agam-ben's figure of *homo sacer* to some extent, but which is, as I attempt to show below, rather a kind of

does not mean that Agamben is simply tracing sets of historical and procedural mutations in law-making and law-enforcing as they bear on political action. Rather, as I will show in more detail below, Agamben is attempting to practice an archaeology of a 'category' topologically adjacent to but not fully treated by the analyses of domination undertaken by republican, anarchist and Marxist traditions: the key here is that this 'category' is integrally tied to figures that are constitutively unable to be subsumed entirely into categorical thought, whether philosophical, political or legal. Furthermore, in accordance with Walter Benjamin's dictum to think "dialectics at a standstill" — that is, the attempt to catch the machinery of being in an intervallic moment — this figure-category doublet that Agamben pursues has an a-dialectical structuring while nevertheless remaining fully 'historical'. Even if one accepts that this category is today global, even globalised by the world-system of capitalism, integrated and reconfigured within it, that does not entail that its workings are reducible to or express capitalism.

The crucial consideration is that Agamben's category is on *the other side* of how domination is usually understood. For Agamben, domination is not simply a question of the bodies directly seized and nominated by the law — whether 'slave' or 'citizen', for instance — but those bodies from which the law has expressly *withdrawn*, thereby exposing them to the absolutely hazardous nature of 'bare life'. For Agamben, such an exposure is first attested and formalized in the marginal figure of Roman law that is *homo sacer*, but is thereafter extended and transformed, reaching its absolute limit in the death camps of Nazism. Moreover, it implicates another 'category' that is certainly not easily reducible to any particular mode of production: that category is language as such. We will see below how Agamben focuses his attentions on figures that are simultaneously at the limits of 'bodies and languages', to the point of their non-relation where they are forcibly separated into silence and paradox. Moreover, the real historical development of such phenomena is tied integrally to the production of limit figures that simultaneously, if enigmatically, expose their limits; if one refuses to recognise that these categories are literally unthinkable without such figures, one has already illicitly abstracted from the matter at stake.

In a word, Jameson's critique of Agamben at once mischaracterizes the latter's project, at the very moment that it mimes the latter's argumentation. Agamben is not only not proposing nor relying upon any quasi-biological conception of life, but nor is he taking up any received analyses of domination. Even more determining in the present context, I do not believe that Jameson could even make his own self-professed 'scandalous assertion' — that Capital "is not a book about politics, and not even a book about labour: it is a book about unemployment" (Jameson 2011: 2) — without drawing from the heterodox Hegelian tradition that includes Alexandre

Kojève, Raymond Queneau, Maurice Blanchot, Jean-Luc Nancy, and Agamben himself. For is 'inoperativity' or 'unworking' not one of the most determined motifs of this tradition, and certainly for Agamben himself? (See Salzani 2011: 106-7 for a brief but illuminating summary).

Indeed — and perhaps this is the moment to state my thesis here as explicitly as possible — the 'figures of power' in Agamben's work are at least double, as befits the notorious doubleness of the genitive itself, at once objective and subjective. On the one hand, there are the figures of 'objective' power: *homo sacer*, the *Muselmann*, abject and terrifying creatures produced at the limits of earthly might. On the other, there are the figures of 'subjective' power: Ayna, Bartleby, Mishkin. Put another way: there are limit creatures, and there are threshold creatures, to abuse Agamben's own vocabulary a little. But the difference between them is highly volatile and obscure and, indeed, they cannot often be told apart — not least by Agamben himself. Take the list that concludes the first volume of *Homo Sacer*, in which Agamben invokes the *Flamen Diale*, the *homo sacer*, the bandit, the exile, the *Führer*, the *Muselmann*, Wilson the biochemist, all of whom tend towards a status summed up by Friedrich Hölderlin's extraordinary proposition that "at the extreme limit of pain, nothing remains but the conditions of time and space" (Agamben 1998: 185). I am not so sure, however, that even "the conditions of time and space" remain absolute in the end for those unstable figures of the transfiguring threshold that Agamben subsequently investigates. But this means that, for Agamben, 'ontology' — in my opinion, ultimately a moniker for 'Aristotle' — is also put into question by figures of power (see Agamben 2015 for his most extended and incisive assault on Aristotelian metaphysics-politics).

Why are these figures *irreducibly* double and confused? Why even name them *figures*? Because of the nature of sovereignty itself. Take the very definition upon which Agamben draws for his analysis, from Pompeius Festus' *On the Significance of Words*: it asserts that the *homo sacer* is "one whom the people have judged on account of a crime. It is not permitted to sacrifice this man, yet he who kills him will not be condemned for homicide" (Agamben 1998: 71). Yet why must this figure emerge as a *figure* at all and not be characterized as a simple legal *principle* or *category*, 'slave', for example, which, as a category, is indeed also a kind of figure, but one immediately and clearly subsumed under the generalities of principle and conceptual definition? One of the most determining aspects of *Homo Sacer* is that it points precisely to *a figure which cannot simply be a concept*, because such a figure is at the *limit* of all legal categories.

Let's take one example, from an eminent contemporary theorist of Republicanism. Quentin Skinner almost invariably begins by citing:

> the rubric *De statu hominis* from the opening of the *Digest* of Roman law, perhaps the most influential of all the classical discussions of the concept of civil liberty. There we read that 'the fundamental division within the law of persons is that all men and

women are either free or are slaves.' After this we are offered a formal definition of the concept of slavery. 'Slavery is an institution of the *ius gentium* by which someone is, contrary to nature, subjected to the dominion of someone else.' This in turn is said to yield a definition of individual liberty (Skinner 2002: 9).

Note the order and consistency with which the *Digest* moves from principle ("the fundamental division") to conceptual definition ("Slavery is...") to individual consequences. Note, moreover, how Skinner himself follows the *Digest's* own logic in his own exegesis: he is a believer in the latter's efficacy. But this is not at all the case for *homo sacer*, which, because it exposes the very limits of the biopolitical machine *as such*, cannot receive such a treatment: its *very definition presents as a contradiction on the verge of the unrecognisable*. As a figure, *homo sacer* is at once a 'real', 'attestable' body and a walking exception to law-as-imposition, at once human and no-longer-human. It therefore no longer conforms to the logic of "the fundamental division", and its analysis hence cannot proceed by categorical deduction or empirical description. In Agamben's own terms, the *homo sacer* is a *remnant* of Roman law, a lingering, marginal enigma at the very edges of perceptibility[5].

Let us moreover add that, if across his writings, he naturally discusses the emergence, constitution and transformation of philosophical, political, legal and economic categories over time, Agamben also never fails to point to the figures that they produce as (mostly) unnoticed, nugatory waste. If this can be done at almost every point in Agamben's work, we will take the urgent 'example' of the *Muselmann* here, for reasons that should quickly become evident. If the Nazis perpetrated mass industrial genocide in the deathcamps, another kind of personage emerged as an unintended, unexpected, insistent-yet-obscure by-product: what was new about the Nazi camps was not simply that they were established and run as a highly-organised system of mass extermination, but a machine which *inadvertently* produced humans who-were-no-longer-human. Almost all the obscene procedures now familiar from the vast historical literature — racialised identification and exclusion, genocide, slave-

---

[5] Although this is not the place for such a demonstration, it is nevertheless worth marking in a footnote: Agamben's true 'prime precursor' (as Harold Bloom might have said) is not, as most commentators claim, Martin Heidegger, Walter Benjamin or Michel Foucault, but Jacques Lacan (and, indeed, psychoanalysis more generally). First, the emphasis on figures of the subject (in classical psychoanalysis, 'Dora', 'The Rat Man', 'The Wolf Man', etc.) that are at once utterly singular and nonetheless generic ('hysteria', 'obsessional neurosis', etc.); second, that this emphasis illuminates the idiocy of discussing 'ideas' that leaves out or subordinates the vagaries of the bodies that birth, bear, and transmit them; third, in the attentiveness to the extraordinary details of 'the remains of the day'; fourth, to the paradoxical topology of what Lacan called 'extimacy' or what Agamben denominates as the involutions of sovereignty; fifth, that 'influence' itself is an 'anxiety', that is, 'not without object', while being the only affect that does not lie. Part of the difficulty in recognising this inheritance is due to our constitutional misrecognition of proper names and citations as if they provided unmediated evidence of the real forces with which we must contend. Nor is this to say that Agamben's work is 'merely' psychoanalytic; rather, that he further radicalizes one of the erratic lines of truth that analysis first broached. See, for instance, Brower 2017, Restuccia 2017 and Clemens 2013.

labour, fodder for murderous scientific-experiments, bureaucratic doublespeak — had in fact had recent precedents elsewhere, and did not in themselves constitute a radical biopolitical novelty, although they certainly composed an expansion and intensification[6]. With the *Muselmann*, however, we are confronted by a new phenomenon, a human-being-stripped-of-its-essence.

For the figure of the *Muselmann* falsifies what philosophy (Aristotle, again!) had always maintained was the essence of the human: its speaking being. The *Muselmann* had been *de facto* separated from language. Though surviving as a 'quasi-biological' organism, the *Muselmänner* could no longer be recognised as human — as Agamben underlines, pointing carefully to critical passages in the camp testimonies themselves — not only by the Nazis, but by fellow camp inmates. What the extermination camps thereby also revealed is that 'man' (the mortal speaking being) can really be separated from his 'essence' (speech) and consigned by the most extreme expression of power to be what even the most radical genres of popular culture can hardly image or imagine — except perhaps in the dissimulating and archaizing form of the zombie.

It is at such a point that even the most incisive commentaries on Agamben tend to swerve away from the horror that he is attempting to describe. To advert to Jameson's claims above, for example, one might well say 'I am an unemployed worker', and such a statement could indeed be variously true or false, constative or performative, veridical or fictional, depending on the circumstances. Yet under no circumstances can one say "I am a *Muselmann*" and that statement be constative, precisely because one of the distinguishing marks of the *Muselmänner* is that they are *defined by the separation of language(s) from their body*. The *Muselmann* is not an identity; one cannot 'affirm' it from any position nor under any description; it is an unsurpassable limit between the human and inhuman, that, once revealed, cannot be wished away: "The final biopolitical substance to be isolated in the biological continuum" (Agamben 1999: 85), a *survivance* without qualities.

So Agamben's attention is not simply to the concentration camp victims *per se* — not to the murdered nor survivors — but to a limit figure that was realized amongst them. Yet, again, such a figure is nonetheless *not alone*, and Agamben delineates its figural neighbourhood in a number of moments. One of these is the personage known only as Hurbinek: an infant who had perhaps been born in the camp, was paralysed from the waist-down, who had like the others a number tattooed on his tiny wrist, and somehow survived for some years, just until liberation — yet had never been taught to speak. Hurbinek whistles and articulates strange sounds, which no-one in the camp can quite understand — *mass-klo, matisklo* — but which become

---

[6] See however Milner 2004, who points to another singular characteristic of the camps: that a new technical device, the gas chamber, was developed to obliterate Jews *en masse*, the only known people in world history for which a new technology of extermination was specifically invented. Agamben himself cites Primo Levi's claim that the unprecedented organisation of the *Sonderkommando* was "National Socialism's most demonic crime".

an object of speculation amongst the prisoners. Thus it is amongst these latter that an extraordinary figure of the witness is born: the survivor who testifies to and for those who could not testify.

The paradoxes are extreme: the *Muselmann* cannot bear witness, it is impossible; yet he is the absolute witness of what took place; thus the witness who survives cannot be a full witness, precisely through his survival; yet he must bear witness to what he did not truly witness. As Agamben writes:

> testimony is the disjunction between two impossibilities of bearing witness; it means that language, in order to bear witness, must give way to a non-language in order to show the impossibility of bearing witness. The language of testimony is a language that no longer signifies and that, in not signifying, advances into what is without language, to the point of taking on a different insignificance — that of the complete witness, that of he who by definition cannot bear witness (Agamben 1999a: 39).

This means that all such testimonies as Levi's necessarily have a 'fictional' aspect to them in order that they remain truthful — yet they themselves thereby *prove* something about the 'empirical' or 'real' that an attention to the empirical as such must necessarily miss. And it also means that Agamben's own act of witnessing is to bear witness to this situation, to "the devastating experience in which the impossible is forced into the real" (Agamben 1999a: 148). Auschwitz was a laboratory in which impossibility was in fact actualized; yet, submerged in such impossibility, a handful of witnesses contingently, impossibly, inscribed several fragments of unheard-of impossibilities.

This returns us to Agamben's central abiding ontological theme: that of rethinking potentiality, beyond Aristotle and his categorical closures. The potential is not actual, but it must be able to be actualized, to actualize itself, or it would not be potential; yet, in becoming actual, such potential must be exhausted and, therefore, potentiality destroys itself in its fulfilment; if some potential remained after actualization, if it were not indeed exhausted in its act, then it would not really be potential since it would never in fact be actualizable. Otherwise put, a subject would only exist as the potential for (their own) destruction; which would not, strictly speaking, be a subject at all. It is therefore to the varied *figures of impotentiality* that Agamben turns, to something that remains in the actual that is not potential, but rather *what-is-not-but-is-not-not,* the traces of inexhaustible inoperativity that remain in exhausted potential.

So we are now in a position to enumerate a number of different modalities of the figural in Agamben. In his early work, we find that the figural tends to be of an emblematic nature, for instance Dürer's melancholy angel at the close of *The Man Without Content,* or the melancholic and fetishist of *Stanzas* (Agamben 1999b; Agamben 1993b). As emblematic, these figures tend to stand as ciphers for otherwise unrepresentable phenomena of the fallen world, which, in the extreme tension of their apparition, exhibit the putting-into-relation of the non-relational. The

melancholic is one who, confronted with a lack, acts as if this lack were rather a loss in order then to be able to dream of its potential recapture; the fetishist, in a different but consonant fashion, denies absence by multiplying a phantasmagoria of substitute objects.

At the same time, Agamben places such figures in apposition to one another, where, thereby constellated, they together — like the Southern Cross or the Great Bear — come to serve as imaginary celestial orientations for effective earthly navigation. As this work develops, it moves towards a reconstruction of impossible figures of 'oneiric' imagination: the Ayna of Arnaut Daniel's work, an inhuman body in which the form of the poem touches on Paradise in the very non-communicability of their rift. We also find singular figures such as Bartleby or the Ks, who create paradoxical operations dedicated to stalling the machine of law; or the linguistic inventions of the Gypsies, who seem to have been lying in different ways to everyone they meet as to their own provenance and movements (see the essay on Bartleby in Agamben 1999c; 'K' in Clemens 2008; the essay on *Languages and Peoples* in Agamben 2000)[7].

In the texts upon which we have been focusing here — the early *Homo Sacer* volumes — a new figural note is introduced. For if, as I have noted, *homo sacer* 'himself' is certainly exemplary, he is now divided from, as he is essentially bound to, the figure of the sovereign exception and, moreover, as a remnant. This new mode of division-binding that afflicts the figure of *homo sacer* is further developed in *Remnants of Auschwitz*, where, as I have attempted to demonstrate, the caesura is further radicalized in the indissociable-yet-irreducible figures of the *Muselmann*-witness: impossibility having collapsed into necessity in the camps, something was nevertheless (impossibly) subtracted from impossibility in this disjunctive double-headed figure.

Yet this means that such figures must never quite succeed for Agamben, 'success' here designating a triumph of actualization: indeed, they can neither be simply 'cancelled' nor 'affirmed'. As he puts it in a gloss on St Paul's term *hōs mē*, 'as not': "The messianic does not simply cancel out this figure, but it makes it pass, it prepares its end. This is not another figure or another world: it is the passing of the figure of this world" (Agamben 2005: 25). We will see the return of this doctrine throughout Agamben, if often modulated into terms appropriated from the figures in question themselves.

Take the essay titled *The Inappropriable* in which Agamben turns to the problematic of poverty amongst the Franciscans, whose ambitions were professed in the catchphrases *vivere sine proprio* (to live without property) and *secundum formam sancti evangeli* (to live according to the form of the Holy Gospels). Such an ambition

---

[7] Indeed, 'K' provides a perfect example of Agamben's insistence on the figure over the category: the essay opens precisely by amending Davide Stimilli's suggestion that K stands for *kalumnia* (slander) to *kalumniator* (the slanderer).

meant that it was widely considered impossible to subject the Franciscans to the law: in their renunciation of all ownership, of all rights to property, the law had no purchase. Evidently, such a position was a source of consternation amongst the jurists. If Francis himself had wilily kept his formulas utterly indeterminate in regards to the form of law — elsewhere Agamben speaks of how Aquinas speaks of "a paradoxical *individuation by indetermination*" (Agamben 1993a: 56) — under the attacks from a variety of authorities, including the Avignon Curia, the Franciscans defensively started to reconceive their ideal of propertylessness by means of a distinction between use and ownership. In doing so, however, their attempt to separate the two negatively forged a link which enabled their enemies to subsequently bring back into the fold of law proper (Agamben 2019). And yet, something remains of the Franciscan attempt— a trace, a remnant, a figure — that can still be attested to today, can be invoked and put to new uses.

To sum up: the determining trajectory in Agamben's *oeuvre* that I have been tracing here typically proceeds as follows:

> 1. Agamben identifies a moment of disclosure or upsurge of a 'gesture' at the limit, whether that of the witness vis-à-vis the *Muselmann,* or that of the Franciscan assault on property with *vivere sine proprio;*

> 2. Agamben then traces the covering-over and institutionalization, the juridification, of such gestures in the attempt to extend or preserve them, e.g., in the very defence of their practices against the Curia, the Franciscan theorists, despite themselves, reintroduced the very form of law their gesture sought to contravene or evade;

> 3. by means of this reconstruction, Agamben seeks not only to "blow the image of the past out of the continuum of history", to invoke the famous phrase of Walter Benjamin, but, in doing so, to revivify such gestures in all their contemporaneity and untimeliness (he himself acts as a kind of "witness of the witness", to transmit the intransmissible);

> 4. in doing so, he not only proffers new concepts of inoperativity (the inappropriable, unworking, etc.) for the quashed ambitions of ancient anomia, but simultaneously delineates an 'inglorious' body or figure that constitutes a trace of resistance against sovereignty both then and now;

> 5. this act of witnessing on Agamben's part is figural insofar as it is also anachronic, aneconomic, asexual: as he notes in *What is the Contemporary?,* to be contemporary is to entirely in one's own time, but, in seeing the darkness of that time, it is 'simultaneously' not entirely subject to that time (Agamben 2009).

In other words, the figures of redemption to which Agamben attends are the residues of a double subtraction. First, as emerging from limit-cases of law, whereby the *homo sacer,* the *wargus,* the coma patient, the *Muselmann* are unassignable

according to any positive category. Second, they are just as much the attempts to exit from the logic of this first subtraction. So the *Muselmann* is unthinkable without the witness's testimony, or the legends that are told about the wolf-man, or the poetic construction of an impossible body. Yet this double subtraction is never quite accomplished, either; it teeters on the abyss of its own disappearance. It to this double-subtraction-in-torsion that Agamben seeks always to attend, and always to the singularity of those operations that unleash a generic impotentiality.

That such 'unleashing' is near-nugatory from the point of the established powers of the world is part of its difficulty; that it also cannot be simply integrated into a concept without falsification is another. This is also surely why so much of the critical commentary on Agamben — such as the case of Jameson with which I began — consistently misreads his project as simply producing concepts and categories, and as if the figures he investigates were only instances of, or supports for, such concepts[8]. So when Skinner targets the citizen/slave dichotomy as the central category of Republican dismantling, or Jameson complains that unemployment is "the more fundamental and concrete form" in comparison to the camp victim, the problem is that they are both absolutely correct. But, being so, they miss the paradoxes thrown up at the limits of such forms.

What Agamben is doing is quite different: the figures are primary, and the 'concepts' that he subsequently constructs are 'critical' in the sense that they, again following Benjamin, are to be irrecuperable by fascism, not least because they cannot be entirely captured by law (being constructed at a new threshold at the limit of law). We could even present Agamben's fundamental process diagrammatically:

$$\{[C \rightarrow (F_l] \leftarrow F_t) \rightarrow X\} \leftarrow A$$

Where: C = the category in question; $F_l$ = the limit figure; $F_t$ = the threshold figure that responds to $F_l$; X = the enigma of a form-of-life to which Ft points; A = Agamben himself; the brackets indicate the key couplings; the arrows singular forms of incapacity. In the case I have spent most time on here, C = Camp, $F_l$ = *Muselmann*, $F_t$ = witness, X = the enigma of in-separation of bodies and languages.

Moreover, in each case C, the figures it produces at its limits are singular, *not-quite-equivalent*, just as the figures of poems are not reducible to each other without loss. Note that *it is impossible for a category not to produce a figure it is incapable*

---

[8] This failure is particularly frustrating in Jameson's case, given that he himself asserts of Marx's use of figures in *Capital*: "I hazard the suggestion that figuration tends to emerge when the object of conceptuality is somehow unrepresentable in its structural ambiguity" (Jameson 2011: 33-34). Moreover, such figuration for Jameson has two other aspects: 1) it expresses totality; 2) it renders "momentarily visible" heterogenous levels of that totality. This is, on the one hand, extraordinarily proximate to Agamben's own position; while, on the other, it exposes Jameson's unwavering commitment to metaphysical categories.

*of including*[9]. A figure marks a category's limits; there is no category without such a figure; this figure is split between the categorical paradox it incarnates and an impotential it indicates.

As Agamben writes in *The End of the Poem*, "What characterizes poetic atheology as opposed to every negative theology is its singular coincidence of nihilism and poetic practice, thanks to which poetry becomes the laboratory in which all known figures are undone and new, parahuman or semidivine creatures emerge" (Agamben 1999d: 91). Yet such an emergence is also a disappearance: it has the structure of an event. Hence, in a note on the work of Robert Walser, Agamben comments: "'Figure' — that is, precisely the term that expresses in Saint Paul's epistles what passes away in the face of the nature that does not die — is the name Walser gives to the life that is born in this gap" (Agamben 1993a: 60). Or, as he adds, in his later return to Saint Paul, "this remnant is the figure, or the substantiality assumed by a people in a decisive moment, and as such is the only real political subject" (Agamben 2005: 57). *Inglourious* and *basterd* as they may be, these passing figures are indeed true figures of a life of power.

## BIBLIOGRAPHY

Abbott, M. 2014. The Figure of This World: Agamben and the Question of Political Ontology. Edinburgh: Edinburgh University Press.

Agamben, G. 1993a. The Coming Community. Translated by M. Hardt. Minneapolis: University of Minnesota Press.

Agamben, G. 1993b. Stanzas: Word and Phantasm in Western Culture. Translated by R.L. Martinez. Minneapolis: University of Minnesota Press.

Agamben, G. 1998. Homo Sacer: Sovereign Power and Bare Life. Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 1999a. Remnants of Auschwitz: The Witness and the Archive. Translated by D. Heller-Roazen. New York: Zone Books.

Agamben, G. 1999b. The Man Without Content. Translated by G. Albert. Stanford: Stanford University Press.

Agamben, G. 1999c. Potentialities: Collected Essays in Philosophy. Edited and translated with introduction by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 1999d. The End of the Poem: Studies in Poetics. Translated by D. Heller-Roazen. Stanford: Stanford University Press.

[9] Another marginal remark: Agamben's scattered, characteristically critical remarks about Jacques Derrida seem to me to hinge on the fact that, for Agamben, this operation is Derrida's *idée fixe*; as such, Derrida has formulated the problem adequately, but then consistently fails to take up the figural challenge it projects.

Agamben, G. 2000. Means Without End. Translated by V. Bineti and C. Casarino. Minneapolis: University of Minnesota Press.

Agamben, G. 2005. The Time That Remains: A Commentary on the Letter to the Romans. Translated by P. Dailey. Stanford: Stanford University Press.

Agamben, G. 2008. 'K'. In The Work of Giorgio Agamben, ed. by J. Clemens et al.. Edinburgh: Edinburgh University Press.

Agamben, G. 2009. What is an Apparatus? Translated by D. Kishik and S. Pedatella. Stanford: Stanford University Press.

Agamben, G. 2015. The Use of Bodies. Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2019. Creation and Anarchy: The Work of Art and the Religion of Capitalism. Translated by A. Kotsko. Stanford: Stanford University Press.

Brower, V.W. 2017. Sigmund Freud. In Agamben's Philosophical Lineage, ed. by A. Kotsko and C. Salzani. Edinburgh: Edinburgh University Press, pp. 242-251.

Clemens, J. 2013. Psychoanalysis is an Antiphilosophy. Edinburgh: Edinburgh University Press.

Jameson, F. 2002. The Political Unconscious: Narrative as a Socially Symbolic Act. Oxon: Routledge Classics.

Jameson, F. 2011. Representing Capital: A Commentary of Volume One. London and New York: Verso.

Milner, J.-C. 2004. Les Penchants criminels de l'Europe démocratique. Paris: Verdier.

Restuccia, F. 2017. Jacques Lacan. In Agamben's Philosophical Lineage, ed. by A. Kotsko and C. Salzani. Edinburgh: Edinburgh University Press, pp. 252-261.

Salzani, C. 2011. Inoperative/Deactivation. In The Agamben Dictionary, ed. by A. Murray and J. Whyte. Edinburgh: Edinburgh University Press, pp. 106-7.

Skinner, Q. 2002. Classical Liberty and the Coming of the English Civil War. In Republicanism: A Shared European Heritage, Vol. II: The Values of Republicanism in Early Modern Europe, ed. by M. van Gelderen and Q. Skinner. Cambridge: Cambridge University Press, pp. 9-28.

Whyte, J. 2017. Marx. In Agamben's Philosophical Lineage, ed. by A. Kotsko and C. Salzani. Edinburgh: Edinburgh University Press, pp. 262-271.

# DESTITUENT POWER AND THE PROBLEM OF THE LIVES TO COME

## TOM FROST
*Leicester Law School*
*University of Leicester*
tom.frost@leicester.ac.uk

### ABSTRACT
The figure of form-of-life is a life lived as a 'how' or a mode of living, beyond every relation. Form-of-life is a form of impotent, destituent power that seeks to deactivate the biopolitics that continuously divides and separates life itself. Agamben's work is remarkably silent on the question of reproductive rights. The pregnant woman's life is regulated continuously by biopolitics, yet Agamben does not discuss this regulation. The woman's relationship with her foetus is difficult to reconcile with Agamben's philosophy that seeks to think beyond every relation. In addition, the right to abortion is difficult to reconcile with form-of-life. It is not clear how a woman seeking an abortion is not exercising a sovereign decision to create bare life. I use the UK's abortion laws as a way to interrogate Agamben's figure of form-of-life, and to illustrate how, by not accounting for reproductive rights, Agamben's thought remains incomplete.

### KEYWORDS
Destituent power; potentiality; form-of-life; abortion; reproductive rights.

## 1. INTRODUCTION*

The figure of form-of-life is a life lived as a 'how' or a mode of living. Form-of-life is a form of destituent power that seeks to live inoperatively. This article first sketches out the qualities and nature of form-of-life, showing how it lives as a monad, inseparable from its context because it is not in relation to it but is in 'contact' with it. Form-of-life struggles to account for liminal forms of life, such as the embryo or foetus. Agamben's work is remarkably silent on the question of reproductive rights. The pregnant woman's life is regulated continuously by biopolitics, yet Agamben does not discuss this regulation. The woman's relationship with her foetus is difficult to reconcile with Agamben's form-of-life. Form-of-life as a modal existence presupposes an ability to live one's life in a manner of contemplative use. However,

contemplative use still necessitates some kinds of actions or behaviour which it is not possible for the unborn given their stage of cognitive development. In addition, the pro-choice right to abortion is difficult to reconcile with form-of-life. It is not clear how a woman seeking an abortion is not exercising a sovereign decision to create bare life. The implications of Agamben's philosophy of life can be argued to place him close to the doctrine of the Catholic Church and a pro-life position. I use the UK's abortion laws as a way to interrogate Agamben's figure of form-of-life, and to illustrate how, by not accounting for reproductive rights, Agamben's thought remains incomplete and difficult to separate from anti-feminist and pro-life politics.

## 2. FORM-OF-LIFE

Agamben, in his thought, makes clear that today 'life' (which must include the question of the status of the foetus or embryo) is no longer just a biological question:

> [T]oday ... life and death are not properly scientific concepts but rather political concepts, which as such acquire a political meaning precisely only through a decision (Agamben 1998: 64).

As Agamben explains in *The Open*, the concept of 'life' never is defined as such. There is no neutral ground with respect to the question of who counts as a full person or human being in our political order. This is absolutely the case with respect to abortion and the debates surrounding pro-life and pro-choice positions. What this means is that:

> [T]his thing that remains indeterminate gets articulated and divided time and again through a series of caesurae and oppositions that invest it with a decisive strategic function ... everything happens as if, in our culture, life were *what cannot be defined, yet, precisely for this reason, must be ceaselessly articulated and divided* (Agamben 2004: 13).

Western ontology divides, separates, excludes and pushes vegetative life to the bottom, where it functions as a foundation for sensitive life and intellectual life (Agamben 2016: 264). In *What is an Apparatus?* Agamben explains that:

> The event that has produced the human constitutes, for the living being, something like a division ... This division separates the living being from itself and from its immediate relationship with its environment (Agamben 2009: 16).

This ceaseless articulation and division is "the fundamental activity of sovereign power" which produces bare life through a decision (Agamben 1998: 181). This division is crucial for how life is treated in modernity. The division of life, which operates on a number of levels – vegetal and relational, organic and animal, animal and human (Aristotle 1984b; Agamben 2004: 13). These divisions pass as a "mobile border" within living man, and operate as an apparatus through which the decision

of what is human and what is not human is possible (Agamben 2004: 15). All living beings are in a form of life, but not all are (or not all are always) a form-of-life (Agamben 2004: 277).

Agamben's task in his thought is clear – to investigate the very divisions and caesurae which have separated man from 'non-man', the human from the animal, over and above taking positions on the so-called 'great issues' of the day such as human rights (Agamben 2004: 16). Man is essentially *argos*, inoperative, unable to be defined through work or vocation, and without a nature or essence (Agamben 2017: 52). As life has no essence, setting an arbitrary starting point for the beginning of life must be unacceptable under this thought. However, we will see that Agamben's thought still retains a certain tenderness for the unborn which cannot be captured by his view of man as *argos*.

Inoperativity cannot be thought of as "idleness or inactivity but as a praxis or potentiality of a special kind, which maintains a constitutive relation with its own inoperativity" (Agamben 2017: 53). This inoperativity consists of contemplating one's own potentiality to act:

> [I]s a matter of ... an inoperativity internal to the operation itself, a *sui generis* praxis that, in the work, first and foremost, exposes and contemplates potentiality, a potentiality that does not precede the work, but accompanies it, makes it live, and opens it to possibilities. The life that contemplates its own potentiality to act and not to act becomes inoperative in all its operations, lives only in its livableness (Agamben 2017: 54).

To be potential is to be capable of impotentiality (Agamben 1999b: 182). I am quoting from the English translation of the Italian essay *La potenza del pensiero* (Agamben 2005), published as *On Potentiality*. Despite this translation, the English essay loses something of the original Italian. Agamben's argument concerning potentiality rests on a reading of Aristotle's *Metaphysics*, and his use of *dunamis*. In Book Theta Aristotle states:

> esti de dunaton touto hōi ean huparxēi hē energeia hou legetai ekhein tēn dunamin, outhen estai adunaton [A thing is capable of which it is said to have the potentiality] (Aristotle 1984a, 1047a 24-26).

*Dunamis* is an ambiguous term in Aristotle. Attell argues that two senses of the term are relevant for Agamben: possibility and capacity. The former indicates something like pure logical possibility. The second sense indicates that someone is able to realise a potentiality or capability if external conditions do not prevent the exercise of that potentiality (Attell 2009: 39-40). I can exercise a capacity if nothing prevents me from doing so. While external conditions of possibility may determine whether I can exercise certain capacities, they do not determine the *existence* of these capacities. Agamben reading of Aristotle argues that potentialities persist even when they are not in act (Attell 2009: 40).

*Dunamis*'s counterpart is *adunamia*. This is "potentiality not to" or "impotentiality". Without *adunamia, dunamis* or potentiality would immediately lead to actuality. The two form an indissoluble pair (Attell 2009: 41). Kevin Attell has translated a long passage from *La potenza del pensiero* which explains Agamben's defence of potentiality, and which has not been translated into English:

> [T]he impotentiality of which it is said that in the moment of the act will be nothing cannot be anything but that *adunamia* which, according to Aristotle, belongs to every *dunamis*: the potentiality not to (be or do). The correct translation would thus be "What is potential is that for which, if the act of which it is said to have the potential come about, nothing will be of the potential not to (be or do)" [...] But how are we then to understand "nothing will be of the potential not to (be or do)"? How can potentiality neutralise the impotentiality that co-belongs with it? A passage from *De interpretation* provides us with some precious indications. With regard to the negation of modal statements, Aristotle distinguishes and, at the same time, puts in relation the problems of potentiality and modal enunciations. While the negation of a modal statement must negate the mode and not the *dictum* (thus the negation of "it is possible for it to be" is "it is not possible for it to be" and the negation of "it is possible for it not to be" is "it is not possible for it not to be"), on the plane of potentiality things are different and negation and affirmation do not exclude one another. "Since that which is potential is not always in act", writes Aristotle, "even the negation belongs to it: indeed, one who is capable of walking can also not walk, and one who can see can not see" (21b 14-16). Thus, as we have seen, in book *Theta* and in *De Anima*, the negation of potentiality (or better, its privation) always has the form: "can not" (and never "cannot"). "For this reason it seems that the expressions 'it is possible for it to be' follow each other, since the same thing can and can not be. Enunciations of this type are therefore not contradictory. However, 'it is possible for it to be' and 'it is not possible for it to be' never go together" (21b 35-22a2). If we call the status of the negation of potentiality "privation", how should we understand in a privative mode the double negation contained in the phrase: "nothing will be of the potential not to "be or do"? Insofar as it is not contradictory with respect to the potentiality to be, the potentiality not to be must not simply be annulled, but, turning itself on itself, it must assume the form of a potentiality not to not be. The privative negation of "potentiality not to be" is therefore "potential not to not be" (and not "not potential not to be"). What Aristotle then says is ... If a potentiality not to be originally belongs to every potentiality, one is truly capable only if, at the moment of the passage to the act, one neither simply annuls one's own potentiality not to, nor leaves it behind with respect to the act, but lets it pass wholly into it as such, that is, is able not to not pass to the act (Agamben 2005: 284-285; Attell 2009: 43-44).

Actuality must be seen as the precipitate of the self-suspension of impotentiality (Attell 2009: 44). An existence *as* potentiality is not the potential to do something but also the potential to *not-do*, the potential not to pass into actuality (Agamben 1999b: 180). This potential not to be is capable of being and not being. Being or doing is founded on both the potentiality toward being or doing, and also on a modification of the potentiality not to be or do (Attell 2009: 42). Being-able is an essential 'having', *hexis*, constitutive of the living being (Seshadri 2014: 475). To be

human is to be consigned to a potential to not be or do (Seshadri 2014: 478). Freedom is not a question of will or status, or a way of being (or form of life) but it is a way of being in a relation to privation. Man is therefore capable of mastering his potentiality and accessing it only through his impotentiality:

> Only a potentiality that is capable of both potentiality and impotentiality is then a supreme potentiality. If every potentiality is both potentiality to be and potentiality not to be, the passage to the act can only take place by transferring one's own potentiality-not-to in the act (Agamben 2017: 41).

Agamben valorises a human *dunamis* that does not lead to act or work. He defines the human as founded on a paradoxical idleness or resistance with respect to act and work (Attell 2009: 48). This construction appears to presuppose that the inoperative being is a being with agency. An inoperativity that accompanies the work and opens it to possibilities implies an ability to open work to possibilities. Inoperativity seeks to found human actions on their impotentiality

> Thus, inoperativity ... is the space ... that is opened when the apparatuses that link human actions in the connection of means and ends ... are rendered inoperative. It is, in this sense, a politics of pure means (Agamben 2018: 85).

This inoperative life is 'form-of-life'.

## 3. FORM-OF-LIFE AND DESTITUENT POWER

Form-of-life is not thinking a better or more authentic form of life (Agamben 2016: 277). Agamben's community subtracts itself from every determinate aspect of belonging and simply exists as neither this nor that (with no essence), but solely 'thus' or 'whatever' (Agamben 1993: 1-3, 17-21).

Form-of-life is "a being that is its own bare existence, [a] life that, being its own form, remains inseparable from it" (Agamben 1998: 188). This life is not *bared* or *stripped* in the sense of being separated from its form but rather is exposed in a nudity that is nothing but the pure appearance of the inapparent, the complete exposure of the opaque, the revelation of the absence of secrets (Agamben 2010: 91). This form-of-life is encountered throughout Agamben's works: the 'glorious body' that is nothing but the earthly body divested of its functions and open to a new use (Agamben 2010: 91-103), objects of profanation and play (Agamben 2007: 73-91), and Franciscan monasticism (Agamben 2013: 122).

All these figures have in common is their subtraction from every particular predicate and their exposure in the bare facticity of their existence or 'being-thus' (Prozorov 2016: 180). They all equally have in common the fact that they are examples of already existing life, rather than existing as liminal figures whose status as living is under question. Being-thus is "neither this not that, neither thus nor thus, but *thus*, as it is, with all its predicates (all its predicates is not a predicate)" (Agamben 1993:

93). "Being-thus" means being "the thus" itself, rather than being what determines the thus. Being-thus is not a conservation of what already is, the status quo. Form-of-life lives "the thus", the exhibition of the being itself, rather than a determined aspect. This determined aspect is central to forms of life, or ways to live.

A form-of-life is the most idiosyncratic aspect of everyone; their tastes, which safeguards its secret in the most impenetrable and insignificant way:

> If every body is affected by its form-of-life as by a clinamen or a taste, the ethical subject is that subject that constitutes-itself in relation to this clinamen, the subject who bears witness to its tastes, takes responsibility for the mode in which it is affected by its inclinations. Modal ontology, the ontology of the *how*, coincides with an ethics (Agamben 2016: 231).

At the point where form-of-life is constituted, it renders *destitute* and inoperative all singular forms of life. A form-of-life is that which ceaselessly deposes the social conditions in which it finds itself to live, without negating them, but simply by using them (Agamben 2016: 274). At the point at which the apparatuses which divide life are deactivated, potential becomes a form-of-life is constitutively destituent (Agamben 2016: 277).

The ethical subject must constitute itself – again indicating that form-of-life relates to an already existing being with the capacity for living ethically. This reading of form-of-life is consistent with Agamben's description that form-of-life has a double tension inside of it. It is a life inseparable from its form, and also separable from every thing and every context. It must live its own mode of being, as a monad, inseparable from its context because it is not in relation to it but is in *contact* with it (it is a non-relational existence) (Agamben 2016: 232). It is worth quoting Agamben's definition of 'contact' in its entirety:

> Just as thought at its greatest summit does not represent but "touches" the intelligible, in the same way, in the life of thought as form-of-life, *bios* and *zoè*, form and life are in contact, which is to say, the dwell in a non-relation. And it is in contact – that is, in a void of representation – and not in a relation that forms-of-life communicate. The "alone by oneself" that defines the structure of every singular form-of-life also defines its community with others. And it is this *thigein* [thought], this contact that the juridical order and politics seeks by all means to capture and represent in a relation. It will therefore be necessary to think politics as an intimacy unmediated by any articulation or representation: human beings, forms-of-life are in contact, but this is unrepresentable because it consists precisely in a representative void, that is, in the deactivation and inoperativity of every representation. To the ontology of non-relation and use there must correspond a non-representative politics (Agamben 2016: 237).

It is this contact or *thigein* (which Agamben also terms *touching*), when two entities are separated only by their void of representation, that the legal order and 'representative' politics seek to capture and represent in the form of a relation which will always already have a negative ground (Agamben 2016: 237). Form-of-life is without relation. Drawing on Plotinus's description of the happy life of the

philosopher as one of 'exile', Agamben contends that such an exile is akin to being "one alone with one alone", an exile of intimacy (Agamben 2016: 235). Forms-of-life are in contact but this consists in the inoperativity of every representation; this must be signified by a non-representable politics (Agamben 2016: 237). Form-of-life is its own mode of being which is continually generated by its manner of being (Agamben 2016: 224).

To summarise, forms-of-life communicate by contact, in a void of representation that is also a care for the inappropriable – a care for opacity. This contact participates in an ontology of nonrelation and use from which derives, in the final instance, a politics of intimacy in which life is inappropriable and inseparable from its form – a life that actively preserves its sense of nonknowledge and the generative limits of its own mystery (Bordeleau 2017: 490). This intimacy and intimate relation is not expounded upon by Agamben, but there is a clear connection which could be made between the idea of an intimate relation and the relation which exists between the child (both born and unborn) and the mother. As we will see when considering the UK's abortion laws, the intimate child/mother relationship poses questions for form-of-life which it struggles to answer.

## 4. TOWARD A MODAL ONTOLOGY

Agamben's ontology is a modal ontology. Modal verbs have developed a function in Western philosophy. Modal verbs ("I can", "I want", "I must") are deprived of meaning. Agamben argues that they are *kena*, or 'void', and acquire a meaning only if they are followed by a verb in the infinitive (for example, "I can walk", "I want to eat") (Agamben 2018: 48-49).

Agamben makes clear that mode expresses not 'what' but 'how' being is (Agamben 2016: 164). It is important to specify here that I am not trying to represent form-of-life as a form of life. Agamben is interested in living the 'how' of being itself, which is not the identity or context of a form of life. Modal ontology can only be understood as a 'middle voice', or a medial ontology. Singular existence – the mode – is neither a substance nor a precise fact but an infinite series of modal oscillations, by means of which substance always constitutes and expresses itself (Agamben 2016: 172). Thinking the concept of mode involves conceiving it as a threshold of indifference between ontology and ethics. Agamben sees ethics as not able to be trapped by or through any determined form of life. Agamben explains:

> Just as in ethics character (*ethos*) expresses the irreducible being-thus of an individual, so also in ontology, what is in question in mode is the "as" of being, the mode in which substance is its modifications (Agamben 2016: 174).

The mode (being-thus) in which something is, is a category belonging irreducibly to ontology and to ethics. The claim of modal ontology should be terminologically

integrated: a modal ontology is no longer an ontology but an ethics; an ethics of modes is no longer an ethics but an ontology (Agamben 2016: 174). Living a life as a form is an ethical existence.

The 'mode' and 'modal existence' define the peculiar status of singular existence (Agamben 2016: 152). Agamben sees initiating an ethical life as concerning how we conceive of and experiment with the *how* of a form-of-life. It involves ways of envisaging an absolutely immanent life on the threshold of its political and ethical intensification (Agamben 1998: 5). Agamben desires "to bring the political out of its concealment and, at the same time, return thought to its practical calling" (Agamben 2016: 232).

This form-of-life is a monad. The relationship between monad and monad is complex. The more form-of-life becomes monadic, the more it isolates itself from other monads. However, each monad always already communicates with the others, by representing them in itself, "as in a living mirror" (Agamben 2016: 232). Every body is affected by its form-of-life as by a clinamen. The ethical subject is that subject which constitutes-itself in contact (a void of representation) to this clinamen, and focuses on *how* it lives its life (Agamben 2016: 231). In this sense, the community to come will be akin to a life lived through its mode or manner of being (Agamben 2016: 228).

This clinamen presupposes a capacity for being, and a capacity for realising this 'how'. For Agamben this is where living and life coincide, but what are the limits of this living? The 'how' presupposes a living. To live life as a form, as pure means, indicates that one *must* actively act to bring about this condition, it is not something that can be passively accepted. Crucially, Agamben makes clear that form-of-life is something "that does not yet exist in its fullness" and can only be attested to in places that "necessarily appear unedifying". Form-of-life articulates a zone of irresponsibility, in which the identities and imputations of the juridical order are suspended (Agamben 2016: 248). What needs to be done is apply Walter Benjamin's principle according to which the elements of the final state are hidden in the present, not in progressive tendencies but in insignificant and contemptible areas (Agamben 2016: 227).

## 5. FORM-OF-LIFE AND THE UNBORN

Agamben's project is one of radical indifference, a radical passivity. This is a taking flight which does not imply evasion: rather a movement on the spot, in the situation itself (Vacarme 2010: 121). This sense of passivity must be differentiated from passivity in the sense that it is ordinarily understood. A foetus or a new-born baby is 'passive' in the sense that they are not able to consciously or actively act but this is not the sense of passivity referred to by Agamben. Rather, Agamben's passivity engages with the 'how'. Form-of-life as a modal existence presupposes an ability

to live one's life in a manner of contemplative use. This passive manner is very different from a passivity which is an 'acceptance of letting something happen to oneself, without an active response or resistance'. However, contemplative use still necessitates some kinds of actions or behaviour which it is not possible for the unborn given their stage of cognitive development. Form-of-life, which renders the sovereign decision inoperative, can only be accessed through a decision, an active stance.

It is in focusing on this 'how' that this article constructs an argument that form-of-life would not be possible or achievable for liminal figures, precisely because they are not fully able to live a life as a 'how'. Form-of-life as a monad always communicates with others. This monad represents other forms of life in itself, as a 'living mirror'. I wish to defend the claim that form-of-life does not encompass the figures of the embryo and foetus, due to Agamben's failure to engage with any form of explicit reproductive politics.

Following Agamben's construction of form-of-life, a pro-choice position would make the foetus the object of a sovereign decision which determines whether it has value or not. The decision can claim that this potential life has no essence which requires protecting or saving. Contrarily, the pro-life position would oppose reproductive choices which would terminate a pregnancy. However, this would (by any measure) severely curtail women's reproductive choice. Furthermore, pro-life positions project onto the unborn an image of an essence and a life to be protected – a sovereign decision has been made to assign a value to the potential life of the unborn even before it can live its life as a how. Under Agamben's schema, both pro-life and pro-choice positions repeat the division of life which is the fundamental activity of sovereign power. Pro-choice politics allow for the sovereign decision over the unborn; pro-life politics have already decided that the unborn are lives that are worth protecting.

Before expounding on this argument, I first turn to the exoteric references in Agamben's thought on the unborn. When Agamben does consider the thresholds between human and inhuman, he tends to stress a consideration of a "new living dead man, a new sacred man" (Agamben 1998: 131), and not the production of the threshold "prelife" or "prior to human life". For example, in *Remnants of Auschwitz*, Agamben contended that:

> The human being is thus always beyond and before the human, the central threshold through which pass currents of the human and the inhuman, subjectification and de-subjectification, the living being's becoming speaking and the *logos*' becoming living (Agamben 2002, 135).

However, this formulation is problematic as it appears to presuppose the existence of a 'human' in order for the human/inhuman distinction to operate. This in turn raises questions of how the human is defined. As Andrew Norris has said:

> What, for instance, are we to do when we are dealing with agents or things that have not already been recognised as the bearers of rights? Here the reassertion of rights is simply not an option. We must decide whether a neomort – a body whose only signs of life are that it is 'warm, pulsating and urinating' – is in fact a human being at all, an agent or a thing (Norris 2005: 14).

This is a decision which Agamben has not explicitly engaged with, or attempted to answer directly.

This is not to say that Agamben's thought does not obliquely reference questions of birth, and unborn and the definition of life. Reading Aristotle's *De Anima*, Agamben notes that: "It is important to observe that Aristotle does not at all define what life is", but rather "merely divides it up in isolating the nutritive function and then orders it into a series of distinct and correlated faculties (nutrition, sensation, thought)" (Agamben 1999a: 231). In Aristotle, a generic term – life - is defined first by its minimal substance (plant life, the faculty of nutrition) and progressively complicated by the predication of a series of hierarchical faculties leading from the plant to the animal to the human soul (Cooper 2009: 144). Agamben's philosophy works in the reverse order to Aristotle's. He wants to dwell upon the irreducible substance that underlies all forms of life; the substance without which no organised form of life would be possible. This is where Aristotle locates the absolutely minimal, nutritive or vegetative life of the plant. Agamben reminds us that this minimal vegetative life must also be understood in temporal terms, as the first stage in the generation of human life, foetal life being the human equivalent of the plant within a classification of nature (Agamben 1999a: 231).

Despite relying on this underlying framework for his thought Agamben remains mute on the figure of potential life, and does not develop the connection between the foetus and vegetative life. This is curious at first glance, especially considering that Michel Foucault, whose work Agamben is so influenced by, did not shy away from discussing issues of reproductive rights and abortion (Deutscher 2008: 55-56; Foucault 1980: 56; Foucault 1988: 114). Yet Melinda Cooper argues that this is an entirely logical expression of his politics of witnessing. In *Remnants* he makes clear that the true witness can only ever be mute:

> What cannot be stated, what cannot be archived is the language in which the author succeeds in bearing witness to his incapacity to speak. In this language, a language that survives the subjects who spoke it coincides with a speaker who remains beyond it (Agamben 2002: 162).

The speaker "who remains beyond it" is the unborn. The true testimonial is one that bears witness to the "silent voice" (Agamben 2002: 129), "the "infant" in the etymological sense, a being who cannot speak" (Agamben 2002: 121), who remains in "a position even lower than that of children" (Agamben 2002: 113). To understand what Agamben means here by an infant in a position even lower than that of children, we need to explore the position of children in his writing.

It is true that Agamben makes references to infancy and children who have died without being baptised. On the former point, infancy is understood as a wordless, mute condition that precedes speech; infancy coexists with language and is expropriated by it in the constitution of the subject, which would be the ethical subject which lives its life as a 'how' (Mills 2008: 21). Catherine Mills explains it best – infancy is the experience from which the human subject emerges (Mills 2008: 22). Man constitutes himself as a speaking subject by falling away from the originary, transcendental experience of infancy, a sort of experience prior to linguistic appropriation but related to language (Agamben 2006: 55). Crucially, infancy is a beginning which constitutes the subject of experience and language, but this state does not refer to a biologically or developmentally inclined conception of subject formation:

> In-fancy is not a simple given whose chronological site might be isolated, nor is it like an age or a psychosomatic state which a psychology or a paleoanthropology could construct as a human fact independent of language (Agamben 2006: 4).

Human infancy is linked to the human potentiality which is language (Agamben 2006: 54). Infancy, for Agamben:

> [C]oexists in its origins with language – indeed, is itself constituted through the appropriation of it by language in each instance to produce the individual as subject (Agamben 2006: 55).

Yet if man must constitute himself as a speaking subject, how can this apply to the neomort? Again, Agamben does not answer this point.

On the point of unbaptised children, Agamben makes the point that those children would find their souls in Purgatory (Agamben 1995: 78). These souls would be subject to God's forgetfulness, but because they do not know God has forgotten them, so instead of being punished they are in a state of "natural felicity" (Agamben 1995: 78). Those souls in purgatory are not indicative of the unborn, but are a philosophical argument from Agamben contending that we need to reach that self-same state of grace, through the very 'how' of form-of-life. This could imply that those unbaptised children represent form-of-life, although again this is not a connection which is made. Notwithstanding this, the mention of young children without mentioning reproductive rights is telling.

Elsewhere in writing about infancy, Agamben has held out the child as an exemplary figure, a 'cipher' for form-of-life (Agamben 1995: 95-98). This should not be misunderstood, but nor should it be ignored. This claim does not mean that children necessarily live their lives as a form. Nor could it apply to the figure of the unborn (and it is not intended to apply to the unborn). Rather the idea of a child as a 'cipher' is important. To live one's life like a child is what Agamben sees as setting the stage for the politics to come. It is as if Agamben is channelling the words of Jesus in the Gospel of Matthew:

> Truly I tell you, unless you change and become like little children, you will never enter the kingdom of heaven. Therefore, whoever takes the lowly position of this child is the greatest in the kingdom of heaven. And whoever welcomes one such child in my name welcomes me.[1]

And in turn, Agamben would seem to disagree with Paul's approach:

> When I was a child, I talked like a child, I thought like a child, I reasoned like a child. When I became a man, I put the ways of childhood behind me.[2]

This is notable as Paul's corpus of work has greatly influenced Agamben's own thought. To live a life as a child (which is left undefined in terms of age) is to live one's life as a form. This is a phrase which is full of implied meaning. Agamben places great importance on the lives of children, without mentioning the politics of reproduction which would have played a role in their being born. Agamben also treats the event of birth as a threshold through which the child is not only separated from the unborn, but through which both figures occupy different spaces in his philosophy.

Whereas the child appears as the cipher for form-of-life, Melinda Cooper has cogently argued that there is a consistency across Agamben's work: the 'unborn' appears unequivocally as the 'tragic hero' of an age in which onto-theology is assumed to be irremediably in decline (Agamben 1991: 96). Cooper distinguishes between the born and the unborn. The child is a cipher, the unborn an exemplar. In *Language and Death*, the last volume where Agamben explicitly mentions the unborn, he argues that:

> Only ... not being born ... can overcome language and permit man to free himself from the guilt that is built up in the link ... between life and language. But since this is precisely impossible, since man is *born* (he has a birth and a nature), the best thing for him is to return as soon as possible whence he came, to ascend beyond his birth through the silent experience of death (Agamben 1991: 90).

For Cooper, Agamben's work places him "irresistibly" on the terrain of Roman Catholic debates about the unborn's status, although this is not admitted by Agamben. Cooper argues that Agamben's history and diagnosis of modern state violence is consistent with that of the Catholic Church. He adheres to the standard themes of late twentieth-century Catholic doctrine – the evocation of Auschwitz and state eugenics coupled with a denunciation of biomedicine, medical vegetative states, legal brain death and euthanasia. Agamben only differs in his political and ethical response to the presumed violence of the modern state, which consists in a radical refusal of all politics of rights, dignity or legal personhood, calling for "an ethics of

---

[1] Matthew 18: 3-5.

[2] 1 Corinthians 13: 11.

a form of life which begins where dignity ends" (Agamben 2002: 69). This would be a non-relational form-of-life.

For Cooper, Agamben renders the language of pure potentiality into the Christian idiom of the *gift of life*, asking what it would mean to conceive of life as the potential not-to-actualise:

> Contrary to the traditional idea of potentiality that is annulled in actuality, here we are confronted with a potentiality that conserves itself and saves in actuality. Here potentiality, so to speak, survives actuality and, in this way, *gives itself to itself* (Agamben 1999b: 184).

His writings on 'potentiality' and 'potential life' are clearly applicable to abortion debates, but Agamben has never acknowledged the potential connections between his writings and those of the Roman Catholic Church. Agamben's philosophy sets itself the 'impossible' task of rendering into language the experience of the 'silent scream':

> Philosophy, in its search for another voice and another death, is presented, precisely, as both a return to and surpassing of tragic knowledge; it seeks to grant a voice to the silent experience of the tragic hero and to constitute this voice as a foundation for man's most proper dimension (Agamben 1991: 90).

The "silent experience of the tragic hero" is the silent experience of the foetus. And for Cooper it is the 'impossible' task of rendering into language the voice of the unborn that leads Agamben to his solution of a theology in suspended animation (Cooper 2009: 155-156). How can we explain Agamben's silence on this question of the unborn?

Despite Agamben's statements and claims, the figure of form-of-life leaves open for debate the questions of when life (or form-of-life) starts, and the mother's relation to, and power over, the unborn child. The monad of form-of-life always communicates with others (Agamben 2016: 232). Forms-of-life are in contact but this consists in the inoperativity of every representation (Agamben 2016: 237). Despite Cooper's arguments, it is arguable as to whether form-of-life would apply to the unborn (although it would, in contrast, apply to the unborn child's mother). Cooper may be read as suggesting that the unborn in Agamben is, like with the Catholic Church, a being in need of protection. There are several arguments that indicate the unborn could not live its life as a form. Firstly, form-of-life is not able to recognize itself or be recognized, as the contact between monads is situated beyond every possible recognition and relation (Agamben 2016: 248). Agamben accepts that it is not possible to think of existence and a community beyond all relation, but the relationality that exists for form-of-life is of a different kind than that produced by apparatuses such as the law. In *Nudities* he claims:

> The desire to be recognised by others is inseparable from being human. Indeed, such recognition is so essential that, according to Hegel, everyone is ready to put his

or her own life in jeopardy in order to obtain it. This is not merely a question of satisfaction or self-love; rather, it is only through recognition by others that man can constitute himself as a person (Agamben 2010: 46).

By seeking to explain contact as 'beyond' all possible recognition, Agamben can be read as proposing that forms of recognition are not enough to recognise form-of-life. Recognition (which as a cognitive ability is not something available to the unborn) is not beyond form-of-life; rather, the opposite is true. Next, Agamben mentions that a form-of-life is the most idiosyncratic aspect of everyone; their tastes, which safeguards its secret in the most impenetrable and insignificant way: "The subject who bears witness to its tastes, takes responsibility for the mode in which it is affected by its inclinations" (Agamben 2016: 231). Tastes are elements of an individual's personality, choices and being and therefore presuppose a certain level of cognitive development and cognitive ability. An adult could have tastes; a foetus does not.

In addition, the notion of 'others' remains indistinct. Who are these 'others'? Others are necessary for form-of-life to communicate with one another (Agamben 2016: 237). The ethical subject is the subject which constitutes itself in contact with a clinamen, an inclining from one toward another, which focuses on how it lives its life (Agamben 2016: 231). This contact presupposes an existing, thinking being. Agamben clearly states that each form-of-life, or monad, always already communicates with others (Agamben 2016: 232). This position implies that form-of-life must have the ability to communicate with others. It does not preclude a form-of-life which represents itself as a living mirror in a life which is not form-of-life – an example here may be a parent who represents themselves in their newborn child. However, if the 'other' is not able to represent itself as a living mirror in another, or if it is not possible to live a life as a how, then that other cannot be said to live its life as a form. The ethical subject *must* be one who has agency – the patient in a persistent vegetative state, for example, was described by Agamben as an example of *homo sacer* (Agamben 1998: 163-164). There remains an aporia in Agamben's thought on precisely these questions – forms of life which are not able to be forms-of-life. Agamben's silence on the question of reproductive rights and the position in his schema of the unborn means that form-of-life has a problematic construction, which can be illustrated through the lens of the UK's abortion laws.

## 6. ABORTION AND THE WOMAN AS BARE LIFE

Agamben's writings can lead to foetal life being considered (in anti-abortion contexts) as a form of politicised bare life exposed to sovereign violence (Deutscher 2008: 67). If foetal life is conceived as a form of *homo sacer*, then what has happened to the body of the woman? The woman's relationship with her foetus, and the right to abortion, is very difficult to reconcile with form-of-life. It is not

immediately clear how a woman seeking an abortion is not exercising a sovereign decision over bare life. This is the paradox of figuring the woman as a threatening and competing sovereign power over the foetus that is falsely figured as *homo sacer*: to do so is simultaneously to reduce the woman to a barer, reproductive life exposed to the state's hegemonic intervention as it overrides the woman erroneously figured as a "competing sovereign" exposing life. As she is figured as that which exposes another life, she is herself gripped, exposed, and reduced to barer life (Deutscher 2008: 67).

This is the consequence of what Catherine Mills has termed Agamben's 'gender-blindness' (Mills 2014: 114). This does not mean that there are no references to women in Agamben's work, but women are dealt with superficially, and questions of gender remain absent. Agamben does mention "the woman" as one of many social-juridical entities that supersede "the Marxian scission between man and citizen":

> The Marxian scission between man and citizen is thus superseded by the division between naked life [bare life] ... and the multifarious forms of life abstractly recodified as social-juridical entities (the voter, the worker, the journalist, the student, but also the HIV-positive, the transvestite, the porno star, the elderly, the parent, the woman) that all rest on naked life (Agamben 2000: 6-7).

This naked or bare life involves the separation of life and prevents it from cohering into a form-of-life (Agamben 2000: 6).

Deutscher argues that it is "surely fair" to name the woman's reproductive body as that which Agamben would prefer not to mention in these considerations of life (Deutscher 2008: 67). I suggest this is avoided precisely because such a figure would have to also rest on naked life, and equally would 'prevent' a form-of-life from cohering. The woman appears as a roadblock to the coming politics and form-of-life, rather than any kind of form-of-life in her own right. As a result Agamben's project overlooks sexual difference and questions relevant to a feminist reading (Ziarek 2008: 93), and is inhospitable to an interrogation of gender. In the words of Astrid Deuber-Mankowsky:

> As in all of *Homo Sacer* which turns centrally upon bare life, neither natality nor gender, neither sexuality not the relations of the sexes, neither the heterosexual character of the symbolic order and of political culture nor the interest of women in the reproduction of life is thematised. The entire sphere of the question of sexual difference ... is banned from Agamben's horizon (Deuber-Mankowsky 2002: 103).

In Mills's view, there is a long tradition of casting women as the privileged figures of ephemerality, unable to gain access to the universal, yet nevertheless instrumental in man's access to it. This is a tradition Agamben seems to be a part of. He does not offer an analysis of gender as part of his figurations of sexual fulfilment and happiness (Cavarero 1992: 32-47). This is the case with Agamben's reference to pornography, which has the promise to show "the utopia of a classless society"

(Agamben 1995: 73). The truth content of pornography is its claim to happiness (Agamben 1995: 73-74). In explaining this 'happiness', Agamben invokes the figure of a woman, stating that it is only in representing the pleasure of the woman on her face that pornography shows that the potential for happiness is present in every moment of daily life (Agamben 1995: 74). The woman remains central to our understanding the happy life, but is not a part of it herself.

I argue that this gender blindness is the reason why foetal life is not developed (as it logically should be) in relation to form-of-life. To engage with foetal life and questions of when life begins (and the rights which that life may have), has to involve engagement with the life of the mother. Quite apart from matters of philosophy, as a factual and biological matter the existences of the mother and the unborn are intertwined. As Penelope Deutscher has explained, there is a "conjoined malleability" in the status of pregnancy and of the woman attributed with decision-making. By this Deutscher means that women may be deemed capable of impeding life or revoking life or reversing its status (Deutscher 2017: 121). Women's status in relation to reproductivity means that they have an additional capacity as political beings which men lack. In Agamben's analysis, modern political humans bear the capacity to be reduced to bare life. But women can be exposed to a barer reproductive life, as they can be figured as a competing sovereign power over the foetus, with the latter acquiring the status of a pseudo *homo sacer* (Deutscher 2017: 127).

A paradigmatic example of this is shown through UK law, where the unborn foetus is not a person in law[3]. Despite this, the House of Lords (which before being replaced by the Supreme Court in 2009 was the highest court in the UK) has ruled that the foetus is 'neither a distinct person separate from its mother, nor merely an adjunct of the mother, but was a unique organism to which existing principles could not necessarily be applied'[4]. Neither lacking rights nor a full rights-bearing being, the foetus is nevertheless a *sui generis* form of life, which explains why – in the UK – there are a variety of legal and medical hurdles which need traversing before a woman can exercise her right to choose.

My argument regarding the shortcomings of form-of-life is illustrated even through those defences of Agamben's silence on the matter. Deutscher attempts to construct such an argument by arguing that those examples of bare life in Agamben's work are those which one could identify as having been human and then being stripped of that status – for example the PVS patient (Deutscher 2008: 57-58). Foetal life, as it is not situated at the threshold of depoliticization of previously politicised life, does not 'fit' Agamben's series of figures of bare life. Rather, Deutscher hypothesises, the foetus could represent the "zone of contested and intensified political stakes" surrounding the threshold between 'prelife' and nascent, human, rights-bearing life (Deutscher 2017: 58). Deutscher continues:

---

[3] *In re MB (Medical Treatment)* [1997] 2 FLR 426, 444 (CA).

[4] *Attorney General's Reference (No 3 of 1994)* [1998] AC 245 (HL).

> Thus the ambiguous politicised life least separable from some women's bodies happens to be a formation least appropriate for Agamben's analysis. An emergent foetus usually is not considered to have had a political, legal, or linguistic status subsequently suspended (Deutscher 2017: 58).

Even if we were to accept this argument on its face, it still means Agamben is silent as to the 'zone of contested political stakes' surrounding prelife and rights-bearing life. The foetus attracts legal protection and attention. Abortion is the zone of contested political stakes par excellence. UK abortion laws illustrate that zone, and key to the legal regimes are the roles of the woman and her doctor.

## 7. ABORTION IN THE UK

The UK has three separate legal systems – England and Wales, Scotland and Northern Ireland, with three separate legal regimes for regulating abortion. Abortion remains a criminal offence in England and Wales by way of a Victorian statute, the Offences Against the Person Act 1861 (OAPA)[5]. The abortion offences in the OAPA are contained in sections 58 and 59. Section 58 makes it a criminal offence to administer drugs or use instruments to procure an abortion and section 59 makes it a criminal offence to supply or procure drugs or any instrument for the purpose of procuring an abortion. Both offences carry a maximum sentence of life imprisonment, and both would cover actions by the woman and a doctor seeking to end a woman's abortion[6]. The 1861 provisions made no exception for therapeutic abortion and make no distinction between abortions which occur early or late in pregnancy (Sheldon 2016a: 338-39). The OAPA does not apply in Scotland, where abortion remains an offence at common law (Brown 2015: 30). Unlike the OAPA, the Scots common law recognised the lawfulness of therapeutic terminations (Brown 2015: 32, citing Baird 1975).

The OAPA is not the only statute covering abortion in the UK. The Infant Life (Preservation) Act 1929 (ILPA), which applies in England and Wales, prohibits the intentional destruction of 'the life of a child capable of being born alive ... before it has an existence independent of its mother', unless this is done "in good faith for the purpose only of preserving the life of the mother"[7]. There is equivalent legislation in Northern Ireland[8]. Interpreting the 1929 Act, the Court of Appeal made clear that a termination would be permitted if it preserved the life of the mother; and it would be lawful to prevent the woman becoming a mental or physical wreck[9]. The 1929 Act does not apply in Scotland; it is unnecessary in Scotland as the High

---

[5] See *R (Smeaton) v Secretary of State for Health* [2002] EWHC 610 (Admin) [332] (Munby J).

[6] Offences Against the Person Act 1861, 24 & 25 Vict, ss.58-59 (UK).

[7] Infant Life (Preservation) Act 1929, 19 & 20 Geo.5 c.34, s.1(1).

[8] Criminal Justice (Northern Ireland) Act 1945 c.15, s.25(1) (Northern Ireland).

[9] *R v Bourne* (1939) 1 KB 687, 694 (CA).

Court of Justiciary has 'inherent power to extend the scope of existing crimes to cover unusual situations and, possibly, to create new crimes' (Sheldon 2016a: 340n35; Norrie 1985).

The Abortion Act 1967 created exceptions to the statutory abortion offences in England and Wales, and the common law offences in Scotland. It was not extended to Northern Ireland. There are four such exceptions. Each requires a decision, and agreement between, the woman and her doctors. Section 1(1)(a) states that an abortion can be carried out before the twenty-fourth week if the continuation of the pregnancy would involve risk, greater than if the pregnancy were terminated, of injury to the physical or mental health of the pregnant woman or any existing children of her family. Section 1(1)(b) allows abortions where doing so would prevent 'grave permanent injury' to the physical or mental health of the patient. Section 1(1)(c) allows abortions where the pregnancy involves risk to the life of the pregnant woman. Section 1(1)(d) allows abortions where there is a 'substantial risk' that the child would be born seriously handicapped, either physically or mentally[10]. The 1967 Act was never originally intended to allow for "abortion on request"[11]. However today the Act has *de facto* legalised abortion in Great Britain (Sheldon 2016a: 343).

The Abortion Act was crafted in such a way to place medical professionals, rather than the woman, at the centre of the procedure. Two 'medical practitioners' must be of the good faith opinion that an abortion should be carried out, after a woman makes a request for an abortion. A good faith opinion means that the doctors have not been dishonest or negligent in forming that opinion. The Act allows doctors to take account of the pregnant woman's actual or reasonably foreseeable environment when making a decision about the impact of the continuance of a pregnancy on a woman's health. This would include the woman's social and financial circumstances.

The requirement for two medical professionals was intended as a check on rogue doctors (Sheldon 2016b: 289). In practice it means that doctors in Great Britain must endorse and agree with a woman's decision to terminate her pregnancy. The Act deliberately creates a broad area of clinical discretion in this area (Sheldon 2016a: 343); doctors were argued to be in the best position to determine when a termination was appropriate, or if necessary, to persuade and support a woman to maintain a pregnancy[12]. Such discretion in medical matters is not unusual – in

---

[10] Abortion Act 1967, s.1(1), as amended by the Human Fertilisation and Embryology Act 1990 c.37, s.37(1).

[11] David Steel MP, HC Deb, 22 July 1966, vol. 732, col. 1075.

[12] David Steel MP, HC Deb, 22 July 1966, vol. 732, col. 1076; David Steel MP, HC Deb, 13 July 1967, vol. 750, col. 1348.

previous cases English courts have awarded professionals such as doctors a wide range of discretion to judge the competence of the actions of peers[13].

Northern Ireland was always the polity which had the strictest abortion laws in the UK, being governed by the OAPA and the Criminal Justice (Northern Ireland) Act 1945. In 2018, the UK Supreme Court ruled that the abortion laws in Northern Ireland violated Article 8 of the European Convention on Human Rights, as they did not allow abortion in cases of fatal foetal abnormality, rape and incest[14]. The UK Parliament's response was section 9(2) of the Northern Ireland (Executive Formation etc) Act 2019. This repealed the OAPA offences in Northern Ireland and mandated that the UK Government implement the recommendations found in the UN Committee on the Elimination of Discrimination against Women Report on abortion in Northern Ireland, published in 2018 (UN CEDAW 2018). This Report recommended that the UK adopt legislation to provide for abortion in Northern Ireland in the cases of a threat to the pregnant woman's physical or mental health, rape and incest, and severe and fatal foetal abnormality. The UK Government did not wish to include rape, incest or other sexual crimes as express criteria for abortions to occur as it would require the victim of sexual crimes to provide evidence or prove the connection between the sexual offence and the pregnancy. Such an approach would result in a legal framework which excludes some victims of sexual crime who are unable to evidence that the pregnancy is a result of such a crime. By March 2020, the UK Government will regulate for unconditional abortion in Northern Ireland in the first 12 or 14 weeks of pregnancy, with similar exceptions that exist in the Abortion Act operating after that unconditional period.

Central to the exceptions in the Abortion Act and the new laws in Northern Ireland is a decision to terminate the pregnancy made by the woman. In Northern Ireland this decision is unconditionally the woman's in the first few months of pregnancy. In Great Britain this decision must be endorsed by her doctors. Agamben clearly states that "sovereign is he who decides on the value or nonvalue of life as such" (Agamben 1998: 142).

This statement must be read, in my view, alongside the claim that form-of-life, as a monad, always already communicates with others, insofar as it represents them in

---

[13] See *Bolam v Friern Health Management Committee* [1957] 1 WLR 582 (QB); *Bolitho v City and Hackney Health Authority* [1998] AC 232 (HL). Most recently in 2015 the Supreme Court modified the *Bolam* and *Bolitho* tests to contend that doctors need to disclose risks which "a reasonable person in the patient's position" would be likely to attach significance to the risk: *Montgomery v Lanarkshire Health Board* [2015] UKSC 11 [87} (Lord Kerr and Lord Reed). Yet it is still a question of medical judgment as to when a doctor judges a reasonable patient would attach significance to any risk.

[14] *In the matter of an application by the Northern Ireland Human Rights Commission for Judicial Review (Northern Ireland); Reference by the Court of Appeal in Northern Ireland pursuant to Paragraph 33 of Schedule 10 to the Northern Ireland Act 1998 (Abortion)* [2018] UKSC 27 [1]–[3] (Lady Hale); Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 4 November 1950, entered into force 3 September 1953) ETS 5; 213 UNTS 221, art. 8.

itself, as in a living mirror (Agamben 2016: 232). The monad is developed from Leibniz's work, where he referred to them as "perpetual living mirror(s) of the universe". For Leibniz, all matter is connected together, so each body is affected by bodies which are in contact with it, as well as bodies adjoining itself as well (Leibniz 1898: 251). Agamben's monadology is left undeveloped in *The Use of Bodies*. However elsewhere in Agamben we can piece together what this monadic existence involves. We read that form-of-life uses-itself by constituting and expressing itself through an infinite series of modal oscillations (Agamben 2016: 165, 172). These oscillations are generated by the conduct of the singular being itself, through its being in language (Agamben 2016: 167; Agamben 1993: 19).

Therefore forms-of-life as living mirrors will represent themselves in each other through the very acts of being in language. This means that it would not just be a foetus, or the unborn, that would be unable to represent themselves through being in language. The individual lacking capacity or competence, the comatose patient, the infant unable to speak, an individual with dementia, the PVS patient – all lack the ability to represent themselves. This can be supported by Agamben's injunction that form-of-life itself that has sovereign power over its own constitution:

> Potentiality (in its double appearance as potentiality to and as potentiality not to) is that through which Being founds itself *sovereignly*, which is to say, without anything preceding or determining it ... other than its own ability not to be (Agamben 1998: 46).

A being unable to act sovereignly would not be living its life as a form.

We can therefore distinguish between a sovereign decision which determines whether life has value or not, and a sovereignty which founds Being through its own potential to be and not to be. The former decides which life is worth living; the latter is a how, a way to live one's life.

But here we encounter a paradox. A woman realises her form-of-life through living her life as a how. Yet her reproductive decisions over whether to keep or terminate a pregnancy, whether to use contraception, whether to have children or not, appear (under Agamben's schema) to be sovereign decisions over which potential lives are to exist or not. And it should be recalled that Agamben pronounces potentiality's negation 'evil':

> [The] only ethical experience (which, as such, cannot be a task or a subjective decision) is the experience of being (one's own) potentiality, of being (one's own) possibility – exposing, that is, in every form one's own amorphousness and in every act one's own inactuality. The only evil consists instead in the decision to remain in a deficit of existence, to appropriate the power to not-be as a substance and a foundation beyond existence or to regard potentiality itself, which is the most proper mode of human existence, as a fault that must always be repressed (Agamben 1993: 44; Prozorov 2014: 184-185).

Regarding potentiality as a fault that must be repressed – does this not imply that the most paradigmatic example of potential life – the unborn – should not be repressed? Agamben never deals with this issue directly, but it is hinted towards:

> [T]here is in effect something that humans *are and have to be*, but this something is not an essence or properly a thing: it is the simple fact of one's own existence as possibility or potentiality (Agamben 1993: 43).

If the clinamen and potential life of the unborn means that the woman cannot terminate a pregnancy, then Agamben's thought is, like Cooper has argued, definitively pro-life. The woman has another life inside her. Her decisions will impact another being whose organic life is not in question but whose rights are unclear and variable.

If this position is accepted, then it must also be true that it is not possible for a woman to live her life as a form. This is because, in a pro-life reading, a woman would not be able to exercise any reproductive choices which would involve a decision over potential life. Excising reproductive choice from a woman's form of life would severely curtail a woman's freedom. The woman is an ephemeral figure, resting on naked life, unable to live her life as a how because she is unable to exercise a decision over a fundamental part of being a woman – how and whether to reproduce. Her sovereign decision creates bare life. Agamben implies *any* abortion or contraceptive decision other than one which protects the life of the unborn makes the woman the arbiter of the creation of *homo sacer*. The woman becomes equivalent to the concentration camp guard, an abstract figure of oppression.

However, the paradoxes surrounding abortion do not end there. In Great Britain, a woman's decision to seek a termination must be agreed to by doctors. The procedure is, in turn, regulated by the State through legislation. The woman is subject to the decisions of the State and the doctors who can pass judgment on whether she has satisfied the requirements to be allowed an abortion, and what value the life of the foetus has. As Deutscher explained, the State and the woman exercise competing sovereign decisions over the value of life. The woman is both bare life *and* sovereign. Form-of-life simply cannot account for this complex situation.

## 8. CONCLUSION

This article has attempted to interrogate Agamben's form-of-life with respect to the liminal figure of the unborn. Form-of-life can provide a template for fully formed beings to live their lives. However, it struggles to account for 'liminal' figures – the unborn human is one of them. Living a life as a 'how', and as a form, is not easy to apply to the unborn. A form-of-life has tastes, and constitutes itself in contact with a clinamen, communicating with others, which focuses on how it lives its life. This subject of form-of-life, given how Agamben describes it, must be one who has

agency. The unborn is certainly a form of life, but I have argued it cannot be considered (based on Agamben's own argument) a form-of-life.

What is more, under Agamben's philosophy, the woman is difficult to separate from the figure of the sovereign exercising a decision over the value of life as such. For Agamben, all lives are potentially reducible to bare life after a sovereign decision. Yet following Agamben's thought, women (and not men) also are paradoxically a threatening and competing sovereign power. This is because a woman, in exercising decision-making over her reproductivity, can decide on the value of the life of the foetus as such. I should stress that this conclusion is the logical result of Agamben's overlooking of sexual differences and feminism in his work. The UK's abortion laws show how the pregnant woman, and her doctors, exercise control and a decision over whether a pregnancy is or is not to continue.

Furthermore, Agamben's focus on 'potentiality', language and witnessing place him, as Melinda Cooper has argued, squarely with the Catholic Church in defending life. Agamben adheres to the standard themes of contemporary Catholic doctrine, including the denunciation of biomedicine and euthanasia, and his writings on potentiality are clearly applicable to abortion debates. The woman remains an ephemeral figure in these writings on potentiality, and in failing to engage with reproductive rights on any level, Agamben's form-of-life remains a cornerstone of a pro-life philosophy, but a pro-life philosophy which is not admitted to by the author himself.

## BIBLIOGRAPHY

Agamben, G. 1991. *Language and Death: The Place of Negativity.* Translated by K.E. Pinkus and M. Hardt. Minneapolis: University of Minnesota Press.

Agamben, G. 1993. *The Coming Community.* Translated by M. Hardt. Minneapolis: University of Minnesota Pres.

Agamben, G. 1995. *Idea of Prose.* Translated by M. Sullivan and S. Whitsitt. New York: State University of New York Press.

Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life.* Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 1999a. *Absolute Immanence.* In *Potentialities: Collected Essays in Philosophy,* ed. by. D. Heller-Roazen, Stanford: Stanford University Press, pp. 220-241.

Agamben, G. 1999b. On Potentiality. In *Potentialities: Collected Essays in Philosophy,* ed. by. D. Heller-Roazen, Stanford: Stanford University Press, pp. 177-184.

Agamben, G. 2000. *Means Without End: Notes on Politics.* Translated by C. Casarino and V. Binetti. Minneapolis: University of Minnesota Press.

Agamben, G. 2001. *For a Philosophy of Infancy.* In «Public», 21, pp. 120-122.

Agamben, G. 2002. *Remnants of Auschwitz: The Witness and the Archive.* Translated by D. Heller-Roazen. New York: Zone Books.

Agamben, G. 2004. *The Open: Man and Animal.* Translated by K. Attell. Stanford: Stanford University Press.

Agamben, G. 2005. *La potenza del pensiero.* In G. Agamben. *La potenza del pensiero: Saggi e conferenze.* Vicenza: Neri Pozza. pp. 273-168.

Agamben, G. 2006. *Infancy and History: On the Destruction of Experience.* Translated by L. Heron. New York: Verso.

Agamben, G. 2007. *Profanations.* Translated by J. Fort. New York: Zone Books.

Agamben, G. 2009. *What is an Apparatus? and Other Essays.* Translated by D. Kishik and S. Pedatella. Stanford: Stanford University Press.

Agamben, G. 2010. *Nudities.* Translated by D. Kishik and S. Pedatella. Stanford: Stanford University Press.

Agamben, G. 2013. *The Highest Poverty: Monastic Rules and Form-of-Life.* Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2016. *The Use of Bodies.* Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2017. *The Fire and the Tale.* Translated by L. Chiesa. Stanford: Stanford University Press.

Agamben, G. 2018. *Karman: A Brief Treatise on Action, Guilt and Gesture.* Translated by A. Kotsko. Stanford: Stanford University Press.

Aristotle. 1984a. *Metaphysics.* In *The Complete Works of Aristotle, Volume Two,* ed. by. J. Barnes. Princeton: Princeton University Press.

Aristotle. 1984b. *On the Soul.* In *The Complete Works of Aristotle, Volume One,* ed. by. J. Barnes. Princeton: Princeton University Press.

Attell, K. 2009. *Potentiality, Actuality, Constituent Power.* In «Diacritics», 39, pp. 35-53.

Baird, D. 1975. *Induced Abortion: Epidemiological Aspects.* In «Journal of Medical Ethics», 1, pp. 122-126.

Bordeleau, E. 2017. *Initiating Life: Agamben and the Political Use of Intimacy.* In «The Journal of Speculative Philosophy», 31.3, pp. 481-492.

Brown, J. 2015. *Scotland and the Abortion Act 1967: Historical Flaws, Contemporary Problems.* In «Juridical Review», 2, pp. 29-50.

Cooper, M. 2009. *The Silent Scream – Agamben, Deleuze and the Politics of the Unborn.* In *Deleuze and Law,* ed. by. R. Braidotti, C. Colebrook and P. Hanafin. London: Palgrave Macmillan, pp. 142-162.

Cavarero, A. 1992. *Equality and Sexual Difference: Amnesia in Political Thought.* In «Beyond Equality and Difference: Citizenship, Feminist Politics and Female Subjectivity», ed. by G. Bock and S. James. New York: Routledge. pp. 32-47.

Deuber-Mankowsky, A. 2002. *Homo Sacer, das bloße Leben und das Lager.* In «Die Philosophin», 25, pp. 95-115. English translation by C. Diehl available at https://adm.blogs.ruhr-uni-bochum.de/publikationen.

Deutscher, P. 2008. *The Inversion of Exceptionality: Foucault, Agamben, and "Reproductive Rights.* In «South Atlantic Quarterly», 107.1, pp. 55-70.

Deutscher, P. 2017. *Foucault's Futures: A Critique of Reproductive Reason.* New York: Columbia University Press.

Foucault, M. 1980. *Body/Power*. In: *Power/Knowledge: Selected Interviews and Other Writings. 1972-1977*, ed. by C. Gordon, New York: Pantheon Books, pp. 55-62.

Foucault, M. 1988. *Power and Sex*. In *Politics, Philosophy, Culture: Interviews and Other Writings, 1977-1984*, ed. by A. Sheridan, New York: Routledge, pp. 110-124.

Foucault, M. 2003. *Society Must Be Defended: Lectures at the Collège de France, 1975-76*. Translated by D. Macey. New York: Picador.

Keown, J. 1988. *Abortion, Doctors and the Law: Some Aspects of the Legal Regulation of Abortion in England from 1803 to 1982*. Cambridge: Cambridge University Press.

Leibniz, G W. 1898. *Monadology*. Oxford: Oxford University Press.

Mills, C. 2008. *Playing with Law: Agamben and Derrida on Postjuridical Justice*. In «South Atlantic Quarterly», 107.1, pp. 15-36.

Mills, C. 2014. *The philosophy of Agamben*. London: Routledge.

Norrie, K. 1985. *Abortion in Great Britain: One Act, Two Laws*. In «Criminal Law Review», pp. 475-488.

Norris, A. 2005. *Introduction: Giorgio Agamben and the Politics of the Living Dead*. In *Politics, Metaphysics and Death: Essays on Giorgio Agamben's "Homo Sacer"*, ed. by A. Norris. Durham, NC: Duke University Press, pp. 1-30.

Prozorov, S. 2014. *Agamben and Politics: A Critical Introduction*. Edinburgh: Edinburgh University Press.

Prozorov, S. 2016. *Agamben, Badiou and Affirmative Biopolitics*. In *Agamben and Radical Politics*, ed. by D. McLoughlin. Edinburgh: Edinburgh University Press, pp.165-188.

Seshadri, L. 2014. *Agamben, the Thought of Sterēsis: An Introduction to Two Essays*. In «Critical Inquiry», 40, pp. 470-479.

Sheldon, S. 2016a. *The Decriminalisation of Abortion: An Argument for Modernisation*. In «Oxford Journal of Legal Studies», 36, pp. 334-365.

Sheldon, S. 2016b. *British Abortion Law: Speaking from the Past to Govern the Future*. In «Modern Law Review», 79, pp. 289-316.

UN Committee on the Elimination of Discrimination Against Women (CEDAW). 2018. *Report of the inquiry concerning the United Kingdom of Great Britain and Northern Ireland under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women*, 23 February 2018, CEDAW/C/OP.8/GBR/1, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fOP.8%2fGBR%2f2&Lang=en.

Vacarme. 2010. *"I am sure that you are more pessimistic than I am ...": An interview with Giorgio Agamben*. In «Rethinking Marxism», 16.2, pp. 115-124.

Ziarek, E. 2008. *Bare Life on Strike: Notes on the Biopolitics of Race and Gender*. In «South Atlantic Quarterly», 107.1, pp. 89-106.

# MIND YOUR MANNERS. AGAMBEN AND PHISH

## SERGEI PROZOROV
*Department of Social Science and Philosophy*
*University of Jyväskylä*
sergei.prozorov@jyu.fi

### ABSTRACT

In the final volume of his Homo Sacer series Giorgio Agamben develops the concept of destitu-ent power, a power that unworks itself in every constitution and renders itself inoperative in its every operation. This concept helps elucidate Agamben's more enigmatic notion of form-of-life. Whereas the power of sovereign biopolitics is constitutive, i.e. constituting a determinate actual bios out of the indefinite potentialities of zoe, form-of-life exemplifies the power of rendering actual and determinate forms inoperative or destitute. Rather than attempt to devise a 'proper' form of life, Agamben seeks to free life from the gravity of all tasks or vocations imposed on it by privileged forms. What matters to Agamben is less the form itself but rather the manner, in which it is lived. Whereas style designates a consistent model that defines a form of life in its recognizable identity, manner refers to a failure or refusal to fully appropriate or identify with this style. The article traces the development of the idea of form-of-life in Agamben's work, dis-cusses the ontological implications of Agamben's argument in The Use of Bodies and concludes by discussing the American jam band Phish as the paradigm of Agamben's form-of-life.

### KEYWORDS

Giorgio Agamben, power, subjectivity, style, manner

## 1. INTRODUCTION

In *The Use of Bodies*, the final volume of his *Homo Sacer* series, Giorgio Agam-ben develops the concept of destituent power, a power that unworks itself in every constitution and renders itself inoperative in its every operation. This concept helps elucidate Agamben's enigmatic idea of form-of-life, which he has developed since the early 1990s. Understood in destituent terms, form-of-life is diametrically op-posed to the constitutive power of sovereign biopolitics that negates the indefinite possibilities of *zoe* in constructing a determinate and actual form of *bios*. In contrast, the power that defines form-of-life renders these actual and determinate forms in-operative or destitute, restoring to them their potentiality (see Kishik 2012; Prozo-rov 2014).

This understanding of form-of-life has important ethico-political implications. Rather than attempt to devise anything like a proper form of life, to be affirmed, defended or implemented as a matter of a political project, Agamben seeks to free life from the *gravity* of all tasks or vocations imposed on it by such proper and privileged forms: no life has to be in a certain form and no form must be actualized in life. This entails an important shift in the ethico-political discourse from the more substantive consideration of the forms of life in question towards the manner in which they are lived. In this article we shall probe Agamben's distinction between style and manner in order to illuminate the destituent character than defines form-of-life. Whereas style for Agamben refers to a more or less consistent, recognizable and repeatable model or identity, manner pertains to the deviation from this model or identity that precludes one's full identification with it. It is this deviation, however slight and imperceptible, that introduces an element of destitution into the style, opening it to new possibilities of use.

Our argument in this article will unfold in three steps. We shall first trace the development of the notion of form-of-life in Agamben's key works, culminating in the analysis of destituent power in *The Use of Bodies*. We shall then address the ontological implications of the move towards the destituent understanding of form-of-life, tracing the way Agamben endows the apparently banal dimension of lifestyle, habit, fashion, etc. with an ontological significance, as being ends up thoroughly dispersed in its manners. Thirdly, we discuss Agamben's recent distinction between style and manner and address the question of the specifically destituent manner that defines a form-of-life. Following Agamben's own methodological precepts (Agamben 2009a), we seek to produce a paradigm of this destituent manner. Agamben's own paradigms are famously hyperbolic and extreme, which has led to the misunderstanding of many of his insights, e.g. the state of exception illustrated by the Roman figure of homo sacer or the idea of potentiality illustrated by Melville's Bartleby (see Prozorov 2014: 108-112; Whyte 2009; Passavant 2007). Yet, particularly given Agamben's shift of focus towards the rather more mundane realm of habits, fashions, lifestyles in *The Use of Bodies*, more familiar and less eccentric paradigms may be in order. Thus, in the final section of this article we shall offer the American jam band Phish as the paradigm of Agamben's form-of-life, in which 'destitution coincides without remainder with constitution, [and] position has no other consistency than in deposition' (Agamben 2016: 275).

## 2. FORM OF LIFE BETWEEN CONSTITUTION AND DESTITUTION

The concept of form-of-life remains one of the more elliptic and elusive concepts in Agamben's work. At the end of the first volume of the *Homo Sacer* series, this concept is introduced as a resolution of the problem of the inclusive exclusion of bare life into the political order that defines the logic biopolitical sovereignty.

> Just as the biopolitical body of the West cannot be simply given back to its natural life in the oikos, so it cannot be overcome in a passage to a new body – a technical body or a wholly political or glorious body – in which a different economy of pleasures and vital functions would once and for all resolve the interlacement of *zoe* and *bios* that seems to define the political destiny of the West. This biopolitical body that is bare life must itself instead be transformed into the site for the constitution and installation of a form of life that is wholly exhausted in bare life and a *bios* that is only its own *zoe* (Agamben 1998: 188).

While biopolitical sovereignty operates by capturing and separating bare life from the positive forms of bios, Agamben makes the opposite move of articulating *zoe* and *bios* into a new figure, in which 'it is never possible to isolate something like naked life' (Agamben 2000: 9). While bare life was obtained by the negation of *zoe* within *bios*, this articulation of *zoe* and *bios* produces a new unity, which Agamben calls *form-of-life*, the hyphenation highlighting the *integrity* of this figure, in which life and its form are inseparable (Agamben 2000: 11).

In the *Kingdom and the Glory*, Agamben elaborates this notion of the form-of-life through an engagement with the theological idea of 'eternal life' (*zoe aionios*). In Pauline messianism 'eternal life' does not refer to a hypothetical extension of life indefinitely, but rather designates a specific quality of life in the messianic time, characterized by the becoming-inoperative of every determinate identity or vocation, which now appear in the suspended form of the 'as not' (*hos me*) – the notion Agamben addressed at length in *The Time that Remains* (2005). "Under the 'as not', life cannot coincide with itself and is divided into a life that we live and a life for which and in which we live. To live in the Messiah means precisely to revoke and render inoperative at each instant every aspect of the life that we live and to make the life for which we live, which Paul calls 'the life of Jesus', appear within it" (Agamben 2011: 248). In this reading, eternal life has nothing to do with the afterlife but is rather a way of living *this* life that renders inoperative all its specific forms of *bios*, its functions, tasks and identities.

Agamben then proceeds from the theological to the philosophical context to elaborate this figure of eternal life in terms of the Spinozan idea of *acquiescentia* (self-contentment), "the pleasure arising from man's contemplation of himself and his power of activity" (Spinoza cited in Agamben 2011: 250). In Agamben's interpretation, it is precisely this contemplation of one's own power that articulates inoperativity and potentiality, opening one's existence to a free use (see Chiesa and Ruda 2011).

> [The] life, which contemplates its (own) power to act, renders itself inoperative in all its operations, and lives only (its) livability. In this inoperativity the life that we live is only the life through which we live: only our power of acting and living. Here the *bios* coincides with the *zoe* without remainder. Properly human praxis is sabbatism that, by rendering the specific functions of the living inoperative, opens them to possibility (Agamben 2011: 251).

Insofar as this 'sabbatical' life renders all positive forms of *bios* inoperative, it coincides with *zoe*, yet insofar as *zoe* is no longer negated as a foundation of *bios*, it does not take the degraded form of bare life. Rather than reduce political life to a pseudo-natural life through acts of dehumanization, the 'eternal life' of contemplation affirms the potentiality of the human being and thus functions as a "[metaphysical] operator of anthropogenesis, liberating the living man from his biological or social destiny, assigning him to that indefinable dimension that we are accustomed to call 'politics'. The political is neither a *bios* nor a *zoe*, but the dimension that the inoperativity of contemplation, by deactivating linguistic and corporeal, material and immaterial praxes, ceaselessly opens and assigns to the living" (Agamben 2011: 251). What is eternal about this 'eternal life' is then evidently not its span, but rather the excess of potentiality over actuality that is freed when the actual positive forms of life are rendered inoperative in the mode of contemplation.

In *The Use of Bodies* these themes of deactivation, inoperativity and potentiality are elaborated under the rubric of *destituent power*. Whereas the power of sovereign biopolitics is *con*-stitutive, i.e. producing a determinate actual *bios* out of the indefinite potentialities of *zoe*, form-of-life exemplifies the power of rendering actual and determinate forms *de-stitute*, restoring to them their potentiality (Agamben 2016: 207-213, 263-279). Instead of the biopolitical apparatus, in which life was fractured into the unqualified *zoe*, presupposed and negated in the name of the attainment of the political life of *bios*, we end up with a life that generates its forms in its own living and which forms itself to enjoy its own living, a life that is inseparable from the form it takes. "It is generated in living and for that reason does not have any priority, either substantial or transcendental, with respect to living. It is only a manner of being and living, which does not in any way determine the living thing, just as it is in no way determined by [the living thing] and is nonetheless inseparable from it" (Agamben 2016: 224). Life forms itself in myriad modes and does not coincide with any of its specific forms, since it is present in all of them. Whatever form life takes, it retains within it the potential to be otherwise and thereby brings an element of destitution into its every constitution and renders inoperative its every operation.

## 3. FROM BEING THROWN TO BEING CARRIED

Agamben's development of the idea of form-of-life throughout the *Homo Sacer* project may be further illuminated in the context of his continuous engagement with Heidegger's ontology. Indeed, the first formulation of form-of-life in *Homo Sacer* began with a parallel between the opposition between *bios* and *zoe* and the Heideggerian distinction between essence and existence: "Today *bios* lies in *zoe* exactly as essence, in the Heideggerian definition of Dasein, lies in existence" (Agamben 1998: 188). If the essence of the human is unpresentable in terms of

positive predicates ('what one is') but consists in the sheer facticity of its existence ('that one is'), then the form of *bios* proper to the human is indeed its own *zoe*, whose sheer facticity is no longer the negated foundation of bios but rather its entire content, there being no other form, essence, task or identity imposed on it. What Agamben calls form-of-life is then "a being that is its own bare existence, [a] life that, being its own form, remains inseparable from it" (Agamben 1998: 188).

While the discussion in *Homo Sacer* did not go beyond these remarks on this parallel, in *The Use of Bodies* Agamben chooses to distance his idea of form-of-life from Heideggerian ontology. He argues that despite Heidegger's affirmation of possibility as the constitutive aspect of Dasein, his figure of Dasein nonetheless remained stuck with or riveted to its being-there, its thrownness which it had to assume as a task. In contrast to this grave pathos of being-consigned, which Agamben himself relied on in *The Remnants of Auschwitz* to theorize shame as the structure of subjectivity (Agamben 1999b: 87-134), Agamben's own modal ontology rather recalls the para-existential ontology developed by Heidegger's student, Oskar Becker. Against the unwarranted privileging of being-thrown in Heidegger, Becker affirmed a light and adventurous experience of "being-carried" (*Getragensein*): thrown as Dasein might be, it does not land irrevocably in some determinate 'there' but is carried away in the very throw itself (Agamben 2016: 189-91).

Similarly, for Agamben life is never stuck in a form it must assume but is rather carried by it, when we adopt or uphold a particular form, or carried away from it, when we withdraw or recoil from a form we find oppressive or obscene. In his early critique of Heidegger Emmanuel Levinas (1993) similarly problematized Heidegger's figure of being as the inescapable, something we are stuck with and have to be. In his *Reflections on the Philosophy of Hitlerism* (1990) he also addressed the political implications of this ontological standpoint, which consist in founding political community and praxis not on the possible but on the necessary, the given and the inescapable. Levinas's own account of ethics as first philosophy is rather marked by the exigency of escaping the inescapable, which requires breaking outside of ontology as the realm of the necessary (Levinas 1998: 3-20). In contrast, Agamben seeks to redefine the ontological domain itself as that of movement rather than substance. It is not a matter of escaping being but of being itself as escape, as the movement from one form of life to the other, of being carried and carried away at one and the same time.

This ontological shift explains Agamben's renewed attention to the domain that is usually seen as unworthy of philosophical attention, i.e. the realm of lifestyle, habit, fashion and taste, in which life is carried from one form to another. Rather than treat lifestyle in strictly aesthetic terms, Agamben proposes to reinscribe it in terms of ontology and ethics that, moreover, are found to coincide in it. Just as Agamben's 'modal ontology' approaches being as nothing other than its

modifications, so his ethics has its entire content in the manifold tastes, habits, manners or styles that comprise the subject's forms of life:

> It is necessary to decisively subtract tastes from the aesthetic dimension and rediscover their ontological character, in order to find in them something like a new ethical territory. It is not a matter of attributes or properties of a subject who judges, but of the mode in which each person, in losing himself as subject, constitutes himself as form-of-life. The secret of taste is what form of life must solve, has always already solved and displayed. If every body is affected by its form-of-life as by a clinamen or a taste, the ethical subject is that subject that constitutes itself in relation to this clinamen, the subject who bears witness to its tastes, takes responsibility for the mode in which it is affected by its inclinations. Modal ontology, the ontology of the how, coincides with an ethics (Agamben 2016: 231).

This is not a new theme in Agamben's work, as he dealt with the ontological status of habits as early as *Language and Death* and discussed manner and taste as key concepts of politics and ethics in *The Coming Community* (Agamben 1991: 91-98; Agamben 1993: 27-29, 63-65). What is novel is the centrality these questions assume at the end of the *Homo Sacer* project. If the analysis of sovereignty and biopolitics in the first volumes critically targeted the confluence of ontology and politics, whereby e.g. the logic of sovereignty corresponded to the Aristotelian doctrine of potentiality, and the inclusive exclusion of bare life in the state of exception corresponded to the relationship between existence and essence in ontology (Agamben 1998: 39-48, 182), the final volume is concluded by articulating ontology and ethics in an affirmative vision of form-of-life:

> Just as in ethics character expresses the irreducible being-thus of an individual, so also in ontology what is in question in mode is the 'as' of being, the mode in which substance is its modifications. The mode in which something is, the being-thus of an entity is a category that belongs irreducibly to ontology and to ethics (which can also be expressed by saying that in mode they coincide). In this sense, the claim of a modal ontology should be terminologically integrated in the sense that, understood correctly, a modal ontology is no longer an ontology but an ethics (on the condition that we add that the ethics of modes is no longer an ethics but an ontology) (Agamben 2016: 174).

It is this articulation of ontology and ethics that inserts the hyphens into the syntagm 'form of life', transforming something utterly trivial into a highly specific experience that nonetheless remains available to all: "All living beings are in a form of life, but not all are a form-of-life" (Agamben 2016: 277). Agamben repeatedly emphasizes that it is not a matter of offering some specific, new, hitherto unheard of practice as an *alternative* to the existing or predominant forms: where would it come from and what good would it do? "It is not a matter of thinking a better or more authentic form of life, a superior principle, or an elsewhere that suddenly arrives at forms of life and factical vocations to revoke them and render them inoperative. Inoperativity is not another work that suddenly arrives and works to deactivate and depose them: it coincides completely and constitutively with their destitution, with

living a life" (Agamben 2016: 277). Instead, it is a matter of adopting a different perspective on something entirely familiar and banal - quite simply, our habits, hobbies, tastes, manners, quirks, etc. To constitute a form-of-life out of a form of life we must not abandon any of them for some great unknown, but rather live these very familiar forms otherwise than we have tended to. In other words, what is affirmed is not any specific form but only the *manner* in which any form whatsoever could be lived.

In *The Fire and The Tale* Agamben contrasts manner and style in the following way: "In any good writer, in any artist, there is always a manner that takes its distance from the style, a style that disappropriates itself as manner" (Agamben 2017: 9). Similarly, in *The Use of Bodies* style marks the "most proper trait" of a poetic gesture and manner "registers an inverse demand for expropriation and non-belonging" (Agamben 2016: 86-87). If style refers to a consistent model that defines a form of life in its recognizable and repeatable identity, manner consists in a deviation from this model that introduces into a style a modicum of deactivation or destitution. It is clear that the aspects that Agamben discusses under the rubric of form-of-life cannot be found on the level of style but pertain only to the level of manner, in which the style in question is carried along by a living being in idiosyncratic and unpredictable ways.

It is of course possible to argue that some styles lend themselves more easily to be used in the manner of form-of-life, while others are more likely to resist such use. We need only recall Agamben's own tirade against mobile phones and their users in *What is an Apparatus?* to see that he is no stranger to strong statements of preference for some forms of life over others (Agamben 2009b: 16-17). Similarly, in *The Use of Bodies* Agamben disdainfully discusses personal ads in a French newspaper, in which those looking for a life companion vainly try to communicate their form of life in terms of a list of identity predicates and/or possessions: blond hair, good sense of humour, fondness for opera, fly fishing or fox hunting (Agamben 2016: 230). Nonetheless, even in this discussion Agamben explicitly recognizes that the problem is not so much the form, style or apparatus itself but rather the manner in which it is used, which can never be entirely defined by the form in question. Just as in *Profanations* even pornography was shown to be amenable to a profanation that ushers in a "new form of erotic communication" (Agamben 2007: 90), so in *The Use of Bodies* Agamben argues, with reference to Kafka, that "it is not justice or beauty that moves us but the mode that each one has of being just or beautiful, of being affected by her beauty or her justice. For this reason, even abjection can be innocent, even 'something slightly disgusting' can move us" (Agamben 2016: 232). The truth of a form of life is its form-of-life and for that reason it cannot be contained within the form itself. Thus, the most minor, insignificant and even 'slightly disgusting' forms, from speed dating to food porn, may be practiced in the manner of form-of-life, even though each of us will probably draw the line at

practicing some of them. In the final section we shall venture to develop a paradigm of this destituent manner that would further elucidate Agamben's argument.

## 4. FREEFORM LIFE

What is this manner that can make even slightly disgusting behaviors and practices appealing? As we have seen in the first section, Agamben's formal notion of form-of-life is characterized by deactivation, inoperativity and destitution – all negative attributes that appear to have no other content than what they negate. Yet, Agamben does not simply affirm destitution against constitution, potentiality against actuality, manner against style, but ventures to define a way of living in which both are present at once, i.e. an act that retains and manifests its potentiality not to be, a constitutive practice that brings destitution into its every act, a style qualified and disappropriated by a manner.

We may call this manner of living that retains the potentiality for its own transformation in every form it assumes a *freeform* life, by analogy with freeform improvisation in jazz and rock music. The analogy with musical improvisation is quite helpful for grasping the specificity of this manner of living, especially in contrast with the more familiar understanding of life as a series of freely chosen forms. In a paradigmatic improvisation, there is a theme (harmonic framework or chord progression), within which improvisation begins to unfold and to which it might also return (especially in jam-band improvisation in rock). While improvisation may begin as a set of variations on that theme, the theme need not be present at every time in the improvised section, which may rather unfold in an entirely spontaneous manner, veering into all possible directions. Unlike some forms of free improvisation, in which no main theme is discernible at all, in more familiar modes of improvisation the theme nonetheless remains defined at least at the beginning as well as possibly at the end. In the same way, a life that retains the potentiality for transformation in whatever form it dwells in may be easily recognizable in its form yet perpetually surprising in the specific manner in which it assumes this form, as the form in question is stretched to its limits, brought in relation with its opposites, recontextualized in numerous ways, all the while carrying that undefinable air of familiarity. Freeform life is therefore not a matter of a succession of forms that we freely take up and uphold, as e.g. in the (neo)liberal politics of entrepreneurial self-fashioning, but rather a matter of a *free relation to form as such*, not just a freedom to form but a freedom exercised within the process of formation itself, even if this formation ultimately yields little else than the endless playing with the same theme.

This freedom-in is paradigmatic for the process of artistic creation more generally. For Agamben, the process of creation is never reducible to the faithful execution of a style that would simply actualize a given model but is always combined with the opposed process of 'decreation' that resists this actualization, leaving a mark of

incompleteness, hesitation and, ultimately, the potentiality of being otherwise on every work (Agamben 1999a: 270; Agamben 2019). Similarly, Jean-Luc Nancy identified drawing as the paradigm of artistic creation, since its work is indissociable from the activity, never taking on a definitive form but retaining the dynamic moment of formation within itself. "Drawing is not a given, available, formed form. On the contrary, it is the gift, invention, uprising or birth of form. 'That a form comes' is drawing's formula and this formula implies at the same time the desire for and the anticipation of form, a way of being exposed to what comes, to an unexpected occurrence, or to a surprise that no prior formality will have been able to precede or preform" (Nancy 2013: 3).

The idea of freeform life is thus more than a fancy name for the freedom of the subject in relation to the preconstituted forms of life or the equality of these forms in relation to each other. A freeform life involves both the subject and the variety of incommensurable forms in a reciprocal transformation: the subject captivated by the form gives it vitality and diffusion, making an otherwise lifeless form into a form of life, while the same process transforms the subject in accordance with the form, changing his or her life in a particular way, but always in a tentative fashion, retaining the possibility of deactivation in every action it takes. Evidently, retaining this possibility does not entail any injunction to actualize it in every setting. Such injunctions make no sense because the potentiality in question is strictly infinite. We could in principle change one's lives every second, yet what would be the point in that? What is at stake in freeform improvisation is not the ceaseless production of novelty, which quickly becomes tedious and oppressive, but rather the potentiality for the new to emerge in the midst of the most familiar and repetitive, which thereby exhibit their own transience and mutability. Just as in a jazz or rock improvisation, you never know how long the performers will stay on any particular theme, so a freeform life is as such compatible with a remarkable durability of forms of life: it is possible to improvise relentlessly, while retaining a signature sound over decades.

This is perhaps the secret of the popularity of Phish, an American jam band founded in 1983 that has enjoyed a strongly dedicated fanbase over decades. While Phish released fifteen studio albums during their career that sold over eight million copies, they are best known for their live shows that feature extensive improvisation. In the summer of 2017 Phish performed thirteen sold out shows at Madison Square Garden in New York City and completed the year with a similarly sold out four night run ending on New Year's Eve. Although the band has not produced any hit singles and have rarely, if ever, been played on the radio, their concerts have gained enormous popularity and, similarly to the live recordings of the Grateful Dead in previous decades, became more popular than studio releases. The band has released dozens of 'official' live albums and, in addition to that, practically every show has been recorded unofficially to be traded by the fans since the band's early days.

What is it about Phish that generates such excitement about their performances? It would certainly be difficult to understand it by listening only to their studio albums, which feature more or less conventional classic rock songs with jazz, funk and country influences. Numerous critics of the band focus precisely on the quality of the studio material, complaining about the absence of memorable songs. If one remains focused on the songs themselves as the ultimate criterion for evaluation, then it becomes almost inexplicable why these generally unremarkable songs would generate a demand for concert tickets that the most popular mainstream pop and rock acts would envy and struggle to match. Would not extended jam sessions based on those songs be adding insult to injury, making the audience sit through a thirty-minute version of what was not even particularly likeable as a three-minute song?

The puzzle is resolved if we approach improvisation at Phish concerts in terms of the destituent manner that defines a freeform life. Extended jamming does not merely introduce additional variations to a pre-existing song, making the same song merely last longer. Instead, improvisation only takes up the songs in question as templates for improvised experimentation, which may involve chopping up and re-arranging them, playing parts of different songs together or playing a song in reverse order. Rather than play their songs with additional solos and variations, Phish play *with* their own songs, using the established forms of the songs in unpredictable ways, thereby ending up rendering the familiar unfamiliar and introducing difference into repetition. Just as in Agamben's argument even something 'slightly disgusting' can still be moving or touching when practiced in the destituent manner of form-of-life, even the less than memorable Phish compositions sound much better when cease-lessly de- and re- composed in the manner that restores to these songs the potenti-ality, transience and hesitation that characterize the process of artistic (de)creation (see Agamben 2019). Similarly to Nancy's pleasure in drawing, what is enjoyed in Phish performances is not the definitive form produced by the artists but the man-ifestation of formation within every form, in which creation and decreation become indiscernible.

In the extended jams at every show Phish songs are de- and re-created all over again and it is this free relation to the familiar songs that the audience looks forward and rapturously responds to in these performances. While we usually expect the concerts of our favorite bands to feature faithful renditions of familiar songs, at a Phish concert fidelity to established forms is abandoned for a free relation to form and this freedom involved in the process of formation is exposed on stage every night. Rather than ceaselessly try to invent new forms, becoming other with every album, Phish has performed the same act of free formation for over thirty years with admirable dependability, which is why many fans are not content with seeing only one show and instead book tickets for the entire residency. They both know exactly what they are going to hear (the freeform experimentation with the familiar songs) and have not the slightest idea how this freeform jam is going to sound like

on any given night. In this manner, repetition and novelty, composition and improvisation, creation and decreation become indiscernible, exposing in every form the contingency of its coming to presence. By the same token, a freeform life is not defined by the novelty it produces in actuality but by the potentiality for being otherwise that it exhibits in every activity it practices.

This is why we must rigorously distinguish our idea of a freeform life from the valorization of innovation and transformation that characterizes today's neoliberal governance. Neoliberalism prescribes constant change in one's life as a matter of the actualization of one's potentialities, whereby one ends up being all that one can be. The neoliberal subject must move from form to form without any respite of decreation. The perception that everything is possible, that I can be or do both this and that conceals one's subjection to the apparatuses of government that feed on that very potentiality in setting human beings to work in actuality:

> The idea that anyone can do or be anything – the suspicion that not only could the doctor who examines me today be a video artist tomorrow but that even the executioner who kills me, is actually, as in Kafka's *Trial*, also a singer – is nothing but the reflection of the awareness that everyone is simply bending him- or her self according to the flexibility that is today the primary quality that the market demands from each person (Agamben 2010: 44-45).

Freeform life is free precisely *from* this injunction to perpetual transformation, which may be just as or even more oppressive than a mere prohibition. A four-hour Phish concert does not attempt to actualize all the potential of the band members by demonstrating their flexible skills in playing every possible genre of music. On the contrary, the band's freeform jamming has retained a signature sound for decades, which nonetheless contains within itself and exhibits the potentiality for being otherwise. Freeform life does not involve a ceaseless procession of new forms but rather the exposure in every form of the contingent force of its formation. Just as Phish play with their songs, suffusing their most familiar works with a sense of indeterminacy and hesitation, a freeform life plays with the forms it dwells in, bringing a measure of formlessness into every form it takes up. It matters little that the forms might be unremarkable, as long as they retain this potentiality of their own decreation.

## BIBLIOGRAPHY

Agamben, G. 1991. *Language and Death: The Place of Negativity*. Translated by K. Pinkus and M. Hardt. Minneapolis: University of Minnesota Press.

Agamben, G. 1993. *The Coming Community*. Translated by M. Hardt. Minneapolis: University of Minnesota Press.

Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life*. Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 1999a. *Potentialities: Collected Essays in Philosophy*. Edited and translated, with an introduction, by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 1999b. *Remnants of Auschwitz: The Witness and the Archive*. Translated by D. Heller-Roazen. New York: Zone Books.

Agamben, G. 2000. *Means Without End. Notes on Politics*. Translated by V. Binetti and C. Casarino. Minneapolis: University of Minnesota Press.

Agamben, G. 2005. *The Time that Remains: A Commentary on the Letter to the Romans*. Translated by P. Dailey. Stanford: Stanford University Press.

Agamben, G. 2007. *Profanations*. Translated by J. Fort. New York: Zone Books.

Agamben, G. 2009a. *The Signature of All Things: On Method*. Translated by L. D'Isanto and K. Attell. New York: Zone Books.

Agamben, G. 2009b. *What is an Apparatus? and Other Essays*. Translated by D. Kishik and S. Pedatella. Stanford: Stanford University Press.

Agamben, G. 2010. *Nudities*. Translated by D. Kishik and S. Pedatella. Stanford: Stanford University Press.

Agamben, G. 2011. *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government*. Translated by L. Chiesa and M. Mandarini. Stanford: Stanford University Press.

Agamben, G. 2016. *The Use of Bodies*. Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2017. *The Fire and the Tale*. Translated by L. Chiesa. Stanford: Stanford University Press.

Agamben, G. 2019. *Creation and Anarchy: The Work of Art and the Religion of Capitalism*. Translated by A. Kotsko. Stanford: Stanford University Press

Chiesa, L. and Ruda, F. 2011. *The Event of Language as Force of Life: Agamben's linguistic vitalism*. In «Angelaki», 16.3, pp. 163-180.

Kishik, D. 2012. *The Power of Life: Agamben and the Coming Politics*, Stanford: Stanford University Press.

Levinas, E. 1990. *Reflections on the Philosophy of Hitlerism*. Translated by S. Hand. In «Critical Inquiry», 17.1, pp. 62-71.

Levinas, E. 1993. *On Escape*. Translated by B. Bergo. Stanford: Stanford University Press.

Levinas, E. 1998. *Otherwise than Being, or Beyond Essence*. Translated by A. Lingis. Pittsburgh: Duquesne University Press.

Nancy, J.L. 2013. *The Pleasure in Drawing*. Translated by P. Armstrong. New York: Fordham University Press.

Passavant, P.A. 2007. *The Contradictory State of Giorgio Agamben*, «Political Theory», 35.2, pp. 147-174.

Prozorov, S. 2014. *Agamben and Politics: A Critical Introduction*, Edinburgh: Edinburgh University Press.

Whyte, J. 2009. *I Would Prefer Not To: Giorgio Agamben, Bartleby and the Potentiality of the Law*. In «Law and Critique», 20, pp. 309-324.

# THAT WHICH IS BORN GENERATES ITS OWN USE. GIORGIO AGAMBEN AND KARMA

STEVEN DECAROLI
*Department of Philosophy*
*Goucher College, Baltimore (Maryland)*
sdecaroli@goucher.edu

ABSTRACT
The publication of Karman marks an unexpected expansion of Giorgio Agamben's field of inquiry, placing his work in dialogue with texts and concepts drawn from the Buddhist tradition. At the center of Agamben's investigation is the question of how it is possible for humans to become blameworthy and according to the history he presents the notion of fault is joined to the Sanskrit karman ("intentional action") by way of an etymological link with the Latin crimen, meaning "an action insofar as it is sanctioned", which is to say, a crime. This shared lineage of karman/crimen betrays, however, a striking difference in the manner in which the two traditions address the problem of intentional action. Agamben recognizes this and locates within Buddhism an alternative to the Western conception of intentional action that does not imply a fixed subject for whom infinite responsibility and purposiveness can be irrevocably attached. This essay extends Agamben's inquiry by emphasizing the importance of habituation in formulating an ethics without a subject and by highlighting the place of habituation in the theory of karmic causation.

KEYWORDS
Karma, Agamben, Buddhism, Habit, Culpability, Free Will

> The path is obscured by small completions.
>
> The Zhuangzi

The publication of Karman marks an unexpected expansion of Giorgio Agamben's field of inquiry. Although the central themes of the text are familiar enough—action, crime, guilt—and must be seen as a continuation of his previous investigations into Western political ontology, his decision to place these ideas in conversation with texts and concepts from the Buddhist tradition, specifically the Sanskrit concept of karman/karma, is unexpected. Principally known for his scholarship concerning the traditions of the Judeo-Christian West, this shift in Agamben's focus not only comes as a surprise to those familiar with his writings, but also offers a rare

opportunity to place his work in dialogue with the expansive philosophical heritage of the Buddhist tradition.

But why turn to karman?[1]

## 1. CULPA

Of particular importance to the story Agamben tells in *Karman* is the fact that, according to the nineteenth century linguist, Adolphe Pictet, who would introduce the thirteen-year-old Ferdinand de Saussure to the analytic study of Indo-European languages, the Latin *crimen*, which forms the root of the word 'crime', "likely corresponds to the Sanskrit *karman*, [meaning] 'work' in general, good or evil" (Pictet 1877: 436). Although Pictet's etymology is by no means verified, and Agamben notes this, the linguistic intersection between *crimen* and *karman* frames the investigation.

According to the sources Agamben cites, *crimen* refers to action insofar as it has been sanctioned, which is to say, insofar as certain punitive consequences have been attached to the action, rendering it imputable to a subject through the operation of the trial. Although the meaning of *karman* is quite different, it is nevertheless possible to align the two concepts insofar as *karman* similarly joins intentional action with imputable consequences, ordering the world according to karmic laws whose internal principle unfolds according to the ascription of causal effects, rather than through the attribution of fault. On this point Agamben cites the Italian Sanskritist, Raniero Gnoli: "Every action, good or evil, when done consciously, produces an effect or fruit that will inevitably mature . . . *Karman* belongs to the nature of things (*dharmata*), which, as the Indian doctors say, is unquestionable, is a natural law, independent in its development from our concepts of moral justice, recompense, and punishment . . . The fruit, on its part, is so to speak an automatic, involuntary consequence of conscious action, ethically indifferent" (Gnoli 2001-4: xxii-xxiii).

Although he begins by aligning *crimen* and *karman*, Agamben's underlying concern is to demonstrate how differently the two traditions from which these concepts emerge confront the problem generated by the principle of imputation common to each. Within the European context, which is Agamben's principle focus, imputation will coincide with the emergence of a strong conception of individual will and personal freedom around which attribution and juridical blame will coalesce. By contrast, out of the Indian tradition, channeled through Buddhism, what will emerge instead is a profound denial of selfhood and an understanding of agency that does not presuppose the existence of an essential self or soul, while nevertheless

---

[1] Although it is more common to use the spelling *karma*, I have opted for the less common *karman* because this is the rendering Agamben uses throughout the book.

supporting a doctrine of successive births that receives the effects of previous karmic deeds and extends them into the future.

Despite their different formulations, however, Agamben suggests the possibility of discovering in *crimen/karman* the common source of something like an Indo-European ethic, without which "both the Buddhist doctrine of a liberation of people from the karmic sphere of 'enchained doing' [*saṃsāra*] and the connection of guilt and punishment, of virtuous action and its recompense, which stands at the foundation of Western law and morality, would simply make no sense" (Agamben 2018: 29). Both traditions evolve in response to the problem of imputation, but because they chart very different paths, each represents for the other a probing alternative. In contrast to the Indian tradition, attempts by Western philosophers and theologians to comprehend right action and provide a foundation for moral sanction have relied on presuppositions tethered to the idea of an autonomous will and to a sovereign self to which the will is assigned. Despite occasional exceptions, European thought has more or less continually sought to uphold this conceptual edifice, in the shadow of which the bond between action and guilt has steadily developed. "Our hypothesis", Agamben writes, describing the trajectory of his investigation, "is in fact that the concept of *crimen*, of action that is sanctioned, which is to say, imputable and productive of consequences, stands at the foundation not only of law, but also of the ethics and religious morality of the West" (Agamben 2018: 29). To which he adds, signaling both a caution and an opportunity, "If this concept [*crimen*] should fail for some reason, the entire edifice of morality would collapse irrevocably" (Agamben 2018: 29).

The task of testing the solidity of the Western idea of sanctioned action, together with the will and the collection of divisive concepts that encircle it—guilt, responsibility, fault—is the principle undertaking of Agamben's *Karman*, and the single question that motivates the investigation, the same question Kafka assigns to Joseph K. in the pages of *The Trial* and which Agamben adopts as the book's epigraph, is simply this: "How can a human being be guilty?" It is the oddly self-evident quality of the question that the pages of *Karman* seek to explain, because the ease with which we ascribe guilt to subjects, implicating them in a discourse of culpability, has everything to do with the particular manner in which we have come to understand human action.

Essential to Agamben's analysis is an account of the causal machinery at work in law, through which culpability (*culpa*) becomes possible. According to the etymology Agamben sketches, the Latin *causa* denotes that which is at issue in a trial, the affair over which there is a dispute that gives rise to litigation, and marks "the point at which a certain act or fact enters into the sphere of the law" (Agamben 2018: 5). To speak of *causa* in this way is to specify a threshold across which a certain action passes into the domain of law and becomes, as it were, a legal object, acquiring legal standing. For certain actions a supplemental set of effects is generated that exceeds

the natural effects brought about by the action itself and the trial is the mechanism whereby those supplemental effects become real. Whereas every action naturally produces effects, only certain actions, insofar as they are juridically relevant, trigger legal effects which it is the function of the trial to impute to a subject capable of bearing the consequences of legal judgment. The overall apparatus of the trial is responsible, then, not only for making real certain legal effects, but also for assigning these effects, in the form of penalty, to legal subjects who, brought into being by the same juridical discourse, have acquired a general capacity to bear the consequences of judgment, thereby being made culpable. Nothing illustrates more clearly the power of the trial to ascribe culpability than the fact that culpability is not limited to human beings.

At the end of the nineteenth century a number of historical surveys of animal prosecution were published—Karl von Amira's *Animal Punishment and Animal Trials* (*Thierstrafen und Thierprocesse*) (1891), Carlo d'Addosi's *Delinquent Beasts* (*Bestie Delinquenti*) (1892), and Edward Evans' *The Criminal Prosecution and Capital Punishment of Animals* (1906)—all of which chronicle in detail animal trials conducted not only in antiquity, but throughout medieval Europe and even into the early decades of the eighteenth century. Dogs, pigs, rats, moles, cows, even insects were arraigned in court on a broad range of charges and trials were conducted without abridgment: evidence was heard, witnesses were called, and in most cases the accused animal benefitted from legal counsel. "In the writings of medieval jurisprudents", Edward Evans reports, "the right and fitness of inflicting judicial punishment upon animals appear to have been generally admitted. Thus Guy Pape, in his *Decisions of the Parliament of Grenoble*, raises the query, whether a brute beast, if it commit a crime, as pigs sometimes do in devouring children, ought to suffer death, and answers the question unhesitatingly in the affirmative" (Evans 1906: 108). Likewise, in the writings of Antonius Mornacius we learn that in 1610 a Franciscan novice was torn to pieces by several mad dogs who were "by sentence and decree of the court put to death" (Evans 1906: 176). It is surely reasonable, Evans observes, that mad dogs should be killed, but "the remarkable feature of the case [as in other such cases] is that they should be formally tried and convicted as murderers by a legal tribunal" (Evans 1906: 176).

Despite the scope of his study, however, Evans fails to investigate, or even to raise as an issue, the mechanism whereby culpability is assigned to animal life. How is it possible that certain animal behaviors could be removed from the domain of natural activity, which is unimputable, and thereby become culpable? Undoubtedly it is only because animal prosecutions are no longer commonplace that the culpability of animals strikes us as curious, but the frequency of such cases nevertheless demonstrates how variable the attribution of culpability can be. More surprising still is the practice of extending culpability to lifeless objects, as we find in classical Greece. Judicial proceedings of this kind, known collectively as *apsychon dikai*

(prosecutions of lifeless things), were conducted before a special court, the *prytaneum*, to which Plato himself attests. In the *Laws*, for instance, we read: "If a lifeless thing rob a man of life—except it be lightning or some bolt from heaven—if it be anything else than these which kills someone, either through his falling against it or its falling upon him, then the relative shall set the nearest neighbor to pass judgment on it, thus making atonement on behalf of himself and all his kindred, and the thing convicted they shall cast beyond the borders, [*exorizein*, to ex-terminate in the literal and original sense of the term, to take beyond the *termini*] as was stated in respect of animals" (873e-874a) (Plato 1967: 267).

Despite their variety, it is important to keep in mind that what we encounter in each of these cases is culpability rather than fault. This distinction is crucial and helps to explain why humans and animals might face identical forms of prosecution. If, for instance, a sanction prohibits the taking of a human life then, should an animal kill a person, its actions would be as culpable as those of a human who did the same ("*culpa* refers to behavior that, without intending it, has caused some injury" (Agamben 2018: 9)). To be culpable is not the same as to be at fault and by all indication "in the formation of the most ancient laws, something like fault simply does not appear" (Agamben 2018: 8). Law's original function was to introduce penalty in response to unwelcomed actions, not to ascribe guilt to agents. After all, an inanimate object cannot possibly be at fault, nor can it be found guilty in a moral sense, but it is entirely possible for a doorpost, an ox cart, or a stone to be held culpable. Even Evans acknowledges that, "[f]rom the standpoint of ancient and mediaeval jurisprudents the overt act alone was assumed to constitute the crime; the mental condition [i.e., motivation] of the criminal was never or a least very seldom taken into consideration" (Evans 1906: 200). Thus, what we find in the earliest legal codes—such as those from the *Law of the Twelve Tables*: "If a father sells his son three times, the later shall be free from paternal authority" or "When a patron defrauds his client, he shall be dedicated to the infernal gods"—is not criminal legislation in the modern sense, but *regulation expressed as causation*, and for this reason should perhaps be understood descriptively rather than prescriptively, as a causal scheme, not unlike rules of a game which constitute the game by defining the causal environment that orders it, i.e., if a certain action is done, then certain effects will follow. Rules join certain actions to certain consequences, but the entire procedure (action, rule, judgment and penalty) transpires without necessitating the attribution of fault. "By all evidence, the law here limits itself to sanctioning a connection between an action and a juridical consequence. What is assigned is not a fault so much as a penalty in the broad sense" (Agamben 2018: 8).

When the ascription of fault finally arrives, it does so gradually through the expansion of the concept of culpability, first through Christian moral theology and later with the appearance of the modern subject, thereby joining responsibility to an increasingly autonomous individual. What we are dealing with here, Agamben

suggests, is "a gradation of fault" (Agamben 2018: 9) according to which, to a greater or lesser degree, the imputation of action is transformed over time according to the degree to which agency is involved.

> We are accustomed to consider this evolution, which culminates in the modern principle according to which responsibility is founded in the last instance in the free will of the subject, as a progressive one. In reality, we are dealing with a strengthening of the bond that ties agents to their action, which is to say, an interiorization of guilt, which has not necessarily expanded the real freedom of the subject in any way. The connection between action and agent, which was originally defined in an exclusively factual way, is now founded in a principle inherent in the subject, which constitutes the subject as culpable. That means that fault has been displaced from the action to the subject who, if he or she has acted *sciente et volente*, [knowingly and willingly], bears the whole responsibility for it (Agamben 2018: 9).

Fault is attributed not to actions, but to the orientation of the will and therefore can appear only after agency has been extended to the subject. Fault and agency arise together, united by the juridical discourse that *crimen* inaugurates. Over time, and initially under the influence of Roman jurisprudence, penalty is separated from its role as the causal consequence of performing prohibited action and becomes instead the price payed for legal disobedience as such. Eventually, one is no longer penalized for performing a prohibited act, but for having willfully chosen to disobey a legal command and in so doing one commits, properly speaking and in the modern sense, a crime. "The sanction, which was initially nothing other than the immediate and unmotivated consequence of a certain action, now becomes the apparatus that . . . drives the behaviors that transgress its command outside itself as faults and crimes" (Agamben 2018: 19). All of this suggests that the nature of freedom in modern times has been largely misconstrued. Because fault is possible only to the extent that one is free (i.e., possesses agency) the expansion of human freedom has had the dubious effect of strengthening the connection between agents and their actions, binding human beings more tightly to their culpability and to their guilt.

This, then, returns us to the initial question that motivates Agamben's investigation: "How can a human being be guilty?". From what has been said thus far, it should be clear that any answer to this question must include an account of free will as it emerged during the early Christian era, especially since the ancient world seems to have had little need for it. But it is also necessary to consider, as a part of this undertaking, the longstanding antagonism between volition and habituation that accompanies the historical expansion of human agency. Although Agamben does not address habituation in *Karman*, he does so in a number of other texts, most notably in *The Use of Bodies*, and it seems to me that without a sufficient understanding of habituation not only is it not possible to fully explain why Agamben turns to *karman*, but it is not possible to understand the nature of *karman* as such.

## 2. HEXIS

In the section of the *Summa theologica* known as 'the treatise on habits', Aquinas follows Aristotle in maintaining that habits arise in proportion to the frequency of their operation, for "by like acts like habits are formed" (*ex similibus actibus similes habitus causantur*) (Ia IIae q.50 a.1) (Aquinas 1920: 768). Regarding the relationship of habit to the will, around which so much controversy has accumulated, we read in Aquinas that every power that is directed toward action "needs a habit whereby it is well disposed to its act", (Ia IIae q.50 a.5) (Aquinas: 1920: 771) and since the will is a power directed toward action, we must therefore admit the presence of habit within the will. In support of this, Aquinas turns to a passage from Averroes's commentary on *De Anima*, which maintains that the Aristotelian understanding of habit (*hexis*) is principally related to the will inasmuch as "habit is that which one uses when one wills" (*habitus est quo quis utitur cum voluerit*) (Ia IIae q.50 a.5) (Aquinas 1920: 771)—a dictum Aquinas cites repeatedly[2]. Problems arise, however, the moment we try to clearly distinguish the habitual from the willful, particularly with regard to moral judgment and with respect to virtuous action more generally. It is for this reason that anyone who wishes to understand the Aristotelian theory of virtue presented in the *Nicomachean Ethics* must do so by first clarifying what is meant by the concept of *hexis*, because it is under the category of *hexis* that Aristotle situates virtue and frames its meaning. What must be grasped is the extent to which virtue is a type of habit.

Although *hexis* has typically been translated into English as habit, drawing from *habitus*, which was its Latin equivalent and which Aquinas tells us serves as a suitable substitute since both words have their root in the verb 'to have' (Ia IIae q.49 a.1) (Aquinas 1920: 763), care must be taken not to associate the term too closely with the notion of a simple reflex or routine. Such a misstep quickly leads to an apparent inconsistency of which Aristotle's practical philosophy has been mistakenly accused, namely, that since actions performed out of habit are insufficiently voluntary to be considered moral, moral skill cannot be said to arise from habituation. But even if we are careful not to project contemporary connotations onto the classical usage of the term, the precise relationship between habit and will remains ambiguous, especially when we read that the will operates by means of habit. How are we to account for the autonomy of the will while at the same time maintain the habitual nature of its operation? Any solution to this dilemma must not only contend with the semantic difference that lies between *hexis* and our modern understanding of habit, but must also confront discrepancies between ancient and modern conceptions of the

---

[2] For instance, (Ia IIae q.49 a.3), (Ia IIae q.52 a.3) and (Ia IIae q.63 a.2). The quotation also appears repeatedly in Aquinas's earlier works. See for example, the *Scriptum super libros Sententiarum* (*Commentary on the Sentences of Peter Lombard*) (III, d.23, q.1 and III, d.34, q.3). See also, the *In decem libros Ethicorum expositio* (*Commentary on the Ten Books of the Ethics*) III, 6: "A habit is that quality by which a person acts when he wishes" (*habitus est quo quis agit cum voluerit*).

will, because the precise historical meaning of habituation is joined to the fate of what it means to exercise volition.

In the second volume of *The Life of the Mind*, which is devoted to reflections on the faculty of the will and by extension to the problem of freedom, Hannah Arendt opens with the peculiar difficulty presented by the fact that "[t]he faculty of the Will was unknown to Greek antiquity and was discovered as a result of experiences about which we hear next to nothing before the first century of the Christian era" (Arendt 1971: 3)[3]. Although there is no complete consensus as to whether the concept of the will was strictly lacking from the Greek philosophical context—there are numerous Greek terms that designate degrees of volition (*boulēsis, thelema, proairesis*)—it is broadly accepted that the ancients did not employ the notion of the will as the medieval world would come to understand it, particularly with respect to the nature of freedom. And this opinion is not limited to current scholarship. Hobbes claims, for instance, that although the ancients considered in great detail the nature of causality, "the third way of bringing things to pass, distinct from necessity and chance, namely freewill, is a thing that never was mentioned amongst them, nor by the Christians in the beginning of Christianity", and it was quite some time before the doctors of the church "exempted from this dominion of God's will the will of man; and brought in a doctrine, that not only man, but also his will, is free" (Hobbes 1841: 1). If this is in fact the case, then among the principle problems confronting the Christian philosophers of subsequent centuries was the need to reconcile this *tertium quid*, together with the theological problems in relation to which it arose as a solution, with the philosophical systems of the classical world in which the absence of the concept of the free will posed no fundamental difficulties.

It is within the space of this problem concerning the will and its relation to action that Agamben's *Karman* locates a significant part of its inquiry. According to Agamben's explanation, "the will acts as an apparatus whose goal is to render masterable—and therefore imputable—what the human being can do" (Agamben 2018: 44) and this process begins with one of the great achievements of Aristotle, which was to conceive of human action in terms of potential and act. It is so common for us to think in these terms, Agamben observes, that we often fail to recognize the pragmatic nature of its creation, which was to secure a connection between actions and subjects. "[I]t is precisely in the context of the Aristotelian theory of potential that we see appear for the first time in classical Greek thought something that resembles a concept of will in the modern sense" (Agamben 2018: 45). Because Aristotle must explain how it is possible to move from potential to act, he is obliged to deploy a

---

[3] The Greeks, she tells us, do not even have a word for what we consider to be the free will. "*Thelein* means 'to be ready, to be prepared for something', *boulesthoi* is 'to view something as [more] desirable', and Aristotle's own newly coined word, which comes closer than these to our notion of some mental state that must precede action, is *pro-airesis*, the 'choice' between two possibilities, or, rather, the preference that makes me choose one action instead of another" (Arendt 1971: 16).

concept (*proairesis*) to name the source of this possibility. Although in using *proairesis* "Aristotle could not have in mind anything like the free will of the moderns . . . it is significant that, to cure in some way the split he himself had introduced into potential, he had to introduce into the latter a 'sovereign principle' that decides between doing and not doing" (Agamben 2018: 46)—"from which the theologians will elaborate the doctrine of the freedom of the responsibility of human actions" (Agamben 2018: 45).

This sovereign principle is extended as it passes through Christian theology where the will is transformed into a solid foundation for human freedom. It was, "a matter of transforming a being who *can*, which the ancient human being essentially is, into a being who *wills*, which Christian subjects will be" (Agamben 2018: 44). What Agamben is suggesting here is that "the passage from the ancient world to modernity coincides with the passage from potential to will, from the predominance of the modal verb 'I can' to the modal verb 'I will'", (Agamben 2018: 49) thereby securing responsibility for human action. Neither in Hebrew nor in New Testament Greek is there any precise terminology for the concept of the will and it is not until the fourth century—first in debates over the doctrine of divine will and then in Augustine's reflections on the will (*voluntas*) surrounding the circumstances of his own conversion—that the concept receives its full articulation.

In her doctoral dissertation, which has as its theme the concept of love in Augustinian thought, Arendt at one point turns her attention to the passages from the *Confessions* in which Augustine tells the story of his conversion. For Augustine, she explains, "time and again, habit is what puts sin in control of life" (Arendt 1996: 82) because habit is that which not only binds us to this world, obscuring our true nature, but also conceals the future from us by orienting us toward the past. In each case, habit serves not to fortify the will, but to disfigure it because the routines of habituation stand in the way of volition, conforming it to *cupititas* and to sin. For Augustine, the great danger in allowing the will to become habituated to earthly concerns is, of course, that the soul's capacity to embrace divine command is diminished. For although the soul is unitary, under the influence of habit volition "is wrenched in two and suffers great trial, because while truth teaches it to prefer one course, habit prevents it from relinquishing the other" (Augustine 1961: 175). Thus, the soul, divided by habit, turns away from divine law and from the guidance of conscience through which the law is conveyed internally. Sincere commitment on the level of the intellect to live according to new moral principles, in addition to the profound change of spiritual conviction brought on by conversion, encounters resistance when extended to the inclinations of the body, and habit marks the earthly remnant that stands opposed to everything the spirit now yearns for. "These two wills within me, one old, one new, one servant of the flesh, the other of the spirit, were in conflict and between them they tore my soul apart" (Augustine 1961: 164).

What is essential to understand, however, is that the will has no natural orientation toward which its potential is directed and so remains susceptible to external influence. Although our wills are free to choose to do those things that we want, what we want is not genuinely up to us. Augustine comes to realize this. Although the will is free, it is only free insofar as it is able to choose what it desires and habituation tends to reorient those desires, directing them away from God's law. The challenge of obedience arises from this misalignment. In order for the will to choose what is right it must first desire what is right, and according to Church doctrine, refined by Augustine in his debate with Pelagius, the instrument of this guidance is grace. According to *De Correptione et Gratia* (*Treatise on Rebuke and Grace*), Augustine teaches that it is by divine intercession alone that humanity acquires the power to resist sin, and this is not simply by being shown what is to be done, but by being supplied the means of doing it—"For the grace of God [is] that by which alone men are delivered from evil, and without which they do absolutely no good thing, whether in thought, or will and affection, or in action; not only in order that they may know, by the manifestation of that grace, what should be done, but moreover in order that, by its enabling, they may do with love what they know" (3.ii) (Augustine 1872: 71-72). Or, as we find in Bernard of Clairvaux's *De gratia et libero arbitrio*, (*On Grace and Free Will*), a text which Aquinas will repeatedly quote: "It is in virtue of free choice that we will, it is in virtue of grace that we will what is good" (Bernard 1920: 28).

It is possible to see then, that, under the canopy of Christian eschatology, grace comes to supplant habit as the preferred means through which the pure potentiality of the will, which designates the radical nature of its freedom and the specific quality of humankind's moral nature, acquires the tendency toward specific action. Whereas *hexis* is guided by means of exposure to practice, exercise, and examples, grace springs from the direct influence of God, installed not to eliminate choice but to guide action in the face of habitual tendencies that run counter to divine command, resulting in the acquisition of what Bernard calls "moral habits" (*habitus acquisiti*) (Bernard 1920: 32, fn. 5). Grace, like habit, imparts not the act but the disposition to act.

A careful analysis shows that we are not dealing with two distinct terms—habit and grace—but with the articulation of the same conceptual dilemma under the influence of two divergent ontological environments. Indeed, the doctrine of the Church, following Aquinas, speaks of "habitual grace" (*gratia habitualis*) (Ia IIae q.110 a.2) (Aquinas 1920: 1084). And it is due to these differing frameworks that habit and grace are destined to collide, leading to an antagonism that has never been satisfactorily reconciled. On the one hand, according to the ecclesiastic presentation, grace is said to accompany free will so that the tendencies of habit may be overcome, but yet on the other, because grace expresses the direct influence of God, it is difficult to see how such influence does not run contrary to the very notion of free will it

professes to support. How, in other words, is it possible for freedom to persist under conditions that are not only beyond one's control, but which are made possible only through the unearned generosity of God? The will's freedom is once again placed into question, compromised by the bestowal of grace that moves it.

There is no clearer indication of the inability to reconcile free will and grace (and along with it the reconciliation of free will and habit) than the ecclesiastical factionalism that materialized around the subject during the late sixteenth century. The dilemma has never been definitively decided, either philosophically or canonically, and resulted in the convening of the *Congregatio de auxiliis divinee gratiae* (1598-1607) under Clement VIII, which concluded not only without a theological resolution to the controversy—articulated primarily by a protracted dispute between Dominicans and Jesuits concerning the nature of grace and free will—but with a détente imposed by papal decree which shut down the controversy by accepting the viability of the three major positions (Augustinian, Thomistic, and Molinist), and by explicitly forbidding the opposing factions from condemning each other as heretical.

Grace merely reproduces in the domain of theology the antagonism between habit and volition that we began with. Whenever freedom is advanced as an absolute there will always appear the impossibility of satisfactorily answering the problem of how the will remains free while nevertheless being affected by external influences, whether empirical or transcendent. Even within the Christian context of its original formulation, the concept of free will which the West has relied upon almost without exception to ground its moral and political institutions remains undecided. This is why, as Agamben claims quite directly, if this term were to fail, if the free will were to let go of the burden it has carried, the ethico-political scaffolding of the West would have to change. Whenever free will is precluded, as it was across much of the ancient world and as it is in Indo-Buddhist philosophy, human responsibility is not expressed principally in terms of obedience to command but in dedication to techniques, and what is perfected in the domain of human action is the fluency of skill, not the sincerity of obligation.

## 3. ALTERA NATURA

In the opening pages of a careful study dedicated to explaining the absence of the will in classical antiquity, Albrecht Dihle cites a list of Greco-Roman authors, each of whom speak of the limitations place on the gods by the laws of nature. "Not even for God are all things possible" (*ne deum quidem posse omnia*), Pliny the Elder writes in the *Naturalis historiae*, "he cannot cause twice ten not to be twenty or do other things along similar lines, and these facts unquestionably demonstrate the power of nature" (II.5) (Pliny 1967: 187). And Seneca, after opening an inquiry into the benevolence of the gods, refers us to constraints placed upon them by their own nature: "And what reason have the gods for doing deeds of kindness?", he

asks, to which he answers simply, "it is their nature". And therefore, "one who thinks that they are unwilling to do harm, is wrong; they *cannot* do harm" (95.49) (Seneca 1928: 89). When Greco-Roman thinkers speculated on theological problems what they almost always arrived at was a divine figure restricted by the ontological limitations of the given world, thereby distinguishing it from Christian cosmology where the will of the divine, rather than the order of nature, set humanity's moral bearing. "[W]hen Greeks found out about the Christian idea of creation", Agamben explains in an account of the schism between ancient and Christian cosmology, "what remained incomprehensible in it for them was precisely the idea that it did not result from a necessity or a nature, but from a gratuitous act of will" (Agamben 2018: 56). To act properly in such a world is to be motivated more by intellect than by will, to decide according to reason rather than obedience, which Seneca captures succinctly in the dictum, "I do not obey God, rather I agree with him" (96.2) (Seneca 1928: 105). These worlds were not the manifestations of a creator who fashions reality *ex nihilo* but of a God who instead, as Dihle puts it, "molds what was without shape . . . animates what was without life . . . brings to reality what was merely a potential" and, above all, "does not transcend the order which embraces himself as well as his creatures" (Dihle 1982: 4).

In the works of Epicureanism, where the gods are removed almost entirely from the natural world and all things populate a single plane without hierarchy, this vision of a thoroughly immanent cosmos is pushed even further. And nowhere is this expressed more completely than in Lucretius's *De rerum natura* where the full autonomy of nature is affirmed. "Nature is her own mistress and is exempt from the oppression of arrogant despots, accomplishing everything by herself spontaneously and independently, free from the jurisdiction of the gods" (2.1090-1093) (Lucretius 2001: 62-63). Subtracting from his description of nature every teleological element, Lucretius presents us with an image of a universe that is comprehensively un-designed. "It was certainly not by design that the particles fell into order", he writes, "they did not work out what they were going to do, but because many of them by many chances struck one another in the course of infinite time and encountered every possible form and movement, they found at last the disposition [*disposituras*] they have" (1.1022-1030) (Lucretius 2003: 41). Not only is it the case that the gods have no hand in crafting the natural world, but nature too proceeds without a plan, and thus, for Lucretius, every explanation of nature that privileges the language of purpose is fundamentally misguided. No organ was created for the sake of being used and in this sense, there is nothing that an organ is *for*. The eye was not created for the sake of sight, nor the ear for hearing, nor the legs for walking. Instead, he insists, in a passage the has lost none of its disruptive force, "I maintain that all the parts were in being before there was any function for them to fulfill" (4.841-842) (Lucretius 2001: 123).

What we encounter here, in this sweeping reversal of the causal relationship be-tween organ and function, is a complete undoing of the teleological character of natural philosophy, together with the notions of purpose and will that it often im-plies, and with it a reorientation of ontology around the notion of use. It is signifi-cant, then, that Agamben cites these passages from *De rerum natura* not only in *Karman,* but also in *The Use of Bodies,* between which they form a sort of bridge. "It is in Lucretius", he writes, "that use seems to be completely emancipated from every relation to a predetermined end, in order to affirm itself as the simple relation of the living thing with its own body, beyond every teleology" (Agamben 2016: 51). What is being developed in these passages, and across both investigations, is an ontology of use, wherein Agamben extends Lucretian naturalism so as to reimagine human action—conceiving it as potential without act, means without ends[4]. Those who are under the impression that actions follow from agents, or insist that organs precede their functions, are participants in a misleading reversal of the order of existence. "Such explanations, and all other such that men give", Lucretius writes, zeroing in on this point, "put effect for cause and are based on perverted reasoning; since nothing is born in us simply in order that we may use it, but that which is born generates its own use [*quod natum est id proceat usum*]" (4.831-835) (Lucretius 1966: 307). It is precisely in this reversal that we begin to glimpse an overlap with *karman,* which, as Agamben observes, describes the domain of human action ac-cording to an analogous understanding of causation.

Supporting this ontology of use is the legacy of habituation. Having abandoned teleological explanation, which comprehends action only insofar as it is aligned with a predetermined end, Lucretius must instead rely on action alone, in the absence of a purpose that defines it. And it is precisely here that habit makes its appearance, replacing the paradigm of agency with that of use. "[T]he living being does not make use of its body parts" Agamben explains, addressing this alternative ontology, "but by entering into relation with them, it so to speak gropingly finds and invents their use. The body parts precede their use, and use precedes and creates their function" (Agamben 2016: 51). Parts find their way in the world by exploring it, by encoun-tering it again and again until a way of acting is generated that eventually becomes so habitual that it seems to be the natural condition of the body part to operate in the way it does. The legs, to take one of Lucretius's examples, are not made for walking but only become able to walk through repetitive exposure to specific behav-iors, just as the same legs, exposed to dancing, over time take on that quality. The action constitutes the nature of the thing and does not extend beyond it. What is brought into being, in other words, is the act itself. And the very same is true,

---

[4] Agamben describes this as a shift from action to use. Early in *The Use of Bodies* we read: "One of the hypotheses of the current study is, by calling into question the centrality of *action* and *making* for the political, that of attempting to think *use* as a fundamental political category" (Agamben 2016: 23, emphasis added).

Agamben suggests a few pages later, with respect to the subject of action, the self. "This self", he writes, "is therefore not something substantial or a preestablished end but coincides entirely with the use that the living being makes of it" (Agamben 2016: 54). Consequently, and despite every impression to the contrary, the self, including the sense of its own agency, is not the source of action, but is rather an effect.

> [T]he self coincides each time with the relation itself and not with a predetermined telos. And if use, in the sense that we have seen, means being affected, constituting-oneself insofar as one is in relation with something, then use-of-oneself coincides with *oikeiosis*, insofar as this term names the very mode of being of the living being. The living being uses-itself, in the sense that in its life and in its entering into relationship with what is other than the self, it has to do each time with its very self, feels the self and familiarizes itself with itself. *The self is nothing other than use-of-oneself* (Agamben 2016: 55).

According to the ontological paradigm offered to us by Lucretius, but also in line with what we have seen thus far of Agamben's own philosophical understanding, actions that coincide with use must be understood to operate in the absence of agency. In *The Use of Bodies*, in a chapter entitled *Habitual Use*, Agamben explains that if habit is always already a use-of-oneself, "then there is no place here for a proprietary subject of habit, which can decide to put it to work or not. The self, which is constituted in the relation of use, is not a subject, is nothing other than this relation" (Agamben 2016: 60). Thus, habit, insofar as it corresponds with self-use, is, properly speaking, the name given to action without a subject. Joining subject-less action directly to concepts that lie at the center of his onto-political project, Agamben concludes: "*Use, as habit, is a form-of-life*" (Agamben 2016: 62).

Before turning to *karman*, and to the manner in which it supplements Agamben's understanding of use, let us briefly turn to the passages from the *Nicomachean Ethics* where Aristotle presents the theory of habituation upon which he establishes his theory of virtue. With respect to the general theory of virtues, *hexis* designates a stable, durable trait constitutive of a person's character, which originates neither from natural temperament nor from convention, but from repeated experience and exercise. It is for this reason that as far back as Roman antiquity, *hexis* has been described as a second nature (*altera natura*). But what are we to make of this second nature and how does it rank with respect to the first?

> Virtue, then, being of two kinds, intellectual and moral, intellectual virtue in the main owes both its birth and its growth to teaching (for which reason it requires experience and time), while moral virtue comes about as a result of habit, whence also its name is one that is formed by a slight variation from the word for 'habit'. From this it is also plain that none of the moral virtues arises in us by nature; for nothing that exists by nature can form a habit contrary to its nature. For instance the stone which by nature moves downwards cannot be habituated to move upwards, not even if one tries to train it by throwing it up ten thousand times; nor can fire be habituated to move downwards, nor can anything else that by nature behaves in one way be trained to behave

> in another. Neither by nature, then, nor contrary to nature do virtues arise in us; rather we are adapted by nature to receive them, and are made perfect by habit (1103a14-1103a25) (Aristotle 1991: 1742-1743).

The significance of *hexis* being rooted in the verb 'to have' is made apparent from this passage for, with respect to the general theory of virtues, Aristotle employs *hexis* to designate a durable attribute of character that originates neither from natural temperament nor from convention, but from repeated exercise. The manner in which *hexis* indicates a type of having is therefore not at all the same as when we say that someone 'has' an object in the form of possession. Indeed, in the case of 'having' a habit, it might be more appropriate to say that one is held by the habit. What differentiates *hexis* from mere possession, and the reason it stands in close proximity to character (*ethos*), is that *hexis* indicates a manner of having that is a kind of holding—an active, ongoing state. For this reason, *hexis* is contrasted with *diáthesis*, which indicates a more temporary state. In the *Categories* we read that, "A *hexis* differs from a *diáthesis* in being more stable and lasting longer. . . It is what are easily changed and quickly changing that we call *diáthesis*, e.g. hotness and chill and sickness and health and the like" (8b27-9a9) (Aristotle 1991: 14). *Hexis* designates an enduring, rather than transient, quality but not an essential quality. It is a state of character, a disposition, arising not from natural inclinations, but from the cultivation of stable behavioral preferences, a field of activity shaped by practice, becoming "through length of time, part of a man's nature and irremediable or exceedingly hard to change" (8b26-8b29) (Aristotle 1991: 14). It follows from this, then, that the task assigned to ethics, in the absence of every law and command, is nothing other than to guide the effective acquisition of habit, to enable the positive attainment of an *altera natura*.

In keeping with the passage quoted above, *altera natura* is distinguished from *prima natura* principally with respect to its cause, for *hexeis* of all types differ from natural capacities (*dunámeis*)—such as the ability to see, to hear, or to walk—to the extent that they are acquired through practice and repeated action. For this reason *hexis* is presented as a distinctly human type of potentiality. Unlike natural potentials which are limited to specific ends and do not require habituation to pass into action, virtues require habit because human potentiality remains open to many ends. Whereas, according to Aristotle, the potential of a natural agent is bound to a specific and necessary end and for this reason "natural things cannot become accustomed or unaccustomed", human potentiality is "passive" with respect to action and is therefore capable of receiving dispositions, which over time and through repeated application become durable inclinations. As Aristotle explains, in a passage reminiscent of Lucretius,

> [O]f all the things that come to us by nature we first acquire the potentiality and later exhibit the activity (this is plain in the case of the senses; for it was not by often seeing or often hearing that we got these senses, but on the contrary we had them before we

used them, and did not come to have them by using them); but virtues we get by first exercising them, as also happens in the case of the arts as well. For the things we have to learn before we can do, we learn by doing, e.g. men become builders by building and lyre-players by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts (1103a25-1103b2) (Aristotle 1991: 1743).

The comparison with Lucretius is striking, not only because Aristotle's unreservedly teleological description of natural capacities is so clearly at odds with that of Lucretius ("it was not by often seeing or hearing that we got these senses"), but also because there are points concerning the acquisition of virtues where the two philosophers seem to be in agreement. In contrast to abilities that are acquired congenitally, such as sight and hearing, those aptitudes associated with human virtues are different insofar as they arise directly from use. One is not born brave, Aristotle tells us, but becomes so by acting bravely, and more generally, "virtues we get by first exercising them". What separates Lucretius from Aristotle, thereby securing for *De rerum natura* the radical quality of its ontological paradigm, is Lucretius's insistence that the natural and the habitual operate according to the same mechanism. It is not only the human being that acquires its nature secondarily, as a disposition that follows from activity, as Aristotle suggests; it is all of nature that operates in this fashion. For Lucretius, *the cosmos acts before it is*. And for this reason, everything that exists does so as *altera natura*. There is no primary nature.

The world Lucretius describes is a horizontal one, composed of aggregations of material and behavioral patterns that form semi-stable arrangements (*disposituras*) that do not answer to a transcendent model or plan; rather each corresponds only to itself as it reaches out laterally to those other arrangements and patterns that constitute the elements of its surroundings. Extending Lucretius's vision, it is possible to conclude that the world is, in effect, not a collection of objects, but rather a network of arrangements/dispositions assembled over time through habituation, operating at a variety of scales. Whereas the commonsense way of understanding the world assumes the real existence of objects, each with their own natures, together with the belief that their causal interactions are somehow linear—epitomized by the distorted analogy of dominos falling—the model offered by habituation, by contrast, is of a *causal field*. Causation is topological, not sequential. Nothing arises from a single cause. Whatever comes into being does so immanently, as one of the possibilities of nature, sustained by countless interactions within a field of conditions, for which we find a precise Buddhist expression in the principle of dependent origination (*pratītyasamutpāda*), one of the core tenants of Buddhist thought for which the appropriate analogy is not a linear series but an interconnected net (*Indrajāla*). "There is no real production", the fifth century Buddhaghosa teaches, "there is only interdependence" (Conze 1983: 149).

## 4. KARMAN

The final chapter of *Karman* begins with a declaration: "The politics and ethics of the West will not be liberated from the aporias that have ended up rendering them impracticable if the primacy of the concept of action—and of will, which is inseparably jointed to it—is not radically called into question (Agamben 2018: 60). This statement sets the stage for Agamben's direct engagement with *karman*, because unlike the Judeo-Christian tradition of the West, which has sought at almost every turn to anchor the subject in the freedom of the will, the Indo-Buddhist tradition has sought refuge in the opposite direction, in the overcoming of the ego in pursuit of a very different sort of freedom.

As we have seen, for Agamben, the legal apparatus finds its primary function not in the regulation of action, nor even in the application of penalty, but in "the creation of a subject for human action" (Agamben 2018: 77). The subject is the shadow that the law casts in its wake, produced as the effect of an onto-juridical philosophy that requires for its operation a center of imputation for voluntary action. It is the removal of this subject, and the will by which it conceives of its own operation, from our understanding of action, that is the task Agamben bestows to Western philosophy, fully aware of the enormous edifice that threatens to be brought down in the process. From this standpoint it becomes possible, at last, to appreciate Agamben's turn to *karman* and in doing so to grasp the full significance of the Indo-Buddhist endeavor to separate action from the subject, *karman* from *ātman*. "Oh monks", Agamben writes, quoting from the sutras, "I teach only one thing, namely *karman*. The act exists, its fruit exists, but the agent, who passes from one existence to the other to enjoy the fruit of the act, does not exist" (Agamben 2018: 78).

The challenge of reconciling the apparent inconsistency contained in karmic teachings—between the principle that life is conditioned by actions across successive rebirths and the principle that maintains the inexistence of a permanent self capable of receiving the consequences of those actions—has preoccupied Indo-Buddhist scholars for centuries and Agamben finds in their work a strategy that aligns closely with his own. "If one translates [their work], not without a certain arbitrariness, into the terms of our investigation", he writes, "the Buddha's strategy becomes perfectly coherent: it is a matter of breaking the connection that links the action-will-imputation apparatus to a subject", (Agamben 2018: 78) which Agamben's historical study has sought to reveal the possibility of within certain corners of the Western tradition. "Action", he continues, advancing the Buddhist position, "exists in the wheel of co-production conditioned according to the purely factual principle 'if this, then that', and for this reason, it seems to implicate in transmigration those who recognize themselves in it; *the subject as responsible actor is only an appearance due to ignorance or imagination* (or, in terms of this investigation, this subject is a pretense produced by the apparatuses of law and morality). Yet this means that the problem

becomes that of thinking in a new way the relation—or non-relation—between actions and their supposed subject" (Agamben 2018: 78, emphasis added). Should Western scholars adopt this undertaking as their own, or even accept it as a problem to be confronted, the expansive discourse on *karman* within the Buddhist canon can be for them an invaluable source of guidance.

There is no single meaning that can be ascribed to the concept of *karman*. Like every fundamental philosophical principle, its significance for the tradition to which it belongs is expressed through the gradual semantic adjustments that are the very condition of its preservation. The term *karma/karman* appears for the first time in the *Rig Veda* where it bears the limited meaning of action associated with the proper performance of ritual practice. It is not until the time of the *Upaniṣads* that its usage expands to include the normative dimension of intentional actions and the fruit (*phala*) of those actions. In a celebrated passage from the *Bṛhadāraṇyaka Upaniṣad* it is stated that "According as one acts, according as one conducts himself, so does he become. The doer of good becomes good. The doer of evil becomes evil. One becomes virtuous by virtuous action, bad by bad action" (IV.4.5) (1931: 140). The implication here, which is inherited by the Buddhist tradition, is that intentional action gives rise to character in the sense that repeated behavior, by becoming habitual, forms a tendency or disposition (*saṃskāra*) within the doer which conditions future deeds. *Karman* is the principle that describes this process, articulating the relation that obtains between one's actions and one's state of being.

The sequencing here is important and echoes the description of character found in Aristotle. It is not character that determines behavior, but behavior that determines character. The act precedes the agent. The Buddhist tradition will make much of this causal reversal because, whereas the Brahmanical tradition retains the belief that the self (*ātman*) is enduring, separate and independent, thereby supplying a tangible solution to the difficult problem of explaining the transference of karmic consequences across lifetimes, Buddhism will chart a different path according to which the self does not exist in any permanent sense. The pre-Buddhist notion of a core self that travels across lifetimes was given up by Sakyamuni for the idea of the transmission of dispositional patterns alone (*saṃskāras*) according to the karmic process whereby the self is made and remade through actions, giving rise to the pretense of agency and self-consciousness. But simply because the existence of an enduring self is an illusion does not mean that the associated experience is false. An illusion does not mean that something is not real, it simply means that something is not what it appears to be, that we have somehow misattributed its cause.

This is true of all phenomenological reality. Our perceptions are, of course, acutely different from the way things exist in the actual world. The green we see when we look at spring leaves is present only in the perceptual model supplied by our brain. Color is internally constructed, a mental model for navigating our environment, and yet even though we know this to be the case it is terribly difficult not

to assume that the things we perceive are in fact real. The brain gives all perception an ascribed character of reality and the same is true for our *sense* of self, which is quite simply the perceptual model we have of our own existence, shaped by the constraints of a profoundly social, intersubjective environment. World-modeling is a feature of all organisms and is necessary for survival, but for organisms capable of modeling social behavior this capacity is amplified, especially in the case of animals capable of using language. It is within the linguistic domains inhabited by human beings, where a sense of agency appears as a dominant part of the perceptual model, epitomized by the grammatical use of the first-person pronoun, that properly intentional actions arise. The unfolding of intentional action generates consequences for the individual, but also for those who share a common semantic world, by propagating the conceptual elements that populate that world, thereby altering what is considered real within it. We hear echoes of this in the well-known opening verse of the *Dhammapada*: "All experience is preceded by mind, led by mind, made by mind" (2008: 3). These actions, and the enduring positive and negative effects they propagate are, broadly speaking, karmic.

Indian Buddhism identifies five modes of activity (*niyama*) which constrain the arising and ceasing of conditioned phenomena and *karman* refers only to the mode corresponding to action which arises from intention (*cetanā*). The well-known definition of *karman* in the *Nibbedhika Sutta* states this precisely: "Intention, I tell you, is *kamma*. Intending, one does *kamma* by way of body, speech, and intellect" (AN 6.63) (1997). What must be avoided here, however, is the mistake of associating the intentionality of *karman* too closely with moral fault. Although *karman* is properly associated with the belief that virtuous action leads to desirable births, whereas malicious action results in future births characterized by suffering, this does not occur because the doer is being rewarded or punished for the deed. Although meritorious action may result in a pleasurable rebirth, this temporary satisfaction nevertheless remains within the bounds of *saṃsāra* and does not lead to the cessation of *karman*, which is the condition for achieving an enlightened state (*nirvāṇa*), for despite its positive nature, meritorious activity remains intentional. It is intentionality (*cetanā*) itself that is problematic and the generator of *karman*, not because these are actions we can legitimately be blamed for, but because intention is the effect of a model of the world that is false, generating conditions that then appear to us as the result of a subjective agent. Although intending does not necessarily involve rational deliberation, there is no intentionality without a sense of self that directs the mind towards a particular end. Thus, anytime we act intentionally we unavoidably strengthen the illusion of the self, attaching ourselves more firmly to it, and thereby extend its karmic effects. We desire to see our existence in the world as the result of a plan behind which stands an agent as its cause, but that experience, which includes the desire for agency itself, is the effect of an illusory process, and this illusion is the principle effect of *karman*.

In a passage that not only distinguishes the intentional nature of *karman* from moral responsibility, but also returns us to the theme of culpability, Karin Meyers explains:

> Although the fact that karma has a pleasant or painful result according to whether *cetanā* is wholesome or unwholesome (in addition to other contributing factors) makes it tempting to read *cetanā* in terms of our own intuitions about moral responsibility, there is an important conceptual distinction between facts pertaining to the etiology of karma and those pertaining to moral responsibility, and we should not assume there is a direct correlation between the two. Moral responsibility, specifically, culpability is an important topic in commentaries on the monastic rule, for example, but does not figure prominently in the etiological analyses of karma one finds in the *Abhidharma*. This makes sense given that the former has to do with the conduct of persons in a social context governed by a rule and the latter, primarily with the impersonal operations of karma. While moral responsibility is perhaps always at issue in a theological context wherein God is understood to legislate moral law and judge individual desert, it need not be so in the Buddhist context where action is understood to have results according to an impersonal natural order (Meyers 2010: 164-165).

Significantly, Agamben draws our attention to this very issue, citing a passage from the *Aphorisms of Shiva* (*Śivasūtra*) of Vasugupta to illustrate how the moralization of *karman* in terms of merit and demerit is not only a mistake, but is itself a karmic effect. Shiva, who is described as exempt from karmic rebirth, is said to be present in all sentient beings, thereby suggesting that for all creatures non-karmic action is possible. Standing in the way of such action, however, is a flawed manner of perceiving the world. *Maya*, the "power of obscuring", distorts our understanding and one of the elements that results from this distortion is the flawed assumption that *karman* operates punitively, according to merit and demerit. "Those who are imprisoned in the 'bond of Maya' know and feel, but their discernment is limited to the vision of bonds. For this reason, 'in the bond of Maya moral merit and demerit are founded—namely, karmic responsibility for actions carried out'" (Agamben 2018: 78). What the text communicates, Agamben suggests, anticipating the historical development of karmic theory away from a simple punitive model, "is that the relationship of the awakened self with its actions is no longer the karmic one of merit and demerit, of means and end, but is instead similar to that of dancers with their gestures" (Agamben 2018: 79)—this last point we will return to.

To rethink action in relation to the subject demands, therefore, a reversal of sorts. Despite the way it seems, the self in all of its obviousness is not the cause of karmic action, the responsible subject who is assessed according to proper conduct, but is rather its principle effect, to which we are deeply and habitually attached. The more we attempt to make sense of our experiences in terms of the ego, judging them according to merit and demerit, the deeper we plant this illusion of the self. This circle of intentional action whereby the ego differentiates itself from the very world it strives to makes sense of, is *karman*, i.e., a form of cognitive causality

together with the habits of behavior and awareness it creates and perpetuates. From the Buddhist point of view, then, to say that there is no self is, in fact, not to say that the self does not exist. Rather, it is to recognize that what we experience as the self is precisely this projected appearance of permanence, the future effects of which unfold according to the laws of *karman* and are the source of suffering. As Buddhaghosa teaches in the *Visuddhimagga*, In the ultimate sense, all the truths should be understood as empty because of the absence of any experiencer, any doer, anyone who is extinguished, and any goer. Hence this is said:

> For there is suffering, but none who suffers;
> Doing exists although, there is no doer.
> Extinction is, but no extinguished person;
> Although there is a path, there is no goer
> (XVI.90) (Buddhaghosa 2010: 528-529)

Lucretius sought to comprehend the world on the basis of action alone, in the absence of every relation to a predetermined end. The organs of the body were not designed for the use they acquired ("you have no reason at all to believe that they could have been made for the purpose of usefulness" (855-857) (Lucretius 1966: 309)), but instead the actions of the parts over time coalesced into organs that only much later give the appearance of having preceded their activity. Buddhaghosa outlines a similar strategy, expressed in the language of Buddhism, concerning the unfolding of human action. There is no doer that stands before the deed, it is rather the deeds that form over time patterns of activity that seem to implicate the existence of an agent that governs them. In both cases, the ontology under consideration privileges actions not actors, and the causal mechanism that must be explained is the pathway by which behaviors promote habitual tendencies in the absence of a subject that precedes them. The conventional assumption that being is properly understood either in terms of an origin from which it originates or an end toward which it is drawn (that potentiality is predetermined by actuality) is dismissed as a mistake. *Nothing, in fact, moves from potentiality to actuality.* Reality is constituted not by actualities, but by actions, their repetition, and the durable dispositions that flow from them. Altered in this way, the entire problem space of Western ontology is transformed and with it the meaning of ethics.

What does ethics look like against the background of an ontological commitment that admits only actions without imputable subjects? Such a system would run counter to every religious and juridical instinct of the modern world, deactivating from the outset the responsible subject upon which its institutions are founded. From what has been said thus far, however, it seems clear that any such ethics would need to foreground the role of habituation and thereby, at least in this respect, follow the model set down by Aristotle. And this is precisely what we find. In a study devoted to the fourth century Indian philosopher, Vasubandhu, Meyers demonstrates that it is precisely a concern with habituation, in the absence of moral agency, that

characterizes his early approach to Buddhist ethics. "The cultivation (*bhāvanā*) of the path is not primarily an exercise of free or rational choice", she writes, describing a process whereby intentionality gives way to the spontaneity of disposition, "but a process of habituation by which the mind comes to gravitate towards virtuous objects or ends as a result of attending to these objects with appropriate views, desires and moral sentiments. This training requires effort, but the end result is the effortless virtue that results from a well-disciplined personality" (Meyers 2010: 177-178). What we encounter here is not a demand to make a proper moral choice, but a call to embody a certain attitude, to transform one's disposition in response to a series of encounters and practices so as to adopt, as it were, a second nature. According to the Christian moral tradition, habit is a difficulty to be overcome, whereas for Buddhism our capacity for habituation is a condition for the possibility of ethics. Capturing precisely this tension, which also troubles the debate between Aristotle and Augustine, Meyers concludes: "In short, the control that motivates Vasubandhu's theory of action is not the ability to resist habitual conditioning, but the self-control born of habituation" (Meyers 2010: 254).

To yield to a change of disposition (*saṃskāra*, but also *hexis*), guided by practice, is not merely to undergo a transformation of personal attitude, it is also to change the appearance of the world, and in this sense *karman* does important ontological work within Buddhist philosophy. The self and the world arise together, and *karman* describes the process whereby sentient beings constitute their world or realm (*loka*) as environments inseparable from their own activity as subjects. The world we inhabit is brought into being by the way in which we perceive it, and the way in which we perceive the world retroactively constitutes our identity. Over time, these views become mutually reinforcing. We respond to the world in the way we perceive it and because we perceive the world not only in terms of facts, but also in terms of values, there are enormous ethical implications to perception—implications that are missed when the primary focus is on adherence to moral duty. "From karma the various worlds arise" (Vasubandhu, IV.1), writes Vasubandhu, and tradition describes five realms into which karmic rebirth is possible. As the *Nibbedhika Sutta* describes it: "There is kamma to be experienced in hell, kamma to be experienced in the realm of common animals, kamma to be experienced in the realm of the hungry ghosts [*preta*], kamma to be experienced in the human world, kamma to be experienced in the world of the devas. This is called the diversity in kamma" (AN 6.63) (1997). Or, as Vasubandhu himself explains, in a more visceral manner, although the *preta* drink bile, blood and urine, this is not because the *preta* live on some other world where all rivers are polluted. It is due to *karman* that *preta* experience as feted what we taste as water. The point being, of course, that when one experiences the world through anger, one enters the realm of hell. When one experiences the world through greed, one lives an insatiable life in the realm of the *preta*. One need not take these statements literally to grasp their meaning: samsaric

existence, and the suffering that characterizes it, is dispositional, inseparable from the habituated actions of mind and body.

This generative element of *karman*, capable of fabricating worlds, finds its most delicate expression in a distinction that is absolutely fundamental to Buddhism, namely, the non-duality that characterizes the relationship between *nirvāṇa* and *saṃsāra*. Although many sources describe this subtle relationship, its definitive presentation is found in the stanzas of the *Mūlamadhyamakakārikā*, written by the second century monk, Nāgārjuna—the only Buddhist philosopher cited by Agamben prior to the publication of *Karman*[5]. Nāgārjuna writes,

> Whatever is the limit of *nirvāṇa*
> That is the limit of *saṃsāra*.
> There is not even the slightest difference between them,
> or even the subtlest thing
> (25.20) (Nāgārjuna 1995: 75)

In his commentary on these verses, Jay Garfield explains: "To be in samsara is to see things as they appear to deluded consciousness and to interact with them accordingly. To be in nirvana, then, is to see those things as they are—as merely empty, dependent, impermanent, and nonsubstantial, but not to be somewhere else, seeing something else". To which he adds, a few lines later, "Nagarjuna is emphasizing that nirvana is not someplace else. It is a way of being here" (Garfield 1995: 332). In other words, *nirvāṇa* entails a shift in the way one is; an ontological transformation that somehow deactivates the demand of *saṃsāra* by rendering that demand inoperative in the very location where it exists. Realizing an enlightened state, then, is a manner of accomplishment that does not involve any kind of completion, recuperation or retrieval, but rather a new relationship to the given. "*Nirvāṇa*", Agamben writes in the final pages of *Karman*, "is not another world that is produced when the world of aggregates has been annulled, another thing that follows the end of all things. But neither is it a nothing. It is the not-born that appears in every birth, the non-act (*akṛta*) that appears in every act (*kṛta*) in the instant . . . in which imaginations and errors conditioned by ignorance have been suspended and deactivated". (Agamben 2018: 85)[6]. Drawing these principles into the space of

---

[5] For a discussion of Agamben's engagement with Nāgārjuna see DeCaroli, Steven 2012.

[6] It should be noted that Agamben's use of the term 'not-born' (alongside 'non-act') is significant and bears an important legacy in Buddhism. Bankei Yōtaku's (1622-1693) Zen teachings center almost entirely on the idea of the unborn (*fushō zen*). And in the *Genjōkōan* Dōgen (1200-1253) tells us that, "according to an established teaching of the Buddha Dharma, one does not say that life becomes death. Thus we speak of the 'unborn' (*fushō*). And it is an established Buddha-turning of the dharma wheel that death does not become life. Thus we speak of the 'unperishing'" (Dōgen 2009: 257). But what is it to say that something is unborn (*fushō*)? The Japanese *fushō* translates the Sanskrit *anutpāda*: *an-* meaning 'not', *utpāda* meaning 'coming forth, or birth'. Taken together *anutpāda* simply means 'having no origin' and within the discourse of Buddhism the term is closely associated

his ongoing political investigation and joining them more broadly to themes that characterize his philosophical project, he concludes, "Thus, inoperativity is not another action alongside and in addition to all other actions, not another work beyond all works: It is the space . . . that is opened when the apparatuses that link human actions in the connection of means and ends, of imputation and fault, of merit and demerit, are rendered inoperative. It is, in this sense, a politics of pure means" (Agamben 2018: 85).

The concept of inoperativity, which has played an enormous role in Agamben's reconceptualization of both ontology and political action, is here united with fundamental tenets of Buddhist practice, opening a space not only for their intersection, but for a deeper consideration of practice in the context of Agamben's philosophy. For our purposes, however, the importance of practice emerges from the fact that it concerns action and from the standpoint of Buddhism this practice/action, properly understood, is not on the way to an accomplishment, not exerted in the interest of an achievement, not a means to an end, but remains purely practice/action as such—a commitment best exemplified in the Zen tradition, and perhaps especially in the words of Dōgen, who never tired of teaching that the essence of Buddhism is *shikantaza*, Just sitting. Just acting.

Glimpses of a comparable understanding of practice can be found in Agamben's writings as well. Consider, for instance, his commentary in *The Use of Bodies* on what he calls 'contemplation'—action which, in the very act of acting, dissolves the subject of action: "Contemplation is the paradigm of use", he says, "Like use,

---

with *śūnyatā*, being empty of intrinsic nature. The unborn, or the not-born, does not refer to that which does not yet exists, as if things wait in the wings lined up to be born into the world. The shifting of natural elements over time create arrangements that never actually snap into existence as wholes. There is just a slow transformation which never reaches a point of transition when it is possible to say, now this is born, this has been fully actualized. But nevertheless, things *are* born. When Agamben speaks of "the not-born that appears in every birth", the existence of birth is affirmed. In what sense? The born is that which comes into being conventionally, as a distinction made between this-and-that which appears factual. But in each case, that which is born conventionally remains unborn in a more fundamental sense—empty, impermanent and changing. In this way, the born and the unborn are aspects of the same phenomenal entity.

The same can be said, of course, of death and the idea of extinction. The realization of *śūnyatā*, which is to say, the non-essentialist view of existence in which the notion of something like completion has no place and really makes no sense. Once an essentialist ontology is replaced with an ontology of action or use, the doctrine of karmic rebirth becomes far less puzzling. After all, the principle of death as a concept is premised on the assumption that something comes to an end, but without a substantial self this notion of an ending is incomprehensible, making it perfectly reasonable to speak of the continuation of action into the future, beyond anything we might temporarily identify as a self. Death is not a loss—it is simply the rearrangement of parts. It is significant then, that Lucretius, who shares with Buddhism an ontological view that privileges action, should devote many pages of *De rerum natura* to a strenuous argument against the fear of death. To fear death, he argues, is to be taken in by the false belief that you—your conscious self—will be present after your life ends so as to experience the loss, which is no different, and no less implausible, as lamenting the non-existence of your life that preceded your birth.

contemplation does not have a subject, because in it the contemplator is completely lost and dissolved" (Agamben 2016: 63). And in an interview from 2004, conducted long before the publication of either *The Use of Bodies* or *Karman,* Agamben says something quite similar in reflecting on the practice of the self.

> One way the question could be posed is: what would a practice of self be that would not be a process of subjectivation but, to the contrary, would end up only at a letting go, a practice of self that finds its identity only in a letting go of self? It is necessary to 'stay,' as it were, in this double movement of desubjectivation and subjectivation, between identity and nonidentity. This terrain would have to be identified, because this would be the terrain of a new biopolitics (Agamben 2004: 117).

Elsewhere, Agamben ascribes the name 'gesture' to this special non-subjective form of self-use, denoting a manner of action that is neither a means to an end, nor an end in itself, thereby approximating non-karmic action. Gesture is activity that, in the very manner in which it is carried out, at the same time stops itself, exposes itself, and holds itself at a distance. "This holds both for the operations of the body and for those of the mind: gesture exposes and contemplates the sensation in sensation, the thought in thought, the art in art, the speech in speech, the action in action" (Agamben 2018: 84).

There is much more to be said regarding the place of practice in Agamben's philosophy, especially because his discussion of the topic is rather limited. But when the topic does arise, not only do we find that it aligns with certain aspects of Buddhist practice, but that alignment follows at a more basic level from a set of shared ontological commitments which, as we have seen, offer a corrective to the ontological assumptions of the West, the effects of which are visible in the institutions and procedures that surround the juridical subject. Agamben's task in *Karman* has been to show that the edifice of Western morality and law is trapped in something like a karmic cycle, fixed within a samsaric state characterized by self-centered action joined to culpability, through which continual attempts are made to fix the damage done by the invention of the responsible subject by doubling down on the notion of free will. Criminality (*crimen*) stands at the center of this cycle, its viability dependent upon a profound ontological misunderstanding of the world, which enables culpability to be imputed to a subject that does not exist in the manner we think it does. Caught in an ongoing intensification of the ego vis-à-vis a celebration of political and economic freedom, the modern world does not recognize the trap it has set for itself. From a Buddhist perspective, to the extent we exercise capacities associated with free will and volition, we tend to reduce freedom precisely because, in doing so, we fortify the principle source of suffering. The task of exposing this dilemma stands at the center of Agamben's onto-political project and, insofar as it overlaps with the central tenets of Buddhism, suggests a path to a very different sort of freedom, one which begins by showing how the onto-political ideals of the West, and the institutions that have emerged from them, have forged the bonds of

*saṃsāra,* exemplified by the figure of the free and responsible subject, as if these were the very means of its liberation.

## BIBLIOGRAPHY

Agamben, G. 2004. "I Am Sure That You Are More Pessimistic Than I Am . . .": An Interview with Giorgio Agamben. In «Rethinking Marxism», 16.2, pp. 115-124.

Agamben, G. 2018. Karman: A Brief Treatise on Action, Guilt, and Gesture. Translated by A. Kotsko. Stanford: Stanford University Press.

Agamben, G. 2016. The Use of Bodies. Translated by A. Kotsko. Stanford: Stanford University Press.

Aquinas, T. 1920. Summa theologica, 2nd edn. vol. 1. Translated by the Fathers of the English Dominican Province. New York: Benziger Brothers.

Arendt, H. 1996. Love and Saint Augustine. Chicago: Chicago University Press.

Arendt, H. 1971. The Life of the Mind. New York: Harcourt.

Aristotle. 1991. Nicomachean Ethics, in The Complete Works of Aristotle, vol. 2. Translated by W. D. Ross. Princeton: Princeton University Press.

Aristotle. 1991. Categories, in The Complete Works of Aristotle, vol. 1. Translated by J. L. Ackrill. Princeton: Princeton University Press.

Augustine. 1961. Confessions. Translated by R. S. Pine-Coffin. New York: Penguin Books.

Augustine. 1872. De Correptione et Gratia, in The Anti-Pelagian Works of Saint Augustine, Bishop of Hippo, vol. 3. Translated by P. Holmes. Edinburgh: T&T Clark.

Bernard of Clairvaux. 1920. Concerning Grace and Free Will. Translated by W. W. Williams. New York: The Macmillian Company.

Bṛhadāraṇyaka Upaniṣad. 1931. in Thirteen Principle Upanishads. Translated by R. E. Hume.  London: Oxford University Press.

Buddhaghosa. 2010. Visuddhimagga. Translated by Bhikkhu Ñãnamoli. Kandy, Sri Lanka: Buddhist Publication Society.

Conze, E. 1983. Buddhist Thought in India. London: George Allen & Unwin.

DeCaroli, S. 2012. The Idea of Awakening: Giorgio Agamben and the Nāgārjuna References. In «Res Publica: Revista de Filosofía Política», 28, pp. 101-138.

Dihle, A. 1982. The Theory of the Will in Classical Antiquity. Berkeley, University of California Press.

Dōgen. 2009. Genjōkōan, in Buddhist Philosophy: Essential Readings. Translated by Bret W. Davis. Oxford: Oxford University Press.

Evans, E. 1906. The Criminal Prosecution and Capital Punishment of Animals. London: William Heinemann.

Garfield, J. 1995. The Fundamental Wisdom of the Middle Way. Oxford: Oxford University Press.

Gnoli, R. (ed.). 2001-4. La rivelazione del Buddha. vol. 1. Milan: A. Mondadori.

Hobbes, T. 1841. The Question Concerning Liberty, Necessity and Chance, in The English Works of Thomas Hobbes of Malmesbury. vol. 5. London: John Bohn.

Nāgārjuna. 1995. The Fundamental Wisdom of the Middle Way. Translated by J. Garfield. Oxford: Oxford University Press.

Nibbedhika Sutta. 1997. Translated by Bhikkhu Thanissaro. Access to Insight (https://www.accesstoinsight.org).

Lucretius. 1966. De rerum natura, Translated by W. H. D. Rouse. Cambridge, MA: Harvard University Press.

Lucretius. 2001. On the Nature of Things. Translated by M. F. Smith. Indianapolis: Hackett Publishing.

Lucretius. 2003. Poem on Nature. Translated by C. H. Sisson. New York: Routledge.

Meyers, K. 2010. Freedom and Self-Control: Free Will in South Asian Buddhism. Dissertation. The University of Chicago.

Pictet, A. 1877. Les origines indo-européenes. 2nd ed. vol. 2. Paris: Sandoz et Fischbacker.

Plato. 1967. Laws. vol. 2. Translated by R. G. Bury. Cambridge, MA: Harvard University Press.

Pliny. 1967. Natural History. vol. 1. Translation by H. Rackham. Cambridge, MA: Harvard University Press.

Seneca. 1928. Ad Lucilium epistulae morales. vol. 3. Translated by R. M. Gummere. London: William Heinemann.

The Dhammapad. 2008. Translation by G. Fronsdal. Boston: Shambala Publications.

Vasubandhu. 2012. Abhidharmakośa-Bhāsya. vol. 4. Translated by G. L. Sangpo. Delhi: Motilal Banarsidass Publishers.

# BEGINNINGS ARE HARD. GIORGIO AGAMBEN AND THE REGRESSIVE SUBJECT

## PIOTR SAWCZYŃSKI
*Department of International and Political Studies*
*Jagiellonian University in Kraków*
piotr.sawczynski@gmail.com

## ABSTRACT

The article analyzes Giorgio Agamben's methodological tool of regression against the background of Jewish messianism. Although the term is obviously borrowed from Freudian psycho-analysis, Agamben's reading of regression has a distinct messianic spin: it means a movement toward prelinguistic existence (infancy), prior to the ontological split within the subject generated by language. This quasi-Edenic narrative might be called a 'Heideggerian moment' of Agamben's thought but I argue – with reference to Infancy and History and Signature of All Things – that it is actually deeply rooted in Jewish tradition. The aim of the article is to 1) demonstrate the crypto-theological background of regression to infancy and 2) critically analyze Agamben's idea of 're-gressive' subjectivity beyond the principle of signification.

> We must dream backwards, toward the source, we must row back up the centuries,
> beyond infancy, beyond the beginning, (...) toward the living center of origin
> (Octavio Paz, The Broken Waterjar)

## 1. INTRODUCTION

In his widely discussed essay *Progress or Return?*, Leo Strauss contemplates two fundamental political and religious concepts – progress and return – in the context of Jewish tradition. He famously argues that the modern ideal of progress has back-fired, leading us to "the brink of an abyss" (Strauss 1997: 87) and bringing about an unprecedented crisis of Western civilization. Consequently, a contemporary man needs to be 'redeemed' from progress and brought back to tradition. The applica-tion of the messianic idiom to the critique of progress might be surprising, but

Strauss's argument is that messianic idea in Judaism has been primarily associated with restoration, not progress; progressive messianism is merely a secular, political distortion of its original, restorative message.

To support his thesis, Strauss refers to the findings of Gershom Scholem, whose work was mostly devoted to the analysis of the messianic idea in Jewish kabbalah. "As I learn from Scholem" – says Strauss – "Kabbala prior to the sixteenth century concentrated upon the beginning; it was only with Isaac Luria that Kabbala began to concentrate upon the future – upon the end. Yet even here, the last age became as important as the first. It did not become more important" (Strauss 1997: 88). He then quotes Scholem's *Major Trends in Jewish Mysticism* where we read that "for Luria «salvation means actually nothing but restitution, reintegration of the original whole, or *tikkun*, to use the Hebrew term. (...) The path to the end of all things is also the path to the beginning»" (Strauss 1997: 88)[1]. This leads Strauss to conclude that Jewish messianism is in its essence concerned with *teshuva,* or return; the life of the Jew might be "a life of anticipation, of hope, but the hope for redemption is restoration – *restitutio in integro*" (Strauss 1997: 88).

What Strauss fails to add in his impressive apology of the origins is that the messianism of modern Jewish kabbalah is much more nuanced. Although single excerpts might indeed show Luria as a conservative spirit, Scholem repeatedly highlights "a strictly utopian impulse" (Scholem 1971: 13) of the Lurianic myth. His fundamental essay *Toward an Understanding of the Messianic Idea in Judaism* explicates that when Luria and his disciples speak of re-establishing the original perfection, they do not mean the return to any actual origins but to the potentiality which – due to fundamental cosmological ruptures[2] – failed to actualize. In Scholem's own words, the Lurianic *olam ha-ba* "does not correspond to any condition of things that has ever existed even in Paradise, but at most to a plan contained in the divine idea of Creation" (Scholem 1971: 13). Consequently, *tikkun* is "not so much a restoration of Creation (...) as its first complete fulfillment" (Scholem 1969: 117).

The dispute between Strauss and Scholem – two of the most prominent Jewish thinkers of the twentieth century – is a useful framework for the analysis of Giorgio Agamben's methodological tool of regression which I carry out in this article. Although the term is obviously borrowed from Freudian psychoanalysis, Agamben's reading of regression has a distinct messianic spin: it means a movement toward prelinguistic existence, prior to the ontological split within the subject generated by language. This quasi-Edenic narrative might be called a 'Heideggerian moment' of

---

[1] The original to be found in Scholem 1946: 256, 274.

[2] Lurianists invested in the mythical image of *shevirat ha-kelim* ("breaking of the vessels") - a founding catastrophe which results in a general deficiency and displacement of things in this world. In Scholem's words: "Nothing remains in its proper place. Everything is somewhere else, (...) in exile, (...) in need of being redeemed" (Scholem 1969: 112-113). More on these cosmological ruptures to be found in Fine 2003.

Agamben's thought, but I argue that it is actually deeply rooted in Jewish tradition. To demonstrate this crypto-theological background, I refer both to *Signatura rerum* [*The Signature of All Things*] – the work in which Agamben's theory of regression is elaborated – and *Infanzia e storia* [*Infancy and History*] where the concept of prelinguistic existence (infancy) is used to speculate about life inseparable from language. I propose to think of regression as a dialogue with both the restorative messianism put forward by Strauss and its dialectical variations to be found in Scholem, but also argue that Agamben's 'regressive' messianism – ingenious as it is – remains hopelessly torn between the phantasm of original perfection and the utopia of a return "to that which never was" (Agamben 1991: 97). Specifically, it is my contention that the theory of infancy contradicts the premises of regression which is supposed to set the ground for its coming, and makes Agamben's idea of regressive subject highly problematic.

Surprisingly, although the concept of regression is of primary importance for Agamben's methodology and ontology, it has been a subject of hardly any systematic research. It is usually just briefly mentioned by scholars in the context of paradigm and signature, whose theories indeed make up the core of *The Signature of All Things* (McQuillan 2010; Snoek 2010). The only elaborate analysis of regression as such is to be found in Colby Dickinson's *Agamben and Theology* (2011), where it is aptly related to the idea of infancy. However, as Dickinson's book is written from a Christian perspective, it fails to comment on the Jewish messianic background of Agamben's regression. My paper fills this serious gap and brings out the camouflaged Jewish references to demonstrate the idea of regression as an important contribution to the debate on the actuality of messianism. At the same time, it critically analyzes the relation of regression to infancy, and sheds some light on their theoretical incongruity.

## 2. REGRESSION

The concept of regression appears in a chapter of *The Signature of All Things* titled *Philosophical Archaeology*[3], where Foucauldian terminology is applied to redefine philosophical inquiry into the past. Agamben argues that *arché*, being the proper object of any archaeological practice, is not a factitious origin that chronologically precedes the present, nor a metaphysical principle from which all things have developed. It is rather "the point from which the phenomenon takes its source" (Agamben 2009a: 89), and the moment when dominant discourses have been constituted. As such, the archaeology both Foucault and Agamben have in

---

[3] The notions of archaeology and genealogy, whose Agamben fails to differentiate, are important for his later works and are to be found e.g. in the subtitles of *The Kingdom and the Glory* (Agamben 2011a) and *The Sacrament of Language* (Agamben 2011b).

mind needs history to "dispel the chimeras of the origin" (Agamben 2009a: 83)[4] and recognize fundamental tensions inherent in each historical practice.

If we realize how much Agamben's philosophy owes to Martin Heidegger, his critique of sources and tradition cannot help but evoke Heidegger's famous distinction into "history" (*Geschichte*) and "historicity/historicality" (*Geschichtlichkeit*). As we read in *Being and Time,* "historicity as a temporal mode of being (...) is prior to what is called history (...); it is the ground for the fact that something like the discipline of 'world history' is at all possible" (Heidegger 1996: 17). What any revisionist spirit might find appealing is especially Heidegger's project of revealing this ground and returning to the 'true' origins of phenomena that so far have been concealed or made inaccessible by the dominant metaphysical tradition. However, Agamben is careful to make it clear that the *arché* he thinks of is neither to be found in a distant past, nor is it metahistorical in its nature. Rather than Heidegger, then, he follows Friedrich Nietzsche in his abandonment of the term *Ursprung* ("origin") in favour of *Entstehung* ("emergence"), not in the sense of genesis, but the dynamic arising of things (Agamben 2009a: 83)[5]. He thereby demonstrates once again that philosophical archaeology is not about the nature of the past but about the emergence of the present, and, as such, it favours process of formation over an alleged essence of things.

Quite surprisingly, but perhaps in accordance with his strategy of covering tracks, Agamben fails to mention that this is precisely how origin was conceptualized by Walter Benjamin, another of his philosophical masters. Instead of rejecting the term, like Nietzsche and Foucault, Benjamin chooses its "strong misreading" (Bloom 2003) and comes up with the idea of origin *as* emergence. Although origin – he argues in the preface to the work on German tragic drama – is a historical category, it has nothing to do with the idea of genesis as the inception of some phenomena at a certain moment in time. To think of origin as the very first link in the chronological chain of causes and effects would correspond to the conception of "homogeneous and empty" time that Benjamin harshly criticized as "bourgeois" (Benjamin 2006: 396)[6]. Rather, the origin is "an eddy in the stream of becoming" (Benjamin 2003: 45), an operative force convulsing the body of history from the inside, which makes it not metahistorical, but transhistorical. As Agamben himself aptly puts it elsewhere, in a clear polemic with the Straussian idiom of restoration, "the return to the origin that is at issue here thus in no way signifies the reconstruction of something as it once was, the reintegration of something into an origin understood as a real and eternal figure of its truth" (Agamben 1999c: 152).

---

[4] The original to be found in Foucault 1998: 373.

[5] See also Foucault 1998.

[6] To make things a little more confusing, let us note that Benjamin rejects the notion of *Enstehung* for precisely the same reasons why Nietzsche failed to invest in *Ursprung:* he associates it with descent, not emergence.

It is exactly this idea of the origin that Agamben's messianism of regression seems modelled on. In a crucial fragment of his essay, Agamben points to a structural analogy between the philosophical archaeology he has just worked out and the psychoanalytic regression therapy[7]. In a classical Freudian approach, regression was defined as a backward movement of the subject to an earlier stage of development in response to some traumatic memories that could not be handled in a more adaptive way. The task of the analysis, sometimes called therapeutic regression, was to identify the repressed, unconscious origin of trauma in order to help the patient work through it and eventually neutralize its effect on consciousness (Heimann and Isaacs 2002: 169). Agamben follows the psychoanalytic intuition not without making a slight but meaningful adjustment to it. What he calls "archaeological regression" (Agamben 2009a: 98) is a therapy that confronts the historical 'repressed' not by exploring the unconscious but rather identifying and deconstructing the very source of the split into conscious and unconscious. In other words, instead of seeking a moment prior to binary divisions, Agamben chooses to work on the moment they have been generated. Why is that? Picturing the 'before' as a state of prelapsarian unity, he claims, means following the logic of the split: only in the world governed by the principle of divisions is the mirage of original non-division possible as its opposite. The alternative would be to think from beyond the split, where nothing like a historical origin exists, there is just spontaneous emergence or arising. What Agamben's regression then leans toward is not "to restore a previous stage, but to decompose, displace, and ultimately bypass it in order to go back not to its content but to the modalities, circumstances, and moments in which the split, by means of repression, constituted it as origin" (Agamben 2009a: 103).

We have already seen that for Agamben the idea of restoring a previous stage is nothing but a phantasm. However, what we are regressing to in the archaeological practice remains yet unclear: is it some other past or is it past at all? In other words, what is the temporal structure of such regression? Further in the essay, Agamben notes that, technically speaking, his project is more about the present than the past, or, if we insist on this word, about the past that "somehow has remained present" because it "has not been lived through" (Agamben 2009a: 102). One can easily capture here similarities to Scholem's account of the Lurianic 'return' as the restitution of potentiality, which Agamben must also have in mind when he speculates on coming back to "a present where we have never been" (Agamben 2009b: 52)[8]. However, as the liberation of history is always projected into what is going to come, the practice of regression also points to the future, and, in Agamben's view, it somehow complements the angel of history whose powerful image has been drawn by Benjamin

---

[7] Agamben credits an Italian philosopher Enzo Melandri with first exposing the analogies between Foucault's and Freud's methodology.

[8] That Agamben was well acquainted with the utopian-restorative idiom of the Jewish kabbalah is to be seen in Agamben 1999b: 167-168.

in his famous ninth thesis. If Benjamin's angel is driven into the future while "turned toward the past" (Benjamin 2006: 392), the 'angel' of regression moves backward with a gaze fixed on the future. When they catch a fleeting glimpse of each other, claims Agamben, it becomes clear that the "invisible goal" (Agamben 2009a: 99) of their procession in time is the present.

If the implicit allusions to the Jewish kabbalah and explicit references to Benjamin are not yet enough to speak of regression as a messianic enterprise, the ultimate argument is offered by the author himself who terms regression – perhaps a little self-ironically – an "almost soteriological" practice (Agamben 2009a: 98). The idiom of messianism is further applied in the final paragraphs of the essay when Agamben recapitulates the relation of archaeology to history. Their interdependence, he argues, corresponds to the relation between redemption and creation in the three monotheistic religions (Agamben 2009a: 107-108). While creation obviously precedes redemption in time, it is only the latter that makes creation intelligible and meaningful. As such, the work of redemption follows in chronology but precedes in rank, which is precisely how archaeology relates to history. And if Agamben might want to quote Scholem's kabbalistic reflections, he could put the relationship even more aptly: it is only redemption that for the first time brings fulfillment to creation.

## 3. INFANCY

Calling in the big theological guns implies that the stakes of regression are much higher than just a reconceptualization of the origin. Indeed, Agamben's methodological essay shall not be discussed alone, but rather as a chronological follower and logical antecedent of *Infancy and History*. Only read against this early work on the relation of time and language, archaeological regression fully reveals its significance. Through the concept of infancy, Agamben tries to convince us that the fracture underlying our vision of history constitutes all the condition of being-human. There is a formative split upon which our lives are founded; the split generating further divisions that we, as mankind, are hopelessly involved in. Its persistence stems from the fact that the founding split is produced by the essential property of being-human: the use of language, and can only be neutralized, Agamben contends, through an infantile experience of wordlessness. His archaeological project is thus about regressing to an infancy in order to deactivate the divisions produced by our language and think of humans as speaking beings beyond this negative grounding.

But first things first. From Humboldt and Hamann on, modern philosophy has demonstrated how language and human subjectivity are intertwined. All post-transcendental critiques of the subject accentuate that consciousness independent of language is a phantasm, and human is only constituted as the individual through the use of words. However, to argue it is the capacity of speaking which differentiates

humans from other animals is highly anachronic – modern life sciences have proved that a number of animals use advanced sound communication. What is really characteristic of human animals, Agamben points out, is rather a constitutive gap between actual speech and the symbolic system of language. Unlike other animals, who are born in language – "they are always and totally language" (Agamben 1993: 52) – humans receive it from the outside, and can only enter the kingdom of speech once they have learned to use meaningful sounds[9]. For Agamben, this distance between the semiotic (language signs) and semantic (discourse) has some serious consequences for the subject. First, we do not own our language but have to wrest it for ourselves; as such, language is not a human property as the Aristotelian tradition of *zōon logon echon* has affirmed, but an external apparatus from which we are originally alienated. Second, as already mentioned, the foundational rupture into the living self and the speaking self generates further separations, like the political opposition of the individual and the common. It is therefore the separating nature of language that Agamben makes responsible for the specious alternative of liberalism and communitarianism that determines our political spectrum (Agamben 2007: 9). Last but not least, if human discourse has to be mediated by the sign system, the price we pay for sophisticated communication based on general and abstract terms is the loss of immediacy; animals are one with their language, we are not. The entrance into language is also reductionist in the sense that the moment we actualize our linguistic capacity and start to produce words, we lose the original potentiality to say anything in any language. As Daniel Heller-Roazen puts it, "it is as if the acquisition of language were possible only through an act of oblivion, a kind of linguistic infantile amnesia" (Heller-Roazen 2005: 11).

The infantile, pre-subjective experience of language is precisely what Agamben wants to save in his messianic enterprise. Infancy[10], he argues, is not just the psychosomatic stage of human development when an individual has not yet learned to speak. It is rather the original form of language in a Benjaminian sense of the word – a fleeting experience of ineffability that not only chronologically precedes but also kairotically coexists with conventional language (Agamben 1993: 48). As such, infancy is a gap in the structure of language, "a break with the continual opposition of diachronic and synchronic, historical and structural" (Agamben 1993: 49-50), which pushes beyond its boundaries toward the pure potentiality of speech.

There is also another phrase which grasps the elusive nature of infancy: the state of exception. In Agamben's widely discussed work on this political and legal phenomenon we read that it introduces a "zone of indistinction" (Agamben 2005a: 26), in which one can no longer tell the difference between norm and anomaly.

---

[9] This problem is elaborated in *Language and Death* (Agamben 1991) where Agamben explicates this original distance through the idea of the Voice, being the negative metaphysical foundation of human 'being-in-language'.

[10] Or rather: in-fancy.

Analogically, the experience of original wordlessness makes it impossible to distinguish the inside of language from its outside, and the crucial split into the living and speaking being is – at least momentarily – deactivated. In other words, when infancy is incorporated to our linguistic nature as a formative exception, a chance opens for the human animal to coincide with his language while still being separated. And if we remember that man is only subjectified by the discontinuity between discourse and language, it is then perfectly right to call infancy "both remnant of the animal and potential for the post-human" (Watkin 2010: 13)[11].

## 4. CONCLUSIONS

Read against infancy, regression is no longer a humble methodological tool, but a fundamental metaphysical concept which challenges the divisions that have so far determined Western ontology, the linguistic split within the subject being of supreme importance. However, at times Agamben's theories of regression and infancy look antinomic rather than complementary, and these are precisely some discrepancies that I would like to bring out now. The first one concerns the status of origin *vis-à-vis* the unconscious. As already noted, Agamben conceives of infancy as the unchronological origin to be sought *in* and not before language. At the same time, the elusive nature of infancy reminds him of Freud's concept of the unconscious: whereas the latter "occupies the submerged part of psychic territory" (Agamben 1993: 48), the former is latent on the margins of language. As if anticipating objections, Agamben is quick to stipulate that the unconscious he means is not precedent of consciousness but rather originally coexistent with it in the form of "interior monologue" (Agamben 1993: 48). In other words, it is the unchronological origin of consciousness just like infancy is the unchronological origin of language. However, even if we take Agamben's 'kairotical' theory of the unconscious at face value and weave it into his reading of the origin, it is still fundamentally inconsistent with the premises of regression. As we remember, his main objection to psychoanalysis formulated in *Philosophical Archaeology* was that by investing in the unconscious, it reinforces the psychic division into the Ego and the Id instead of trying to deactivate it. Archaeological regression, on the contrary, shall not be about exploring the unconscious but about questioning the dualistic nature of the self. How does this relate, one could ask, to the discussion of infancy as the unconscious of language? It looks like the reproduction of the psychological split (conscious/unconscious) is the price Agamben has decided to pay for the deactivation of the linguistic one (language/discourse). But if we recall there are no mental states beyond language and human psyche is always 'linguistic', is there any split made inoperative at all?

[11] More on infancy as a chance to deactivate the anthropological machine in Agamben 2004.

Second, and more importantly, there is the problem of deactivation which motivates both regression and infancy. According to Agamben's major thesis, the separation introduced to our creaturely lives by the apparatus of language is that into the living being and the speaking being. Unlike other animals, whom Karl Marx describes as "immediately one with [their] life activity" (Marx 2010: 276), the human animal has no direct relation to language, and it is thanks to this gap between life and speech that the experience of infancy is possible. Without it, Agamben admits, man would be fully united with his nature, there would be no "historicity of language" (Agamben 1993: 52) and no history at all. However, it is crucial to notice a significant paradox inscribed in infancy: while it seems to reassure the anthropological difference between human and other animals, it is also tested by Agamben as a means to deconstruct the difference by deactivating the mechanisms that separate humans from the system of language. In other words – indeed a trademark of Agamben's messianism – what generates divisions is also supposed to make them inoperative. To do this, as we have seen, infancy establishes a zone of indistinction in the likeness of the state of exception, which results in the original split being not erased but neutralized, likewise the alienation of human subjects from their own animality. It is precisely this parallel to the state of exception, I argue, that seems the most problematic here. In a fragment of *Homo Sacer* devoted to the analysis of exception, Agamben makes it clear that on the threshold of indistinction between law and life the latter is absorbed by the former, much more powerful as governed by the principle of sovereignty (Agamben 1998: 53). He also claims that law is not the sole domain of sovereignty, whose attribute is the "unlimited power" (Schmitt 2005: 10) over life; another one is language. The question must be asked, then, if the indistinction that infancy generates between man and language does not result in the human subject being fully *subjected* to the linguistic apparatus? Obviously, Agamben specifies that it is only the sovereign state of exception where language wholly "coincides with reality itself" (Agamben 2005b: 105)[12]; the messianic state of exception produced by infancy would be that of "immediate mediation" (Agamben 1999a), where humans coincide with language while still being separated from it. But are there any safety measures to secure the minimum of separation once it has been blurred by Agamben's *experimentum linguae*? Is the "tiny displacement" (Agamben 2007: 53) of sovereignty and messianism not just too tiny this time?

This problem returns in the important essay *The Idea of Language*, where Agamben meditates on the religious concept of revelation to conclude that it is not so much the truth of being that is revealed in the word of God but the truth of language. The truth, he argues, is that "humans can reveal beings through language but cannot reveal language itself" (Agamben 1999a: 40). Why is that? As we learn

---

[12] Although this remark is on law and not language, Agamben famously argues that both these apparatuses are structurally analogous and governed by the logic of sovereign exception (Agamben 1998: 20-21; Agamben 2005a: 36-37).

from the Lurianic kabbalah, the power of words, being the original domain of divinity, is too great for finite creatures to absorb; it is only through fractures and separations that this power might be diminished and words used to communicate. It means that – as Scholem puts it – "only that which is fragmentary makes language expressible" (Biale 1985: 87); any direct, unmediated access to language has been barred and had it not, words would be "unmerciful" to human subjectivity (Scholem 2003: 216)[13]. Although expressed in religious terms, these kabbalistic intuitions offer a significant critique of language which fails to be convincingly confronted by Agamben's profane messianism. As a result, how to neutralize the linguistic split within the human subject without exposing him to the "unmerciful" power of language remains unclear. What is clear, though, is another discrepancy between regression and infancy: whereas the first was meant to redefine subjectivity by deactivating its negative grounding, the latter risks reinforcing this negativity by empowering the linguistic sovereign. It seems like at a crucial point these two messianic concepts hopelessly miss each other; they resemble the angels of history who just exchange glances while moving in two different directions.

As we have seen throughout the discussion, the regression to infancy is about 'restoring' the full potentiality of our linguistic origins. As such, it backs up Scholem's kairotical idea of return against Strauss's longing for the actual beginnings. Paradoxically, though, the idiom of "immediate mediation" brings Agamben much closer to the Straussian way of thinking, where separations and discontinuities are considered obstruction rather than safeguard. While these inconsistencies of his crypto-theological project might be considered a flaw, they are actually symptomatic of all Jewish messianism, with the idea of return to the origins hopelessly stretched between restoration and utopia. One could thus say that as long as Agamben's thinking lives on antitheses, it remains faithful to its crypto-theological background; but would it not be itself a paradoxical conclusion to the philosophy which makes for deactivation of opposites?

## BIBLIOGRAPHY

Agamben, G. 1991. *Language and Death: The Place of Negativity.* Translated by K.E. Pinkus and M. Hardt. Minneapolis and Oxford: University of Minnesota Press.

---

[13] The comment on the "unmerciful light of revelation" originally appears in Scholem's letter to Benjamin from 1 August 1931 a propos Franz Kafka's prose.

Agamben, G. 1993. *Infancy and History: The Destruction of Experience.* Translated by L. Heron. London.New York: Verso.

Agamben, G. 1998. *Homo Sacer: Sovereign Power and Bare Life.* Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Agamben, G. 1999a. *The Idea of Language.* In *Potentialities: Collected Essays in Philosophy.* Translated by D. Heller-Roazen. Stanford: Stanford University Press, pp. 39-47.

Agamben, G. 1999b. *The Messiah and the Sovereign: The Problem of Law in Walter Benjamin.* In *Potentialities: Collected Essays in Philosophy.* Translated by D. Heller-Roazen. Stanford: Stanford University Press, pp. 160-174.

Agamben, G. 1999c. *Walter Benjamin and the Demonic: Happiness and Historical Redemption.* In *Potentialities: Collected Essays in Philosophy.* Translated by D. Heller-Roazen. Stanford: Stanford University Press, pp. 138-159.

Agamben, G. 2004. *The Open: Man and Animal.* Translated by K. Attell. Stanford: Stanford University Press.

Agamben, G. 2005a. *State of Exception.* Translated by K. Attell. Chicago-London: University of Chicago Press.

Agamben, G. 2005b. *The Time that Remains: A Commentary on the Letter to the Romans.* Translated by P. Dailey. Stanford: Stanford University Press.

Agamben, G. 2007. *The Coming Community.* Translated by M. Hardt. Minneapolis-London: University of Minnesota Press.

Agamben, G. 2009a. *The Signature of All Things: On Method.* Translated by L. D'Isanto and K. Attell. New York: Zone Books.

Agamben, G. 2009b. *What Is the Contemporary.* In *What Is an Apparatus? And Other Essays.* Translated by D. Kishik and S. Pedatella. Stanford: Stanford University Press, pp. 39-54.

Agamben, G. 2011a. *The Kingdom and the Glory: For a Theological Genealogy of Economy and Government.* Translated by L. Chiesa and M. Mandarini. Stanford: Stanford University Press.

Agamben, G. 2011b. *The Sacrament of Language: An Archaeology of the Oath.* Translated by A. Kotsko. Stanford: Stanford University Press.

Benjamin, W. 2003. *The Origin of German Tragic Drama.* Translated by J. Osborne. New York-London: Verso.

Benjamin, W. 2006. *On the Concept of History.* In *Selected Writings*, ed. by M. Bullock and M.W. Jennings, vol. 4, 1938-1940. Cambridge: Harvard University Press, pp. 389-400.

Biale, D. 1985. *Gershom Scholem's Ten Unhistorical Aphorisms on Kabbalah: Text and Commentary.* In «Modern Judaism», 5.1, pp. 67-93.

Bloom, H. 2003. *A Map of Misreading.* Oxford-London: Oxford University Press.

Dickinson, C. 2011. *Agamben and Theology.* New York-London: T&T Clark International.

Fine, L. 2003. *Physician of the Soul, Healer of the Cosmos: Isaac Luria and His Kabbalistic Fellowship.* Stanford: Stanford University Press.

Foucault, M. 1998. *Nietzsche, Genealogy, History*. In *Aesthetics, Method, and Epistemology*, ed. by J.D. Faubion. New York: The New Press, pp. 369-392.

Heidegger, M. 1996. *Being and Time*. Translated by J. Stambaugh. Albany: State University of New York Press.

Heimann, P. and Isaacs S. 2002. *Regression*. In M. Klein, P. Heimann, S. Isaacs, and J. Riviere, *Developments in Psychoanalysis*. New York and London: Karnac, pp. 169-197.

Heller-Roazen, D. 2005. *Echolalias: On the Forgetting of Language*, New York: Zone Books.

Marx, K. 2010. *Economic and Philosophical Manuscripts of 1844*. Translated by M. Milligan and D.J. Struik, in K. Marx and F. Engels, *Marx & Engels Collected Works: Volume 3, Karl Marx March 1843-August 1844*. London: Lawrence & Wishart, pp. 229-346.

McQuillan, C. 2010. *Philosophical Archaeology in Kant, Foucault, and Agamben*. In «Parrhesia», 10, pp. 39-49.

Schmitt, C. 2005. *Political Theology: Four Chapters on the Concept of Sovereignty*. Translated by G. Schwab. Chicago-London: University of Chicago Press.

Scholem, G. 1946. *Major Trends in Jewish Mysticism*. Translated by G. Lichtheim. New York: Schocken Books.

Scholem, G. 1969. *On the Kabbalah and Its Symbolism*. Translated by R. Manheim. New York: Schocken Books.

Scholem, G. 1971. *Toward an Understanding of the Messianic Idea in Judaism*. Translated by H. Halkin, in Id., *The Messianic Idea in Judaism: And Other Essays on Jewish Spirituality*. New York: Schocken Books, pp. 1-36.

Scholem, G. 2003. *Walter Benjamin: The Story of a Friendship*. Translated by H. Zohn. New York: New York Review Books.

Snoek, A. 2010. *Agamben's Foucault: An Overview*. In «Foucault Studies», 10, pp. 44-67.

Strauss, L. 1997. *Progress or Return? The Contemporary Crisis in Western Civilization*. In Id., *Jewish Philosophy and the Crisis of Modernity: Essays and Lectures in Modern Jewish Thought*. Albany: State University of New York Press, pp. 87-136.

Watkin, W. *The Literary Agamben: Adventures in Logopoiesis*, Continuum: London.

# HOMO SCHIZOID. DESTITUENT POWER AND NONRELATIONAL LIFE

DAVID KISHIK
*Marlboro Institute for Liberal Arts & Interdisciplinary Studies*
*Emerson College*
david_kishik@emerson.edu

ABSTRACT
For about thirty years, between 1940 and 1970, a strange entity made a passing and hesitant appearance on the radar of the West's intellectual history. Homo schizoid found its decisive articulation in the writings of Ronald Fairbairn and Harry Guntrip, two psychoanalysts who are barely known outside of professional circles. By now, this figure is all too often either forgotten or, even worse, confused with its psychotic relative, the schizophrenic. Giorgio Agamben and his commentators have made no serious effort to investigate the schizoid position in their attempt to imagine a politics that transcends the idea of relation and an ethics freed from the need for recognition. So this paper is guided by three questions: What does the notion of homo sacer have to do with homo schizoid? Is Agamben's approach to life as something that is never defined but only divided somehow connected to the split or skhizein which gives the schizoid its name? Finally, will the schizoid persist as a personality disorder, or can it become the harbinger of a destituent power?

KEYWORDS
Agamben, Fairbairn, Guntrip, Laing, Psychoanalysis, Object Relations Theory, Schizoid

> We are together and very close, but between us there is not an articulation or a relation that unites us. We are united to one another in the form of our being alone.
>
> Giorgio Agamben (2017: 1243)

For about thirty years, roughly between 1940 and 1970, a strange entity made a passing and hesitant appearance on the radar of the West's intellectual history. After some preliminary psychiatric groundwork laid down in the first decades of the twentieth century by Eugen Bleuler and Ernst Kretschmer, *homo schizoid* found its decisive articulation in the writings of Ronald Fairbairn and Harry Guntrip, two psychoanalysts who are barely known outside of professional circles. The figure of the schizoid also played an important role in the thought of Melanie Klein and Donald Winnicott, as well as in

R. D. Laing's *The Divided Self*, which introduced this figure to a larger audience. By now, however, *homo schizoid* is all too often either forgotten or, even worse, confused with his psychotic relative, the schizophrenic.

Agamben and his commentators have made no serious effort to investigate the schizoid position as part of their attempt to imagine a politics that transcends the idea of relation and an ethics freed from the need for recognition. Nor was there any sustained use of object relations theory (on which the schizoid logic is based) to help navigate the currents of subjectification and desubjectification on which Agamben's thought likes to sail. Which is not surprising, partly because his work is focused on the "essentially ontologico-political and not only psychological meaning of the division of the parts of the soul" (Agamben 2017: 1210).

Be that as it may, what does Agamben's notion of *homo sacer* have to do with *homo schizoid*? Is his approach to life as something that is never defined but only divided somehow connected to the split or *skhizein* which gives the schizoid its name? How does Winnicott's description of the infant's sensation of *infinite falling* relate to Agamben's notions of the ban, banishment, and abandonment? Can the feeling that Laing defines as *ontological insecurity* help in making sense of the psycho-political nexus in which we currently live? Will the schizoid persist as a personality disorder, or will it become the harbinger of what Agamben calls, in the epilogue to the entire *Homo Sacer* book series, *destituent power*? What follows is only a sketch for a future portrait of a twenty-first century schizoid man.

"Life, without feeling alive" is one evocative formulation of the schizoid condition in Laing's book (1990: 40). "This shut-up self, being isolated, is unable to be enriched by outer experience, and so the whole inner world comes to be more and more impoverished, until the individual may come to feel he is merely a vacuum" (Laing 1990: 75). First, the schizoid distances himself from an external life he deems impoverished, especially when compared to the rich life he cultivates within. But after a while, he "longs to get *inside* life again, and get life *inside* himself, so dreadful is his inner deadness" (Laing 1990: 75).

Introverted, self-sufficient, withdrawn, unemotional, impersonal, distant, lonely: these are some of the more common descriptors associated with schizoid personalities. Alternately, consider Franz Kafka's *The Burrow*, a story about some paranoid-schizoid animal (as Klein might diagnose it) who digs an increasingly complex maze of underground tunnels in an attempt to fend off an unspecified external threat. The animal's long and belaboured monologue, which constitutes the entire story, gradually leads the exhausted reader to realize that the structure's protection is, in fact, an entrapment, that the perceived sense of freedom is actually a prison, and that the burrow might even be the burrower's own grave.

This reading echoes Agamben's claim in *Nudities* that another one of Kafka's protagonists, K from *The Trial*, is persecuted not by external forces, but only by internal ones; that he actually accuses himself of a crime he did not commit. In other words, K slanders himself. Instead of following Agamben's rationalization for this suicidal move, let us turn instead to Lionel Trilling, who points out that from the get-go K "is without parents, home, wife, child, commitment, or appetite; he has no connection with power, beauty, love, wit, courage, loyalty, or fame" (quoted in Laing 1990: 40). These are the trial's conditions of possibility, rather than its outcome, and this is the ground for Kafka's position as a schizoid paradigm in Laing's influential analysis.

The schizoid tends to let go of many needs and desires, treating her emptiness as an ideal of human existence, thus becoming detached, meeting everything and everyone with a Bartleby-like silent resistance. She prefers not to actualize her potential. The self, by itself, feels that it deserves nothing. The less one wishes, the safer one feels, the further one retreats, the harder it gets for others to break through her shell. The more the world disappoints, the more appealing the schizoid strategy becomes. But this split or *schiz* between the inner self and the outer world is not simply the subject's realistic reaction to a particular threatening object. It inevitably becomes the schizoid's relentless mode of being once a patina of futility begins to descend on her entire surroundings. Like mice, the schizoid strategy is to timidly venture out and then quickly retreat back in to regroup. Like Arthur Schopenhauer's porcupines, the schizoid dilemma is that when they are close to each other they sting, but by keeping a distance they get cold.

How does one become the schizoid one is? When personal relationships frustrate us, we often feel either anger or hunger. "When you cannot get what you want from the person you need, instead of getting angry you may simply go on getting more and more hungry" (Guntrip 1992: 24). This *love made hungry* is at the core of the schizoid experience. Such social malnutrition makes it difficult to digest meaningful interpersonal connections, which can then be easily substituted by unemotional relations that only give instant gratification but little nourishment (for example, through casual sex). Because love is to a schizoid what sugar is to a diabetic. While anger or aggression can lead one to feel guilty, schizoid withdrawal leads one to feel *nothing*. If hate becomes destructive, it is still possible to love someone else. But if love seems destructive, then there is no exit strategy. True hell is the life of a person who cannot shake this conviction that hell is other people.

The opposite of love is not hate. "Hate is love grown angry because of rejection. We can only really hate a person if we want their love" (Guntrip 1994: 45). The true opposite of both love and hate is *indifference*, which is the most common schizoid mood: "Having no interest in a person, not wanting a relationship and so having no reason for either loving or hating" (Guntrip 1994: 45. According to William Watkin, indifference

is the cornerstone of Agamben's philosophical edifice). While narcissists need to be seen and to receive constant approval from others, schizoids would much prefer to disappear, since they could not care less whether they get either positive or negative feedback. To substitute their failed relations with people, they can construct and engage with an elaborate world of internal objects (philosophical or mathematical, artistic or fantastic). This inner experience encases the subject in a closed system that slowly dims the light coming from the external world.

How can a psyche cope with the trauma of being forsaken? Fairbairn's answer is called *the moral defense*: imagine a father who broke his young daughter's arm. The abused child will usually convince herself (and anyone who asks, like a doctor) that all of it happened because she was bad. Otherwise she will need to face a truth about her father that is too hard to bear. Put otherwise, "it is better to be a sinner in a world ruled by God than to live in a world ruled by the devil" (Fairbairn 1972: 67). This bind leads to the first splitting: God, like father, must be wholly good, while the child, like human-ity (at least since St. Augustine), must take the full blame. For the adult schizoid, as for Kafka's K, life is but a life sentence, served daily in the ordinary world.

The terms of the split may vary—good and evil world, true and false self, inner sub-ject and outer object, relational and vegetal life, mind and body, culture and nature, subject and object—because *homo schizoid* is essentially a machine that produces every dualistic division under the sun. Hence for Fairbairn, "everybody without exception must be regarded as schizoid", since "the basic position in the psyche is invariably a schizoid position" (Fairbairn 1972: 7). These grand claims ring true to the extent that "the fundamental schizoid phenomenon is the presence of splits in the ego; and it would take a bold man to claim that his ego has so perfectly integrated as to be incapa-ble of revealing any evidence of splitting at the deepest levels" (Fairbairn 1972: 7). The nature and severity of these fissions fluctuate, but their ability to trigger a person to cancel external relations and live a detached and withdrawn life—where dualistic dis-tinctions can only stay static—is their true existential threat.

With all the current talk about loneliness as a public health crisis, the deeper schiz-oid issue, of which loneliness is often merely a symptom, is rarely discussed, though its infantile origins are well known, thanks in part to Winnicott's work on good-enough mothering and John Bowlby's attachment theory. Due to compromised parental care, a person can grow up feeling "stranded in an impersonal milieu, a world empty of any capacity to relate to him and evoke his human potential. He can develop the worst of all psychopathological states, the schizoid condition of withdrawn isolation, fundamen-tal loneliness, profoundly out of touch with his entire outer world; so that people seem like 'things' and the material world around him seems like a flat unreal imitation" (Gun-trip 1994: 277). In the beginning, an object betrayed a subject's trust. Since then,

everything slowly concentrated into a point without extension of a being that feels utterly alone. To use today's parlance, schizoid life is (self-inflicted) social death, or social distancing, even under the confident disguise of a Stoic existence.

Haunted by his ontological insecurity, by doubting his very being, Laing describes a schizoid patient's startling method of defending his empty core: "Under the conviction that he was nobody, that he was nothing, he was driven by a terrible sense of honesty to *be* nothing...Being anonymous was one way of magically translating this conviction into fact... He was going from anywhere to anywhere: he had no past, no future. He had no possessions, no friends. Being nothing, knowing nobody, being known by none, he was creating the conditions which made it more easy for him to believe that he *was* nobody" (Laing 1990: 131-132). Under the rule of an Object Relations Ontology, such object privation is a will to nothingness, which is at least still a will, as Friedrich Nietzsche insists in his not-unrelated genealogy of the ascetic ideal, though the subject who is doing the willing, according to the schizoid ideal, seems to be missing in action.

The above case study bears striking resemblance to Ludwig Binswanger's description of his schizophrenic patient Lola Voss, in her desperate attempt to hold on to every straw due to her fear that with any step she takes, the metaphorical thin ice on which she walks might break. Binswanger contrasts Voss's state to that of a secure existence, with both feet firmly planted on the ground, confident of itself and of the world. Voss lacks this "indisputable protection of existence from falling, sinking, breaking through into an abyss", resulting in a naked being that is not quite *there* in the world (Binswanger 1963: 290). A bare life, perhaps, separated from its form. Hence Laing's pivotal notion of *ontological insecurity* (following Binswanger, following Martin Heidegger). But is anyone's existence truly secure? Don't we all try to hold each other lest we fall? So why do we constantly let relationships dissolve and keep to ourselves?

The schizoid is a general position. Schizophrenia is an acute manifestation of a breakdown of the schizoid strategy. Or schizophrenia is the limit case of the schizoid configuration. For our non-clinical purposes, we could add that a schizoid is a functioning schizophrenic. Schizoids hold themselves together by employing a variety of defense mechanisms—their symptoms—as they struggle to partake in everyday life and maintain what they have, who they are, and most importantly, *that* they are, without breaking apart to expose their fragile, fragmented, nihilistic, and catatonic self, which is kept locked, as it were, in a safe. Does this description begin to explain why schizophrenia got such disproportionate public attention over the years, while the schizoid form of life remains largely unknown? But isn't it a bit like trying to explain nuclear power by focusing exclusively on meltdowns? Instead of exploding, schizoids implode.

Inspired by Gilles Deleuze and Félix Guattari's approach to schizophrenia (2015: 70), we also see *homo schizoid* as a "conceptual persona who lives intensely within the

thinker and forces him to think", rather than as a "psychosocial type who represses the living being and robs him of his thought". Part of the task is to discover the cultural manifestations of our deeply schizoid world. Another task is to imagine schizoism as a line of flight, by turning apathy into pathos. The goal, in short, is not to block the schizoid experience, but to put it into new use. This, however, is where the comparison to *Anti-Oedipus* ends (for a compelling alternative account, see Louis Sass's *Madness and Modernism*). Fairbairn and Guntrip's thought is an *ante*-Oedipal stance, focusing on the infantile condition that precedes the child's later contention with the parents. For Guntrip (1992: 278), "schizoid problems represent a flight from life, oedipal problems represent a struggle to live". For Fairbairn, the schizoid structure, not Sigmund Freud's Oedipal complex, is humanity's most fundamental and inescapable force.

Freud defines an object as the target of a drive, which is either libidinal or aggressive in its nature. Drives are always innate, basically uncontrollable, and often dangerous forces. In order for them to be kept in check they require education, socialization, and sometimes therapy (as well as the Church, according to Augustine). In Freud's theory, libido comes first, and then the subject who contains it latches on to this or that sexual object to get some relief. Freudian psychoanalysis focuses on the individual as a discrete entity, ultimately divorced from its interpersonal context. Society is then imposed on already-complete persons for their own protection. The Freudian dogma cannot integrate the Winnicottian realization that there is no such thing as a baby, that there is always a baby and *someone*.

Fairbairn defines an object as whatever a subject relates to, though anyone who ever ventured beyond the mere name of his 'object relations' theory knows that by object he principally means another person with whom the human subject develops an emotional and meaningful relationship. Without relying on the concept of the drive—which is an unverifiable hypothetical construct—he postulates that at bottom "we seek persons, not pleasures", as Guntrip sums it up (1992: 21). Pleasure is just a means to the true end: relating to others. Jay Greenberg and Stephen Mitchell, who wrote the definitive account of this psychoanalytic paradigm shift, elaborate: "The problem for Freud is the inherent opposition among instinctual aims and between instinctual aims and social reality; the problem for Fairbairn is that the person cannot maintain the integrity and wholeness of his experience of himself within his necessary relations with others and is forced to fragment himself to maintain contact and devotion to the irreconcilable features of those relations" (1983: 167). Yet Fairbairn takes his priorities to be more fundamental than Freud's: splitting over repressing, a schizoid position over a depressive one, schizophrenia over melancholia.

We can now see how the moral defense is unwittingly employed by Freud (but also by Thomas Hobbes and Nietzsche) in conceiving our civilization and its discontents.

Guntrip wonders about the origin of "man's age-old conviction that all his troubles come from his possession of mighty if nearly uncivilizable instincts of his animal nature", which "turns out to be our greatest rationalization and self-deception. We have preferred to boost our egos by the belief that even if we are bad, we are at any rate strong in the possession of 'mighty instincts'. Men have resisted recognition of the truth that we distort our instincts into antisocial drives in our struggle to suppress the fact that deep within our make-up we retain a weak, fear-ridden infantile ego that we never completely outgrow" (1992: 125). In short, we would rather pretend that we are bad than admit that we are weak.

To be bad is not to control your inner beast and resist the process of socialization. To acknowledge your fundamental schizoid weakness is not only to bring about a "shift in the center of gravity in psychodynamic theory", but also to lead to what Guntrip believes to be a "radical reassessment of all philosophical, moral, educational, and religious views of human nature" (1992: 126). In his final analysis, both sexual and aggressive conflicts are "defenses against withdrawal, regression, and depersonalization" (1992: 129). We use them because we do not want to face "the terrors of realizing how radically small, weak and cut off, shut in and unreal" we ultimately are (1992: 129). Human beings are violable long before (and long after) they are violent. Hence the elementary psychopathological problem is this "schizoid problem of feeling a nobody, of never having grown an adequate feeling of a real self" (1992: 129).

But isn't this also a good description of our biopolitical problem? Doesn't object relations theory end up articulating our *precarious life*, as Judith Butler calls it? For better or for worse, the coming politics as envisioned by Agamben and others (including the antirelational or antisocial turn in queer, afropessimist, and decolonial thought) is schizoid politics. If we accept Agamben's view of the human "as having been and still being an infant" (2007: 58), as what "is always the place—and, at the same time, the result—of ceaseless divisions and caesurae" (2012: 16), as "the suspension of the immediate relation of the animal with its environment" (2017: 1197), then the human must be understood as *homo schizoid*, with all its ego-weakness and defiant destitution (for a cinematic illustration of this set of problems, see Jordan Peele's *Us*).

In Jean-Luc Nancy's *Abandoned Being*, which inspired Agamben's notion of the ban, we find this explanation of the crucified's last words to his heavenly father: "What the 'God of love' means is that love alone can abandon...and it is by the possibility of abandonment that one knows the possibility, inverted or lost, of love" (Nancy 2009: 41). Is it a coincidence that both Moses and Oedipus were abandoned at birth, while Jesus was also abandoned at death? And what about Abraham's dreadful abandonment of Isaac, not to mention Ishmael? Agamben, like Kafka, is not interested in the ways that law applies to life, but in how the law (Abrahanic, Roman, paternal, or otherwise)

constantly abandons a life. Nancy's intervention would be to wonder about the existence of some primary or perverse love, which must precede this pervasive legal abandonment. Agamben, however, seems to want to throw the relationship baby out with the abandonment bathwater. Like Cartesian doubt, the mere threat of exclusion means for Agamben that he cannot trust any inclusive embrace whatsoever.

Since our political space is far from being a benevolent *holding environment*, as Winnicott calls it, every relation is at least potentially an abandonment. For Agamben, "the relation of abandonment is not a relation" (2017: 52), because it is an abandonment of the very possibility of a relation. As an aside, notice the curious use of abandonment as a literary gesture throughout Agamben's writings: his readers are often asked to abandon a concept, idea, tradition, or institution. He even claims that *Homo Sacer* as a whole is an investigation that "cannot be concluded but only abandoned" (2017: 1019). And there is also the case of his book dedicated to the most colossal act of abandonment in human history, *Remnants of Auschwitz*, which opens with an *in memoriam* to no one other than his mother, plus this quote: "To be exposed to everything is to be capable of everything" (2017: 765). And a life that begins and ends with an experience of abandonment, of a failed relation, is a life that can never be separated from its schizoid form.

One surprising source for Agamben's radical attempt to dream up a schizoid politics "set free from every figure of relation" (2017: 1269) is Jacques Lacan, even though the latter's influence is mainly limited to the former's *Stanzas*, from 1977. While remaining committed to Freud's Oedipal complex and the concept of the drive, Lacan also made an important contribution to object relations theory, to which Seminar IV from 1956 is dedicated. It revolves around his insistence that the true object to which the subject wants to relate is, in some fundamental sense, always already lost, so all attempts to find it again remain insufficient. Since he sees object lack as the origin of desire, Lacan can later add that true *jouissance* and real sexual relations are virtually impossible. What he calls *objet petit a* is not a real object, but something which we can neither get a hold on nor let go of. If Fairbairn thinks that we don't seek pleasures but persons, then Lacan adds that we don't seek persons but phantasms. Hence the Lacanian subject is also a schizoid of sorts, at least according to its recent characterization as "the-one-all-alone", whose relations to others are nothing but a growing string of frustrations (Miller 2005).

Agamben's antipathy toward relations has one telling exception. In his most recent engagement with Michel Foucault, he rejects the idea of a subject as a kind of author or sovereign who acts and *relates* to an object. There is, in fact, no subject but only subjectification, a process of transforming oneself by *relating* to oneself: "'Self' for Foucault is not a substance nor the objectifiable result of an operation (the relation with

itself): it is the operation itself, the relation itself. That is to say, there is not a subject before the relationship with itself and the use of the self: the subject is that relationship and not one of its terms" (Agamben 2017: 1118). Ethics is not a relation to a norm but a relation of the self to itself, which, according to Foucault, is "not just a brief preparation for life; it is a form of life" (quoted in Agamben 2017: 1120).

As a way to conclude (or abandon) this paper, let us turn to one of the most poignant manifestations of Agamben's schizoid tendencies, to be found in an early allusion to St. Francis, which is also an early formulation of his critique of intersubjective recognition as the basic building block of ethics. In *The Idea of Prose* from 1985, we read: "Every struggle among men is in fact a struggle for recognition and the peace that follows such a struggle is only a convention instituting the signs and conditions of mutual, precarious recognition. Such a peace is only and always a peace amongst states and of the law, a fiction of the recognition of an identity in language, which comes from war and will end in war" (81-2). As an alternative model to the Hegelian dialectics of mutual recognition, Agamben alludes to this beautiful Franciscan tale, quoted here in full:

> One day blessed Francis, while at St. Mary's, called friar Leo and said: "Friar Leo, write this down." And Leo responded: "Behold I am ready." "Write down what perfect joy is," Francis said, "A messenger comes and says that all the masters of theology in Paris have entered the Order: write, this is not true joy. Likewise all the prelates beyond the Alps, archbishops and bishops; likewise the King of France and the King of England: write, this is not true joy. Or, that my friars went among the infidels and converted them all to the Faith; likewise that I have from God enough grace that I can heal the infirm and work many miracles: I say to you that in all these things there is not true joy."
>
> Then Francis said, "So what is true joy? I return from Perugia and in the dead of night I come here and it is winter time, muddy and so frigid that icicles have congealed at the edge of my tunic and they pierce my shins so they bleed. And covered with mud and in the cold and ice, I come to the gate, and after I knock for a long time and call, there comes a friar and he asks: 'Who is it?' I respond: 'Friar Francis.' And he says: 'Go away; it is not a decent hour for traveling; you shall not enter.' I appeal to him again and he responds to me insisting: 'Go away; you are a simpleton and an idiot; you do not measure up to us; we are so many and such men, that we are not in need of you!' And I stand again at the gate and I say: 'For the love of God take me in this night.' And he responds: 'I will not! Go away to the place of Crosiers [referring to the Hospital of Fontanelle, run by the Order of Crosiers] and ask there.' I say to you, if I endure all this patiently and without dismay therein lies perfect joy, true virtue and the salvation of the soul" (quoted in DeCaroli 2012: 132).

This story about the joy of non-recognition, reminiscent of Kafka's *Before the Law*, can be updated and restated as a rather disturbing prayer: "May I be denied entrance to my own country, home, or office. May I be locked out of my phone, email, or social media. May I be canceled". For many, this is the stuff nightmares are made of. For

schizoids, especially those who hold on to even a modicum of social privilege, it is a secret blessing. They understand that, rather than to fight for the inclusion of others, the truly radical and exemplary ethical position today is to *exclude thyself.*

## BIBLIOGRAPHY

Agamben, G. 1995. *The Idea of Prose.* Translated by M. Sullivan and S. Whitsitt. Albany: State University of New York Press.

Agamben, G. 2007. *Infancy and History: The Destruction of Experience.* Translated by L. Heron, London: Verso.

Agamben, G. 2012. *The Open: Man and Animal.* Translated by K. Attell. Stanford: Stanford University Press.

Agamben, G. 2017. *The Omnibus Homo Sacer.* Translated by D. Heller-Roazen. Stanford: Stanford University Press.

Binswanger, L. 1963. *Being-in-the-World.* New York: Harper & Row.

DeCaroli, S. 2012. *The Idea of Awakening: Giorgio Agamben and the Nagarjuna.* In «Res Publica», 28, pp. 101-138.

Deleuze, G. and Guattari, F. 2015. *What is Philosophy?.* Translated by G. Burchell and H. Tomlinson. London: Verso.

Fairbairn, R. 1972. *Psychoanalytic Studies of the Personality.* London: Routledge.

Greenberg, J. and Mitchell, S. 1983. *Object Relations in Psychoanalytic Theory.* Cambridge: Harvard University Press.

Guntrip, H. 1992. *Schizoid Phenomena, Object-Relations and the Self.* London: Routledge.

Guntrip, H. 1994. *Personal Relations Therapy.* Northvale: Aronson.

Laing, R. 1990. *The Divided Self.* London: Penguin Books.

Miller, J.A. 2005. *A Fantasy.* In «Lacanian Praxis», 1, pp. 5-16.

Nancy, J.L. 2009. *The Birth to Presence.* Translated by B. Holmes and Others. Stanford: Stanford University Press.