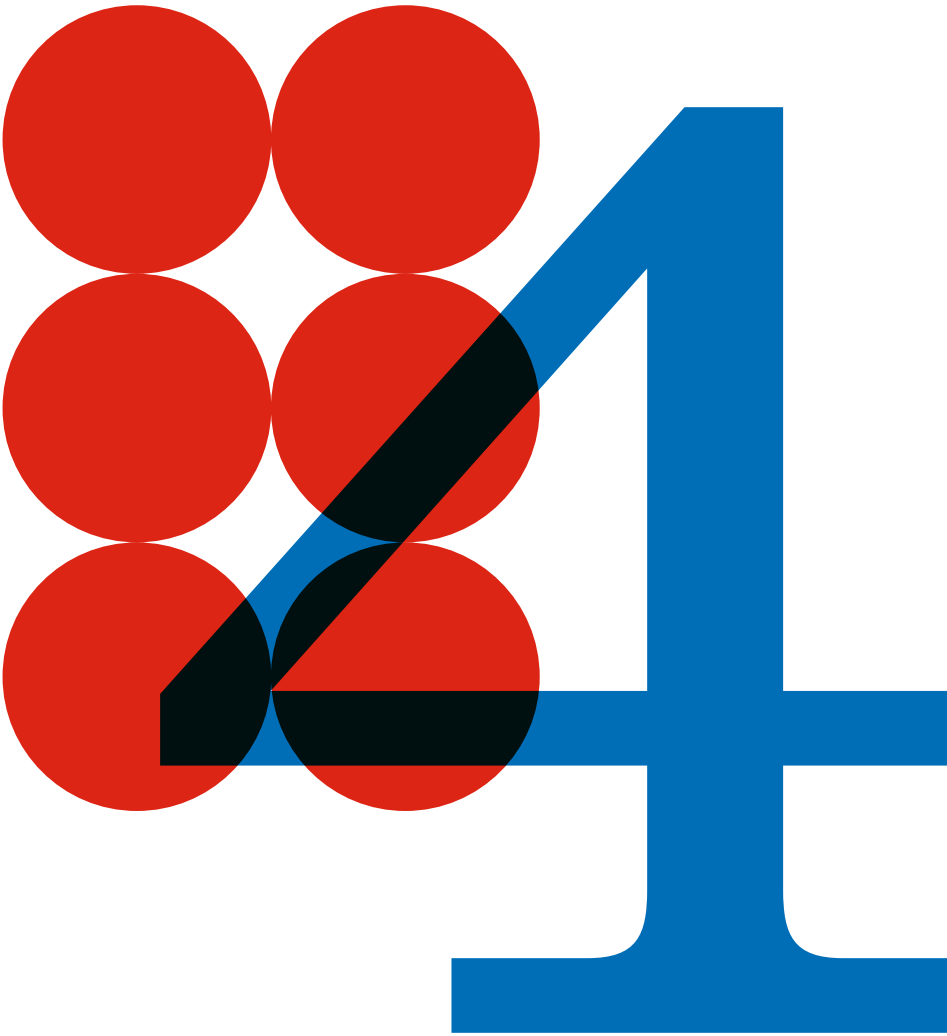


Afterlives

transcendentals, universals, others

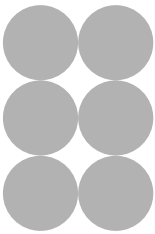
edited by
PETER OSBORNE

Afterlives

Afterlives

transcendentals, universals, others

edited by
PETER OSBORNE



Published in 2022 by
CRMEP Books
Centre for Research in Modern European Philosophy
Penrhyn Road campus, Kingston University,
Kingston upon Thames, KT1 2EE, London, UK
www.kingston.ac.uk/crmep

ISBN 978-1-9993337-8-2 (pbk)
ISBN 978-1-9993337-9-9 (ebook)

Designed and typeset in Calluna by illuminati, Grosmont
Cover design by Lucy Morton at illuminati
Printed by Short Run Press Ltd (Exeter)

A catalogue record for this book is available from the British Library

Contents

Preface
PETER OSBORNE ix

AFTERLIVES OF THE TRANSCENDENTAL

1 **Scotus's disjunctive transcendental and its anthropological afterlife**
HOWARD CAYGILL 3

2 **Adorno beside himself: objective humour and the transcendental**
ANTONIA BIRNBAUM 18

UNIVERSALS & THEIR LIMITS

3 **Belonging to the human race: one as many**
ÉTIENNE BALIBAR 41

4 **General predicament, specific negotiations: Spivak's persistent critique**
MARIE LOUISE KROGH 58

5 **The subject and/of the law: Yan Thomas and the excess of history over concept**
COOPER FRANCIS 72

6 **The philosophy of the concept and the specificity of mathematics**
MATT HARE 101

OTHERNESS, ANARCHISM & THE STATE

7 **Otherness as a kind of being: a reading of Plato's *Sophist***
CATHERINE MALABOU 133

8 **Cynicism and anarchism in Foucault's last seminars**
CATHERINE MALABOU 146

9 **Anarchism, philosophy and the state today: a conversation**
ÉTIENNE BALIBAR & CATHERINE MALABOU 163

IMAGE CREDITS 187

CONTRIBUTORS 188

INDEX 190

CRMEP Books

CRMEP Books is the imprint of the Centre for Research in Modern European Philosophy, Kingston University London. It currently publishes two series of open access electronic publications derived from research events organized by the Centre, which are also available in short-run paperback editions.

SERIES EDITOR Peter Osborne, Director, Centre for Research in Modern European Philosophy, Kingston University London

Books

VOLUME 1 *Capitalism: Concept, Idea, Image – Aspects of Marx's Capital Today*, ed. Peter Osborne, Éric Alliez and Eric-John Russell, 2019

VOLUME 2 *Thinking Art: Materialisms, Labours, Forms*, ed. Peter Osborne, 2020

VOLUME 3 *Vocations of the Political: Mario Tronti & Max Weber* ed. Howard Caygill, 2021

VOLUME 4 *Afterlives: Transcendentals, Universals, Others*, ed. Peter Osborne

Pamphlets

The Gillian Rose Memorial Lectures
Generously supported by the Tom Vaswani Family Education Trust

PAMPHLET 1 Rebecca Comay, *Deadlines (literally)*, 2020, 32 pp.

PAMPHLET 2 Donatella di Cesare, *It's Time for Philosophy to Return to the City*, 2022

www.kingston.ac.uk/crmep


THE MASS LINE
GOVERNS ALL LINES
When making computers,
know where to draw the line
before you connect the lines!

Preface

PETER OSBORNE

> Historical understanding is to be viewed primarily as an afterlife of that which is to be understood.
>
> Walter Benjamin, *The Arcades Project*, Convolute N

The reception of the canonical texts and discourses of European philosophy – that is to say, their appropriation and reactivation – has always been a politically as well as a hermeneutically contested activity. Such contestation takes place in the piecemeal manner of disputes over particular texts and authorships, in the broader field of the construction of 'the tradition' (struggles over canon formation and its boundaries) and, most fundamentally, through disagreements about the concept of tradition itself. Under conditions of growing global social interdependence – of which conflicts are less a negation than an effect – the self-enclosing 'illusion of persistence' that constitutes 'tradition' in any particular instance becomes ever more fragile.[1] This is not only because the destructive, antiquating power of the new is renewed by each new cycle of crisis and accumulation, but because new forms of engagement

1. Walter Benjamin: 'It could be that the continuity of tradition is an illusion. But then precisely the persistence of this illusion of persistence [*Scheins der Beständigkeit*] is the continuity.' *The Arcades Project*, trans. Howard Eiland and Michael Jennings, Belknap Press of Harvard University Press, Cambridge MA and London, 1999, Convolute N, [19, 1], trans. amended.

with the standpoints of those living outside the tradition are forced on those within by the new dependencies. If all historical understanding derives from discontinuities between the 'fore-history' and the 'after-history' of historical circumstances, introduced into them by the present, then tradition, as a continuity of transmission (*Überlieferung*), is the very opposite of historical understanding. Transmission is itself here the catastrophe – the reproduction of the present in the image of the past.[2]

In its heyday of the 1990s, the Anglo-American genre of 'continental philosophy' set itself against such a catastrophe within an institutional present that was defined by its 'analytical' offspring. Yet in opposing the analytical tradition with *another tradition*, it came unwittingly to reproduce that same institutional present in an expanded form: so-called 'post-analytical' philosophy – the new name for analytical philosophy after its methodological appropriation of the corpus of the 'continental' tradition. Continental philosophy lacked sufficient sense of the historical present, and the interruptive potential of its immanent futurity, in particular, to become a genuinely counter-hegemonic anglophone philosophical project. Indeed, it lacked a sense of the present as a *historical* concept at all, encased as it was within the consolatory continuities of its own tradition.

How, though, to avoid this from within philosophy, when the very idea of 'European philosophy' is an exemplar of that 'persistence of the illusion of persistence' that is tradition itself? That question remains for the most part unanswered, at least at a general-theoretical level, other than by inference from the aporia of its rhetorical form: that is, by first stepping out of philosophy into the historical present of 'Europe' itself, and hence into its globalized present, before returning to reflect anew on the political meanings of the forms of universality carried by the European

2. Ibid., [7a, 1], [9, 4], trans. amended.

idea of philosophy. Meanwhile, we can but chip away at the edifice of the illusion in order to make new afterlives for its materials.

The texts assembled in this fourth volume from CRMEP Books all derive in one way or another from ongoing work at the Centre in what might be called critical history of philosophy. (Antonia Birnbaum is the only author in the volume not formally located here.) The opening essays by Howard Caygill and Antonia Birnbaum are based on their keynote lectures at the 2021 CRMEP graduate conference 'Afterlives of the Transcendental'.[3] Taken together, they stage the difference between the two sides of the main national schism in post-Kantian European philosophy after the Second World War – German Critical Theory and French 'philosophies of difference' – as a difference between concepts and practices of the transcendental. Neither reception, however, appears straightforward or philosophically fully self-conscious. As Caygill shows in reconstructing Deleuze's relations to Duns Scotus, the 'disjunctive' transcendental is easier to affirm than to practise. It is through such often subterranean textual complexities that the two authorial trajectories at stake here – Deleuze and Adorno beside themselves– appear at times to converge, before once again heading off in different directions. We can see here, in each case, how the field of the transcendental continues to posit the philosophical centrality of anthropology to political debates in a modulated range of Kantian, quasi-Kantian and aspiringly anti-Kantian forms.

The modern form of the transcendental since Kant has been that of a method for tracing the limits of legitimacy of the employment of universals of various kinds. The category of 'the human' is the universal upon which Kant's own primarily epistemological deployments most insistently and problematically converge. Étienne Balibar's 'Belonging to the Human Race: One

3. Kingston upon Thames, 4 June 2021, organized by CRMEP PhD candidates Ida Djursaa, Morteza Samanpour and Will Spendlove.

as Many' (a public lecture at CRMEP from 13 May 2022) takes up anew the philosophical–anthropological challenge set by this ambiguous endpoint of Kant's critical project: 'What is human?' It approaches it here in the light of its practical fate from the experience of the concentration camps in World War II to the global inequalities manifest in responses to the Covid-19 pandemic. In reflecting on these situations, it becomes clear not only that the concept of the human has a primarily negative, open meaning, in its shifting relations of exclusion to the inhuman, but that the constitutive role of the inhuman in the human stretches far beyond its paradoxical political uses, to inter-species dependencies. These mean, Balibar suggests, that we all effectively 'belong' to more than one species. In thus differing from 'ourselves', the human contains an otherness beyond all pre-established limits. Eduardo Viveiros de Castro's *Cannibal Metaphysics* – evoked by Caygill as an aspirant to Scotus's 'disjunctive' transcendental – pops up again here, this time as a demonstration of the 'powers of fiction' to use the 'inhuman' in the service of a redefinition of the human itself.

The three essays that follow, by Marie Louise Krogh, Cooper Francis and Matt Hare, continue the modern-transcendental theme of the limits of universals. They all derive from PhD research undertaken at the Centre in relation to the French lineage of structuralist/poststructuralist work on 'the subject' and its avatars: 'history', 'person', 'human', 'concept' even. This is a lineage on which Balibar has become perhaps the most insistent commentator and to which he has made numerous philosophical contributions. Krogh's essay picks up this lineage at the point of what we might call the first and most decisive 'becoming political' of deconstruction: Gayatri Chakravorty Spivak's placing of deconstruction into the situation of postcoloniality, via her self-declared 'practical deconstructionist feminist Marxism'. This is a line to which Spivak has been remarkably and severely

faithful over the decades. Krogh examines it here through the motif of 'persistent critique'; specifically, 'persistent critique of what one cannot not want'. Epistemic decolonization which is self-conscious of the hegemonic construction of its own conceptual resources cannot disavow the desire that is the object of its critique. Nonetheless, the generality of that desire, Krogh understand Spivak to insist, can be critically negotiated through engagements with its specific instances, in the form of 'a passing through of each specific aporetic scenario'.

Francis addresses the field of the French philosophy of the subject more directly, in a dual manner, by introducing into English the main lines of the work of two under-appreciated figures: French philosopher Vincent Descombes and legal historian and theorist Yan Thomas. Descombes insists on the enduring pertinence and basic unity of the philosophical problematic or 'grammar' of the subject as an individual 'subject of action'. Such a grammar, he argues, is a necessary, transhistorical feature of the 'capacity for action' in everyday life. Thomas, on the other hand, is a representative of the turn towards more detailed historical complications and pluralizations of the problematic of the subject – specifically in relation to its imbrication within the history of Roman legal forms, as the 'legal subject' or 'person', understood not as natural entity but as legal artefact. Both of these approaches contest, in very different ways, the narrative constructed by Balibar around the correlated turning points of Kant's philosophy of the subject and the new sovereignty of citizens in revolutionary France. Of particular import here is, first, Thomas's account of the legal primacy of patrimony, in the definition of the person within Roman civil law; and, second, the *counter*-revolutionary context of its generalized transposition into a legal subject of exchange within the Historical School of law in Germany in the nineteenth century. There, the 'legal subject' is an economic subject that has no necessary relation to

the political sovereignties of the liberal and revolutionary traditions. This 'excess of history over the concept', as Francis would have it, demands a reconsideration of the philosophical and political issues at stake in 'the question of the subject' today; and further discriminations of the multiples uses of the term.

Hare's essay continues the theme of the role of history in the constitution of concepts into the field of mathematics, via the work of Jean Cavaillès (1903–1944). In Cavaillès's conception of the history of mathematics, mathematics appears as producing its own 'specific rational contents', immanently, through the movement of a self-enclosing progression. Yet this progression is not itself conceptual as such but is understood in a Spinozist manner as a series of relations between 'singular essences'. However, in Cavaillès's understanding of the generation of new mathematical concepts in terms of the 'co-constitution of operations and objects', Hare identifies a transcendental moment in his conception of mathematical history. The history of mathematics thus becomes a process of 'inter-transcendental variation'. Part of the theoretical specificity of Cavaillès's philosophy of the concept is thus seen to emerge from the distinctiveness of his dual relations to Spinoza and Kant, respectively. Hence the subsequent importance of its particular brand of rationalist nominalism to a certain scientistic structuralism, the legacy of which remains alive in French philosophy today.

It is a striking feature of Catherine Malabou's most recent work to insist upon a connection between the deconstruction of the universal and anarchism as a political and a philosophical position. In her contributions to this volume, each of which relates to her recent book, *Thief! Anarchism and Philosophy*, Malabou pursues readings of otherness and an-arche that seek out internal philosophical registers of the failure of universals to achieve their purported goals of foundation or legitimation, which thereby contribute to the 'anarchistic' political character

of these writings. In her public lecture, 'Otherness as a Kind of Being', from November 2021, Malabou sets out from Paul Ricœur's 1990 *Oneself as Another* – a kind of condensed critical summary of the outcome of philosophical debates on the subject and the self. What these debates suggest, according to Ricœur, is that the self is a kind of 'non-being'. This leads Malabou to a reading of Plato's treatment of non-Being as a one of the five 'great kinds of Being' in *The Sophist*. Yet the non-being of Ricœur's 'self' cannot be that of Plato's ontology, since the former has a fundamentally narrative structure. In rereading Plato from the standpoint of the non-being of the self, Plato's ontology is thereby transformed by the idea of narrativity: 'there cannot be any ontology without this essential-existential emplotment'.

The return to and transformation of ancient sources has been a distinctive feature of post-Althusserian political philosophy in France since the late 1970s. Foucault's final seminars are an exemplary instance, although the precise implications of their readings for the political present has remained a source of dispute. In her essay on Foucault's last seminars, Malabou distances herself from the standard interpretation which sees there a retreat from politics to ethics. Instead, she finds in Foucault's 'dismissal of the necessity of government' the kernel of a philosophical and political anarchism. It is this new anarchism, grounded on the distinction between the 'non-governable' and the merely 'ungovernable', that forms the starting point for the conversation between Malabou and Balibar with which the volume ends. If government cannot be adequately justified within the terms of classical political discourse, is it thereby always in some sense illegitimate? Or does the political necessity of the state derive from elsewhere? And if so, what are the implications for the critique of different forms of government and state power?

AFTERLIVES OF THE TRANSCENDENTAL

1

Scotus's disjunctive transcendental and its anthropological afterlife

HOWARD CAYGILL

> Yet ah! this air I gather and I release
> He lived on; these weeds and waters, these walls are what
> he haunted who of all men most sways my spirits to peace;
> Of realty the rarest veined unraveller; a not
> Rivalled insight, be rival Italy or Greece;
> Who fired France for Mary without spot.
>
> Gerard Manley Hopkins, 'Duns Scotus's Oxford'

John Llewelyn's call to rethink the future of the transcendentals in his final book, *Gerard Manley Hopkins and the Spell of John Duns Scotus*, concludes his extended meditation on the significance of Duns Scotus (1266–1308) not only for Gerard Manley Hopkins but also for 'the works of other philosophers who have fallen under [Scotus's] spell: Charles Sanders Peirce, Martin Heidegger, Hannah Arendt, Jacques Derrida… and that more recent reader, Gilles Deleuze, who fell under Scotus's spell though without being bound by it.'[1] Llewelyn's intuition about the continuing significance of the thirteenth-century Oxford and Parisian Franciscan philosopher and theologian is shared by Catherine Pickstock, who sees in Scotus's work one of the 'crucial shifts in modern philosophy' antedating both

1. John Llewelyn, *Gerard Manley Hopkins and the Spell of John Duns Scotus*, Edinburgh University Press, Edinburgh, 2015, p. 17.

Kant and Descartes.[2] The Subtle Doctor's view of metaphysics as transcendental philosophy has also – perhaps more surprisingly – theoretically underwritten the recent anthropological turn in contemporary thought through the work of Eduardo Viveiros de Castro, Eduardo Kohn, Elizabeth Povinelli, Marilyn Strathern and Roy Wagner. A remarkable feature of this literature is its appeal to pre-Cartesian scholastic philosophy to support its thinking of immanence, with Viveiros di Castro and Wagner appealing directly to 'medieval philosophy' in the 1998 Cambridge Lectures on *Cosmological Perspectivism in Amazonia and Elsewhere*;[3] and to Duns Scotus both directly and indirectly through Deleuze in *Cannibal Metaphysics* (2009). It is also evident in Eduardo Kohn's methodological and substantive fascination with Pierce in *How Forests Think: Towards an Anthropology Beyond the Human* (2005). Pierce, of course, as John Llewelyn reminds us, explicitly dedicated himself to reviving Scotist disjunctive transcendental philosophy.

And yet there is a sense in which the power of Scotus's challenge to transcendental philosophy has been underestimated in his contemporary reception. Pickstock remains a signal exception in appreciating the devastating consequences of the Scotist thought of disjunction and the resistance to it in the name of a restored Thomist philosophy of relation grounded in distinction and its accompanying analogical thought of transcendence. We shall see that the anthropological literature stages the same movement towards relation and analogy, but implicitly and in the name of immanence. While drawing on the Scotist disjunctive to

2. Catherine Pickstock, 'Duns Scotus: His Historical and Contemporary Significance', in John Milbank and Simon Oliver, eds, *The Radical Orthodoxy Reader*, Routledge, London, 2009, p. 116. In her earlier work, *After Writing: The Liturgical Consummation of Philosophy*, Blackwell, Oxford, 1998, Pickstock presciently identifies the afterlife of the transcendental with the ghost of actual necessity or 'trace of transcendence' found in Scotus's 'formal distinction' and its heir, Kant's transcendental' (p. 135).

3. Eduardo Viveiros de Castro, *Cosmological Perspectivism in Amazonia and Elsewhere*, intro. Roy Wagner, Masterclass Series 1, Manchester: HAU Network of Ethnographic Theory, 2012, p. 20.

power its most compelling insights into the disjunctive character of the subject/object, nature/culture, inner/outer and figure/ground distinctions, the moments in which these disjunctions are held as such are rare and fugitive, flaring up in a context where *disjunctures* are routinely mistaken for *distinctions and relations* with sometimes quite drastic consequences.

One consequence of specific interest here is the proposal for a 'disjunctive synthesis' that was the founding consensus for Deleuze and Guattari's shared authorship. In their reading of Klossowski's 'vicious circle', Deleuze and Guattari contrast 'the exclusive, limitative, and negative use of the disjunctive synthesis' with 'a use that is *inclusive, ilimitative,* and *affirmative*'.[4] The former, Kantian use of disjunction locates it in the third judgement of relation, in the Table of Judgements in *Critique of Pure Reason*, and emphasizes the disjunctive *relation* and its principle of coexistence through the law of community and reciprocity in the third analogy of the Analytic of Principles, and the disjunctive syllogism that for Deleuze and Guattari exemplifies the negative use of the concept in finding its principle of unity in God.[5] The movement from relation to reciprocity and community, and then to a notion of God as unifying relation, is foundational for dialectical thought and depends on the reduction of the implacable disjunction into a resolvable distinction. Against this Deleuze and Guattari point to a second, affirmative use of disjunction. They illustrate it with the case of schizoid speech, insisting that

4. Gilles Deleuze and Félix Guattari, 'The Disjunctive Synthesis', trans. Ian Jakobi, *L'Arc*, 1970.

5. Note the centrality of relation in Kant's definition of disjunction: 'The disjunctive judgement contains a relation of two or more propositions to each other, a relation not, however, of logical sequence, but of logical opposition, in so far as the sphere of the one excludes the sphere of the other, and yet at the same time of community, in so far as the propositions taken together occupy the whole sphere of the knowledge in question.' Immanuel Kant, *Critique of Pure Reason*, trans. Norman Kemp Smith, Macmillan, London, 2003, A73/B99.

> To take the schizophrenic as replacing disjunctions with the vague syntheses of the identification of contradictory elements, like the last of the Hegelian philosophers, would be to misunderstand this order of thought. He does not replace the disjunctive synthesis with the synthesis of contradictory elements, rather, he replaces the exclusive and limitative usage of the disjunctive synthesis with a use that is affirmative and inclusive. He is, and remains, in disjunction: he does not suppress the disjunction in an identity of contradictory elements by digging into their depths, on the contrary, he affirms the disjunction by surveying an indivisible distance.[6]

This 'remaining in disjunction' points to the Scotist disjunctive transcendental that refuses to concede any unifying 'trace of transcendence', as suggested by Pickstock, nor its attendant possibility of an analogical thought of relation. And yet, as Deleuze and Guattari suggest, the risk of affirmative lapsing into negative disjunction is always present and we shall see it taking place in the anthropological turn's final resort to a thought of *relation*, however radically conceived and intended.

It is important, then, to revisit the beginnings of disjunctive transcendental philosophy in the thought of Duns Scotus. While the oeuvre of Duns Scotus is quite contained in scale it remains subject to philological controversy and is not easy to access directly. The main work is the *Opus Oxiens*e, Commentary on the Sentences of Peter Lombard.[7] Until quite recently it was believed that the neo-Latin term 'transcendental' was invented by Scotus himself to describe certain logical forms already described by Aristotle, as those concepts that cannot be subsumed under a genus, but it is now believed that the term was coined shortly before Scotus and adopted by him. However, it is important to remember that even if we deny Scotus the honour of inventing the term, there is no doubt that he proposed what is still the

6. Deleuze and Guattari, 'The Disjunctive Synthesis'.
7. Allan Wolter's translated selection, *Philosophical Writings: John Duns Scotus*, Bobbs Merrill, Indianapolis IN, 1978, remains an invaluable English-language source of Scotus's writings.

most comprehensive, rigorous and consequential programme for any future transcendental philosophy. In a very real sense, the afterlife of transcendental philosophy is the afterlife of Duns Scotus – whether in Hopkins's haunting, Llewelyn's spell, or the uncanny sense that we live and think in the garbled and displaced memory of Scotus's transcendentals. It is thus vital to revisit his inaugural statement of a transcendental philosophy in order to see what of it lived on and what continues to live on, in even the most surprising places, like the banks of the Amazon, or the River Thames...

Scotus

In his work of commentary on Aristotle, Ibn Sīnā, Ibn Rushd and Peter Lombard, Scotus sketched a panoramic landscape of what transcendental philosophy could be. He organized it into four stratified groups, announcing four interlinked perspectives on transcendental philosophy. His most programmatic statement is made in the *Opus Oxoniense*, book 1, distinction 8, question 3, famed among Scotists. This *Quaestio* begins with Aristotle's categories and Scotus's claim, posing as a commentary, that 'before "being" is divided into the ten categories, it is divided into infinite and finite.'[8] But this division is not to be understood as a distinction but as a disjunction, and to emphasize this Scotus continues with an early allusion to the theme of the univocity or immanence of being:

> Whatever pertains to 'being', then, in so far as it remains indifferent to finite and infinite, or as proper to the Infinite Being, does not belong to it as determined by a genus, but prior to any such determination and therefore as transcendental and outside of any genus. Whatever [predicates] are common to God and creatures are of such a kind, pertaining as they do to being in its indifference to

8. Ibid., p. 3.

> what is infinite and finite. For in so far as they pertain to God they are infinite, whereas in so far as they pertain to creatures they are finite.[9]

Here Scotus is introducing the thought, which persists at the limits of thinking today, that a disjunctive transcendental functions modally. There is no 'relation' between finite and infinite; they are better understood as the disjunctive modes of a common being. This thought persists in a very compromised form in the account of perspectivism informing recent anthropology and it is inseparable in Scotus from a thought of being as a modally disjunctive common. He continues:

> Hence, not to have any predicate above it except 'being' pertains to the very notion of a transcendental. That it be common to many inferior notions, however, is purely incidental. This is evident too from the fact that 'being' possesses not only attributes that are coextensive with it, such as 'one', 'true' and 'good', but also attributes that are opposed to one another such as 'possible or necessary', 'act or potency', and such like.[10]

From this Scotus deduces four groups of transcendental: being or the 'first of the transcendentals', followed by what he calls the coextensive transcendentals whose attributes are by definition coextensive with being; the one, the good, the true (and in some lists also the beautiful, the thing and the something). Through their promotion by Thomas Aquinas the coextensive transcendentals became the visible face of the transcendentals in the subsequent history of philosophy, but they are not the most important for Scotus. He lends more significance to the 'disjunctive transcendentals' that make up the third group. There is also a fourth group of 'pure perfections' that should be added for completeness, although it is the third group that remains most important for Scotus.

9. Ibid.
10. Ibid., p. 4.

Within the third group of disjunctive transcendentals, Scotus discusses the disjunctive modes that together span the common of being. They are further divided into the correlative and contradictory disjunctive transcendentals catalogued by Allan Wolter in his 1946 *The Transcendentals and Their Function in the Metaphysics of Duns Scotus.* These include the correlative disjunctions of prior/posterior, cause/caused and exceeds/is exceeded, and the contradictory disjunctions of actual/potential, independent/dependent, necessary/contingent, substantial/accidental, finite/infinite, absolute/relative, simple/composed, one/many, the same/different. It is a familiar cast, but assembled here in an unfamiliar play.

It is important before proceeding any further to insist a little on the distinction between a distinction and a disjunction, as this is rarely observed in recent anthropological literature but is extremely consequential. A distinction is extensive and involves introducing a difference into a genus, thus providing the space for the disclosure of a relation. A disjunction, however, is modal and describes an operation, one that does not presuppose any pre-existing relation. The disjunctive transcendental of finite and infinite in Scotus, for example, does not rest on a distinction but is a modality. I can predicate being of God and humans, but in the first case I predicate it in an infinite, in the second in a finite mode. It is the mode of predication – how I predicate – that is governed by the disjunctive transcendental, not the what or the kind, the finite/infinite of the predicate. By attending to the modal operation effected by a disjunctive transcendental it is possible to maintain univocity and immanence of the common – when I predicate being of God and of myself being is said in the same sense – the common of being is respected, but according to a different modality. If I *distinguish* between finite and infinite, then I can only predicate equivocally (in logic) or analogically (in metaphysics). The consequence of making a distinction is

that we divide the common between a being of and for finite objects and a being of and for infinite objects. We effectively distribute the concept across finite and infinite realms when we make a distinction and generate all the problems of mediating or establishing a relation across the distinction. In this way we are pushed towards reasoning equivocally through an analogy between finite and infinite predicates. The distinction between distinction and disjunction became a major fault line of medieval philosophy distributed across Scotus and Aquinas; and not just medieval philosophy.[11]

But let us leave Scotus and attend now to the literal sense of the uncanny – of being both at home and far away – that attends even this brief sketch of his anatomy of the transcendental. Much of it is familiar, but in the garbled version bequeathed by the neo-scholastics. Take as an example the *summa* of neo-scholasticism, Kant's *Critique of Pure Reason*, where fragments of Scotus's transcendental philosophy are thrown together in a perplexing bricolage or philosophical dreamwork. The neo-scholastic invention of 'ontology' as a way of preserving the dignity of the first coextensive transcendental of being, but without its attendant thought of the common, is ghosted in its self-proclaimed replacement, Kant's transcendental analytic. It is here that the coextensive transcendentals of the One and the True operate spectrally through the transcendental *unity* of apperception – an extra categorial or transcendental unity remote from that of the categories of quantity. The disjunctives too reappear most enigmatically in the concepts of reflection, as well as in the disjunctive hinge on which the entire critique hangs, the distinction between transcendental analytic and dialectic;

11. Here I can recommend Étienne Gilson's tormented late book, *Duns Scotus: Introduction to his Fundamental Positions*, available in an excellent recent translation by James G. Colbert from Bloomsbury T. & T. Clark, London, 2019. It painfully revives neo-scholastic efforts to square the circle of equivocal and univocal definitions of being within modal and relational or analogical styles of thought.

which is governed by the 'transcendental distinction' (not disjunction, unfortunately) of finite and infinite. Kant indeed had great difficulty in placing disjunction. This is evident, as we have seen, in his relegation of the disjunctive judgement to relation, the disjunctive principle to community, and reciprocity and the disjunctive syllogism to God. The difficulty is also evident in the equivocal relation between the groups of categories of relation and modality: is modality a form of relation or is relation but an attenuated form of modality? Much is evident in Kant's definition of the transcendental as concerned less with the knowledge of objects than of the *mode* of knowledge [*Erkenntnisart*] of objects, understood, however, as the *relation* of knowing to objects.

How has this problematic Scotist legacy of the disjunctive transcendentals and their accompanying call for a univocal modal thinking of the common of being played out in recent anthropological thought?

Relegation to relation

Let us begin with the telling episode in chapter 4 of *Cannibal Metaphysics*, 'Images of Savage Thought', where Eduardo Viveiros de Castro pits C*annibal Metaphysics* against Descola's *Beyond Nature and Culture* (the self-conscious and deliberate transformation of the disjuncture of nature and culture into relational thinking) as the completion of Lévi-Strauss's thought, whether in *La Pensée sauvage* or *Mythologiques*. This episode is cast by Viveiros de Castro as his immanentist reply to Descola's development of Lévi-Strauss's anthropological thinking in the direction of relation and analogy. We have a ghost play, in other words – on the banks of the upper Amazon – of the equivocal/univocal, modal/analogical division of Scotist and Thomist scholasticisms. Viveiros de Castro distances himself from Descola's 'naturalist' (or rather analogist) interpretation of perspectivism that is

explicitly based on a fourfold ontology configured 'according to how they configure the relations of continuity or discontinuity between the corporeal and spiritual dimensions of different species of beings'.[12]

It would seem as if all the elements of an immanentist critique of a relational ontology are in place: analogy, relation and distinction, between the corporeal and the spiritual. Indeed, Viveiros de Castro is apparently unremitting in his critique of Descola's ecology of relations:

> Without casting any doubt on the fact that the definition of analogism magnificently accommodates a series of phenomenon and civilization styles (particularly those of several peoples once considered 'barbaric') it should none the less be said that the place analogism most exists is in *Beyond Nature and Culture* itself, a book of admirable erudition and analytic finesse but whose theory and method are completely analogistic.[13]

Ominously, Viveiros de Castro defines his anti-analogistic position against Descola by means of – an analogy: 'if the challenge Descola confronted and overcame was that of rewriting *The Savage Mind* after having profoundly assimilated *The Order of Things*, mine was to know how to rewrite the *Mythologiques* on the basis of everything that *A Thousand Plateaus* disabused me of in anthropology.'[14] The analogical style is evidently at work in the very terms in which the polemic against analogy is framed.

While these pages of *Cannibal Metaphysics* provide some fascinating glimpses of a disjunctive modal thought, they

12. Eduardo Viveiros de Castro, *Cannibal Metaphysics*, trans. Peter Skafish, University of Minnesota Press, Minneapolis MN, 2017, p. 81.

13. Ibid., p. 83. Descola is explicit in his commitment to a philosophy of relations and analogy inherited from Thomism. In *Une ecologie des relations* (CNRS Editions, Paris, 2019) the anthropology of relation involves bringing together 'disparate elements' 'in order to not conceive our world as a completely fragmented space, and to bring them together by means of correspondences through reasoning analogically' (p. 44). A disjunctive thought would precisely hold the 'disparate elements' in a fragmented space, but in pursuing it Viveiros de Castro is closer to the position of Descola than his polemic here would suggest.

14. Viveiros de Castro, *Cannibal Metaphysics*, p. 84.

nevertheless issue into a celebration of relation and equivocation. This is because of the priority given by Viveiros de Castro and other recent anthropologists to the thought of relation over modality. Relation, as Kant showed us, is the Trojan Horse of analogy. There are a glimpses of a different kind of thought, with moments when it appears as though perspectivism could be an eminently modal form of thinking. If we take the thinking jaguars who prowl the pages of Kohn and Viveiros de Castro, we could imagine them moving disjunctively between the human and the jaguar, between blood and beer, predator and prey, and adopting diverse modes.[15] Instead of reducing them to the consensual space of examples of analogical reasoning, such as blood is to jaguars as beer is to humans. Indeed everything in *Cannibal Metaphysics* seems to be building up to this thought of disjunction: the early announcement of 'modes of being'; the later footnote reference to univocal being and its modes; 'the medieval theme recycled by Deleuze';[16] the reference to the common (although relation insinuates itself even into this reference);[17] and, most promisingly, the new disjunctive transcendental of figure and ground – 'the feline and human dimensions of jaguars (and of humans) will alternately function as figure and potential ground for each other'.[18] The ethnographic material seems to point to a disjunctive transcendental and to resist analogical capture.

15. As is more frequently the case in thick ethnographic description such as Viveiros de Castro's own *From the Enemy's Point of View: Humanity and Divinity in an Amazonian Society*, trans. Catherine V. Howard, University of Chicago Press, Chicago IL, 1998.

16. Viveiros de Castro, *Cannibal Metaphysics*, p. 105.

17. Viveiros de Castro later cites approvingly Francois Zourbichbvili's *Le vocabulaire de Deleuze* (Ellipses, Paris, 2003): 'Measure (or hierarchy) also changes its meaning: it is no longer the external measure of being to a standard but a measure internal to each relation to its own limits' (ibid., pp. 105–6), thus insinuating relation into a context of a univocal flat ontology. His reference to Roy Wagner's 'method of *obviation*' is, however, closer to disjunctive thinking: 'a hierarchical dis-encompassment of the socius in a way that liberates the intensive differences that traverse and detotalize it…' (ibid., p. 106).

18. Ibid., p. 66. Viveiros de Castro will subsequently insist on the precarity of this disjunctive transcendental when the 'cosmic background humanity' renders the humanity of form or figure problematic. The 'ground' constantly threatens to swallow the figure.' Ibid., p. 70.

Yet there is a fatal hesitation when faced with these theoretical and ethnographic disjunctions. Viveiros de Castro will recognize their critical implications for the reified transcendental object = *X* of anthropology, but rather than forgetting reification altogether he instead reifies the relation:

> We should not think the Indians imagine that there exists something = *X*, something that humans for example would see as blood and jaguars as beer. What exists in multinature are not such self-identical entities differently perceived but immediately relational multiplicities of the type blood/beer.[19]

It is plain that the *disjunction* – blood/beer – has been resolved into a '*relational* multiplicity' and with it the loss of univocity and the implied return of analogy. The diverse *modes* of being become *relations*, to be thought analogically. It just remains to make an analogical operation and to think *like* a jaguar, and to say blood is to jaguars as beer is to humans. The first modal position would respect the univocity of being – the common of human and jaguar life – and distribute it according to their respective modes of living; here there is no need for relation because their being, although modally distinguished, is common. The second position is relational and distinguishes between jaguars and humans in order to define their equivocal being and then to establish an analogical relation to take the place of the common.

Because of such small concessions, Viveiros de Castro is drawn relentlessly into analogy, as in this question of method: 'So how then do we render the analogies drawn by Amazonian peoples in terms of our own analogies?'[20] He answers by proposing *equivocation* and with this fateful concession arrives at an analogical transcendental philosophy: 'equivocation is a properly transcendental category, a constitutive dimension', or, even more

19. Ibid., p. 73.
20. Ibid., p. 85.

revealingly: 'Equivocation is not error, deception or falsehood but the very foundation of the relation implicating it, which is always a relation with exteriority.' Viveiros de Castro insists that equivocation is 'the limit condition of every social relation', once again introducing relation into the core of the anthropological narration, this time as 'a transcendental condition of possibility of anthropological discourse that justifies the latter's existence (*quid iuris*).[21] The appeal to equivocation and relation is explicitly directed against univocity, in which the common of a disjunctive transcendental is reduced to a ventriloquist's dummy, an imaginary univocation to which the anthropologist pretends to give voice.

There ensues a delirium or *Wahlpurgisnacht* of equivocal being, relation and analogy, but always punctuated by flashes of something else. There is the intimation of modal thought in the common of 'cosmic background humanity … that makes every species a reflexive genre of humanity' without resorting to a relation. Similarly, the characterization of the Shaman that follows clearly aspires to thinking modal disjunction through transformation, even if it is buried beneath a set of relational entities: 'the Shaman himself is nevertheless a real relater, not a formal correlater: he must always move from one point of view to another, transform into an animal in order to transform that human into an animal (and vice versa)'. But the thought of this eminently modal movement between one perspective and another is abruptly rephrased into the problem of establishing relations across a distinction: 'The shaman utilizes – "substantiates" and incarnates, establishes a rapport (a relation) and report (*rapporte*) between – the differences of potential inherent in the divergence of that constitute the cosmos.' Yet when Viveiros de Castro describes the horizontal shaman (as opposed to

21. Ibid., pp. 89–91.

its vertical hieratic variant of the priest) as working through *rapporte* as narration, the collateral of *rapport* as relation slips away like a bad dream (even though it tries to resurface in his description of shamanic narration as a 'third form of relation'). Neither totemic nor sacrificial, shamanic *operations* 'dramatize the communication that occurs between the heterogeneous terms constituting pre-individual, intensive multiplicities: the blood/beer, to return to our example, in every becoming jaguar'.[22] This is a moment of thinking disjunction where we can glimpse a form of thought and life beyond relation and analogy.

On the whole, Viveiros de Castro believes that Deleuze and Guattari have his back with their 'disjunctive synthesis', the inaugural shared thought of their authorship. But when thought with its full Scotist gravity, disjunction permits no synthesis. If it can be synthesized, then it is not disjunction. Of course, disjunctive synthesis could itself be a disjunction and not a synthesis, but in disjunctive thought, as Artaud insisted, there can be no becoming. Indeed in chapter 10 of *Cannibal Metaphysics*, 'Production is Not Everything: Becomings', Viveiros de Castro reasserts the disjunction and looks beyond the traversal of a relation implied in becoming jaguar to the disjunctive 'formula', human–jaguar, a theoretical posture true to the affirmative disjunction of Deleuze and Guattari's schizoid thought. Here there is a citation of Deleuze and Guattari, modifying Lévi-Strauss's view about the rapid 'flickerings' across a disjunction in the direction of making these flashes 'becomings', as in becoming animal. Viveiros de Castro suspects a problem with this notion of becoming and the relation that it implies or constitutes.

Scotus's formulation of the disjunctive transcendental invites us to think modally within the common of univocal being and its disjunctively transcendental modal expressions. His

22. Ibid., pp. 151–2, 158 .

formulation was defined against the distinctions and relations of equivocal being and the obligation to think analogically that accompanied them. This Scotist thought of the disjunctive transcendental that Gerard Manley Hopkins held to be unrivalled in Italy and Greece is a difficult and constantly beleaguered legacy. In many ways, as we have seen with Viveiros de Castro's remarkable work, it remains a fugitive but also an insistent thought.

2

Adorno beside himself: objective humour and the transcendental

ANTONIA BIRNBAUM

In the *Economic and Philosophical Manuscripts* of 1844, Marx writes:

> Everything which the political economist takes from you in terms of life and humanity, he restores to you in the form of *money* and *wealth*, and everything which you are unable to do, your money can do for you: it can eat, drink, go dancing, go to the theatre, it can appropriate art, learning, historical curiosities, political power, it can travel, it is *capable* of doing all those things for you; it can buy everything; it is genuine *wealth*, genuine *ability*.[1]

In 1947, in *Dialectic of Enlightenment*, Theodor Adorno and Max Horkheimer write:

> The active contribution, which Kantian schematism still expected of subjects – that they should, from the first, relate manifold sensitivity to fundamental concepts – is denied to the subject by industry. It purveys schematism as its first service to the customer.[2]

1. Karl Marx, *Economic and Philosophical Manuscripts*, in *Early Writings*, trans. Rodney Livingstone and Gregor Benton, Penguin, Harmondsworth, 1975, p. 361.
2. Max Horkheimer and Theodor W. Adorno, 'The Culture Industry: Enlightenment as Mass Deception', in *Dialectic of Enlightenment: Philosophical Fragments*, ed. Guzelin Schmid Noerr, trans. Edmund Jephcott, Stanford University Press, Stanford CA, 2002, p. 98.

Where money does things in our stead, a century later, the culture industry thinks in our stead as well. What the contiguity of these two quotations brings out is how they resort to abstraction. Here, Marx does not empirically describe the circulation of capital; he construes the allegorical logic of the general equivalent. Similarly, in the 1947 essay in *Dialectic of Enlightenment*, 'Culture Industry: Enlightenment as Mass Deception', Adorno and Horkheimer do not conduct an empirical investigation into the phenomenon of the culture industry; they parse the logic specific to its objects.

Through its excoriating character, their prose manifests a fascinated aversion to its object. With this text, Adorno and Horkheimer set themselves up as the masters of a critical gesture, the style of which is itself completely reified, and which has instigated countless imitations. Let me name a first paradox: any reading of this essay, even a cursory one, must notice that it is neither an 'exact' phenomenal description of the culture industry, nor an exposition of reification as the 'truth', since the truth of reification resides solely in the resistance to it. Two quotations confirm this observation.

> The bourgeois whose lives are split between business and private life, their private life between ostentation and intimacy, their intimacy between the sullen community of marriage and the bitter solace of solitude, at odds with themselves and with everyone, are virtually already Nazis, who at once are enthusiastic and fed up, or the city dwellers of today, who can imagine friendship only as a 'social contact' with people with whom they have no real contact.[3]

> The most intimate reactions of human beings have become so entirely reified, even to themselves, that the idea of anything peculiar to them survives only in extreme abstraction: personality means hardly more than dazzling white teeth and freedom from body odour and emotions. That is the triumph of advertising in

3. Ibid., p. 126.

> the culture industry: the compulsive imitation by customers of cultural commodities which, at the same time, they recognize as false.[4]

If the equivalence of the German Nazi and the US city dweller were to be accurate, we would truly be in a night where all cows are black and no differentiation of knowledge penetrates. And if the immediate assimilation of the consumer to commodities had the status of truth, then we would have to conclude that reified being is indeed all there is, or, to put it in another vocabulary, that there are only bodies and languages, without even being able to add the crucial subtractive proposition, 'if not that there are truths'. It is worth insisting: to conceive of the disclosure of reification as an operation of truth is to lock oneself into a contradiction which ignores the Adornian postulate that what is is not everything.

Pertaining to *Dialectic of Enlightenment*, two moments need to be distinguished. Undoubtedly, numerous passages in the preface of the book point to the inevitable intertwining of enlightenment and domination. However, what is as stake in this dialectic is precisely not the demonstration of this inevitability, but much rather its dislocation, the breakdown of the measure of 'nothing more than being'. In other words, the tendency of enlightenment to turn into mythology can only be grasped as a tendency. Myth is always already enlightenment, which makes it non-identical to itself. Moreover, the historicity of myth contains within itself an irreducible divergent possibility, that of an enlightenment which separates itself from the tendency to domination.

Additionally, the essay on the culture industry poses a different problem. Adorno and Horkheimer declare their holy horror at the prosaic nature of industrial culture with a combative deployment of the prosaic in their attack on the industry itself.

4. Ibid., p. 136.

More generally, the claustrophobic effect of their polemic stems from its persistent appeal to decline. This melancholic relation to a world's end bears a resemblance to the prose of Oswald Spengler. Though the philosophers conceive of all domination as pertaining to what they call prehistory, their essay constantly invokes a deterioration. The ignominy of culture is compared to a former time, a state 'before' its industrial transformation. Thus the bourgeois individualization of names or the mediated experience of folk songs serves as a backdrop to highlight the deterioration represented by brand names and popular songs. Unrelenting, unabashed depreciation organizes the diagnostic from beginning to end.

In spite of all this, the essay has often been received as an exact account of culture, and its relation to truth equated with a logic of disillusionment, giving rise to exercises that alternately map or berate the culture industry. The imitations of the essay's style have gradually recast the compelling aversion into an ornamental figure, also available for consumption. In the 1960s 'Adornian' was a commonly spoken idiom in Germany, and this essay was its main source.

These sequels are not simply misunderstandings. They reflect the trials and tribulations that mar the matrix of the essay. How is it that the undertaking seems in many ways defunct, and that it nevertheless persists in disturbing us? If anything, its comparisons of American capitalist society with Nazism are politically short-sighted; there were never so many labour struggles in the USA as there were between 1933 and 1947. The foregone conclusion following which emancipatory politics have been reduced to an integrated element of the culture industry tends to blur rather than clarify the differentiations of politics and culture.

Yet we still stumble on the block which the two philosophers uncover, though the parameters have drastically changed. What

the concept of the culture industry problematizes, then as now, are those strange social objects that are 'works' under the condition of capital. This is what motivates the 1947 essay on the culture industry: it turns critique of culture into a central site of philosophy, transforming philosophy's very mode of writing. Culture industry is a machine that transforms all objects into demand-satisfying objects, be it high art, television films, podcasts, fast-forwarded YouTube songs, Vimeo images, philosophical essays, crowd-funded dating applications.

This strange position of the object challenges the division of spheres, the inherited distinctions between society, concept and aesthetics. In so far as the capitalist logic of society is shown to be immanent to the epistemological category of objectivity, the whole categorial logic, and with it schematism, need to be revised. Similarly, the culture industry no longer really fulfils an ideological function of justification, since its reality is already its own ideology. In consequence, the critical step back has lost both its grip and its political relevance, since it no longer disposes of a distance it could insert between itself and what it reflects. Culture industry can only be dislocated from within. Criticism can no longer proceed directly, through the subjectivity of judgement; its chance lies in proceeding by detour, through the object itself.

If there is a way of fracturing the monolithic, stereotypical schematism of culture industry, it must lie in an immanent difference, a negative moment running through its machinic logic, rather than in a depreciation of it. Can the pre-empting of subjective judgement produced by the commodification of the object spawn new thought procedures, rather than just suppressing thought altogether? To inquire into such procedures, I will focus not on the reduction of objects to commodities, but on the self-destruction of all finality inherent to the very process of commodification.

This shift breaks with some of the explicit assumptions of Adorno and Horkheimer, namely their disqualification of humour. The hypothesis is the following: Adorno and Horkheimer do not simply reject humour; their essay also resorts to mimetic identification by way of an objective humour, a humour capable of turning the tables, of furthering procedures running counter to their normative integration. How does the humorous trait of this essay's style intervene in its theoretical endeavour?

The steamroller of exaggeration

There are several pitfalls to be avoided when trying to grasp the alteration of schematism. The first consists in ontologizing the reproducibility inherent to culture industry, assimilating it to the ways of being proper to things that are then called aesthetic artefacts, as in certain flat ontologies of speculative realism: this is a concept of culture industry minus the violence of capitalism. The second pitfall, so massively present that it has itself become an integral part of the culture industry, posits that industry as the moment of a bad infinite opposing high art to popular culture, and becomes inevitably trapped into defending one against the other.

Where, when and how is the concept of the culture industry formulated? Adorno and Horkheimer seek to comprehend their own present, one in which culture industry belongs to the same world as the avant-garde. The essay questions the relentless coherence of a sequestered, 'consensualized' sensibility as the production of a style, a production that obliges one to reconsider all the expectations of the latter. The tracking down of stylistic effects is given precedence to any empirical inquiry focused on real sites, but also to any direct argument. For empiricism does not reach the principle, whilst the rhetorical pseudo-naturalism

of the argument misses the interweaving of artificiality and truism specific to the components that are film, jazz associated with light music, radio, magazine. Grasping the stereotype of culture is only possible through the dramatization of its features, through a depiction that estranges the complete banality of its logic.

The reversal of platitude into strangeness can be described as follows. Culture industry generates the constraint of conformity; it saturates leisure time, blocking out any effort of thought. It produces a consensus of sensibility through the monotony of increased homogenization, which the authors associate with 'late capitalism', and what today we may once again call 'high capitalism'. Its compliance draws on the logic inaugurated by the Aristotelian rhetoric of the golden mean. This is where dramatization steps in: culture industry, which is unambiguously dedicated to an 'optimal' intermediary, is subjected to a permutation. It is construed as something absolutely unlikely, far-fetched.

In short, the essay on the culture industry operates by way of exaggeration, which is, of course, a rhetorical device, but here it mainly points to the hostility incurred by any reflection that contradicts the existing 'sense of proportion', that does not coincide with the given state of affairs. In Adorno and Horkheimer's essay, this determination is taken up on the reverse side, where, strictly speaking, there is nothing to think about. Where the industrial filtering of sensations has subjugated and done away with all irregularities, all unthought elements and failures, the philosophers choose to be astonished.[5]

How is this exaggeration to be understood? Does it serve as a hypothesis that highlights an explicit thesis, conveying culture industry as an all-powerful system coinciding with its totalization, eliminating any outside? Under this assumption, its

5. For a precise rendering of exaggeration, see Alexander García Düttmann, *Philosophie der Übertreibung*, Suhrkamp Verlag, Frankfurt am Main, 2004.

extension completely annuls the subject of thought, substituting itself for its schematic activity. Historical development further increases this power. Initially inscribed in the cycle of work and leisure, which only prepares one to return to work, the culture industry gains more and more ground, until it finally imposes a complete volatilization of meaning. This appropriation transforms the sensible into a 'series of signals' which set off programmed, predigested reactions.

Insofar as exaggeration conflates its hypothetical stance with a thesis, the essay comes to a dead end. Adorno and Horkheimer bow to the object they repudiate, they seal the victory of the culture industry. They do mention, as if in passing, objects that disrupt its tyranny: the undisciplined Orson Welles, to whom the RKO studio gave a free hand, the films of Chaplin and the Marx Brothers, the first cartoons, Mark Twain. However, they add an immediate caveat: in the end, these objects confirm the validity of the system all the more zealously. Little attention is paid to the fact that all these objects can only be conceived within the culture industry, in the world where it imposes itself, according to its modes of production and distribution, the film, the magazine.

Certainly, we apprehend these objects differently in regard to the historical distances that separate us from them. Adorno and Horkheimer were undoubtedly marked by the elimination of such possibilities, by the ruthless flattening that culture underwent, whereas today we perceive them as points of heterogeneity which disrupt standardized production. In the context of the 1940s, one could certainly evoke the historical transition between circus and film, assigning these objects to a 'craft' period of the culture industry rather than to its full maturity.

Whatever the case, the steamroller of exaggeration deployed by the essay tends to barricade it within the imaginary sphere

of an omnipotent capital. In this respect, its style does nothing but mirror the same triumphal exaggeration featured by culture industry itself. Here we reach the point where the essay leads to boredom, a boredom devoid of any feeling of possibility. The output of overwrought images keeps returning to the same point, just as in the films of the culture industry the elopement to get married returns to the sinister daily life it dreams of leaving. Clearly, the logic of exaggeration is not sufficient to illuminate the critical stance of the essay.

Objective reversal

The depiction of culture's integration by the commodity does not simply resort to exaggeration; exaggeration aggravates the negativity attached to commodity. Negativity's growing grip on the subject, the human race, the individual, their complete wreckage, ends up by turning the culture industry against itself. By devouring its own medium – the market demand for culture that it purports both to produce and to satisfy – by eliminating from the customer what still differentiates him or her from the customer, the vacuum of culture industry destroys its own finality. It then becomes a 'thing of the past'; that is, it achieves its own self-dissolution. The liquidation of culture turns into the liquidation of the culture industry.

This shift of perspective lends the monolithic aspect of the essay a new tension. Whilst the culture industry continually prescribes fun as a medicinal bath, Adorno and Horkheimer set out to mortify it. This critical gesture is borrowed from both Hegel and the surrealists, from 'objective humour' and 'black humour', each of which renders subjective experience similar to the object, albeit to the fragmented, hallucinated dimension of the object.

Following Hegel, the end of romantic art distributes two extremes: the representation of a chance objective exteriority and the reflexive play with the accidental dimension of interiority, called subjective humour. Regarding these extremes there is one last possibility experienced by romantic art, a threshold leading to the irrelevancy of art for truth. Humour is modified in so far as it 'enters into' the object (*Verinnigung*), identifying partially, temporarily with a series of its traits. Hegel characterizes this as 'objective humour' giving the example of a *Lied* within a composition.

What Hegel means by such a humour remains elusive. Its partial and temporary aspects give an indication, as does its reference to symbolic art. In objective humour, spirituality neither penetrates nor organizes material exteriority. Its reflexivity latches on to a material trait: the chance encounter of thought and a piece of reality substitute for a totality that is not yet, or no longer, at work. Hegel sees in it an afterlife of the epigram, close to the discrepancy proper to the symbolic epoch: objective humour encapsulates both matter and meaning in a single trait, which concerns the unresolved proximity of sensation and thought.[6]

This irresolution affects the humour of the troublemakers mentioned in the essay: Mark Twain, the Marx Brothers, Chaplin, the first cartoons, Orson Welles. They all depart from the general diagnosis, following which nothing escapes integration. They belong neither directly to art's past nor to the craft of popular culture they borrow from; nor do they simply confirm the omnipotent rationality of 'optimal' culture. Included in the culture industry, they materialize some of its break points. Their experimentations of the dysfunctional project negativity into a *terra incognita* that even high art is unable to reach.

6. G.W.F. Hegel, *Aesthetic Lectures on Fine Arts*, Oxford University Press, 1988, p.609.

> The more seriously art takes its opposition to existence, the more it resembles the seriousness of existence, its antithesis: the more it labours to develop strictly according to its own formal laws, the more labour it requires to be understood, whereas its goal had been precisely to negate the burden of labour. In some revue films and especially in grotesque stories and 'funnies' the possibility of this negation is momentarily glimpsed.[7]

The registering of this absence of seriousness dismantles the equivalence between standardized production and the theory of its unrelenting hold. In so far as the culture industry is considered under the aspect of objective humour, its preying on elements both of the avant-garde and of popular craft come to light, as does its preying upon theoretical reflection itself. From here, the way is open to the next step, namely adopting humour as one of criticism's procedures. Under the aspect of humour, mortification will consist in activating the corrosion enclosed in these discordant features, instead of restating the coherence of commodification. Is the essay 'The Culture Industry: Enlightenment as Mass Deception' a monument to black humour? This perspective is certainly available. To perceive the 'edge of nothingness' that accompanies the developments of the essay, one need only shift one's attention: away from the thesis to the surface effects. With this shift in focus one can turn differently to the inaugural remark:

> The active contribution, which Kantian schematism still expected of subjects – that they should, from the first, relate manifold sensitivity to fundamental concepts – is denied to the subject by industry. It purveys schematism as its first service to the customer.[8]

The compromised purity of the Kantian transcendental doctrine switches to a pastiche form of theory. Philosophy can

7. Horkheimer and Adorno, 'The Culture Industry: Enlightenment as Mass Deception', p. 113.
8. Ibid., p. 98.

no longer simply rely on the intermediary elaborated by Kant, on the synthesis that produced understanding as an activity of judgment. Synthetic unification has fallen into the hands of industrial homogeneity. So be it: from now on, philosophy will do without the unity proper to the schematizing imagination. It will draw the connections of the sensible and the intelligible from elsewhere, namely from the procedures made available by the avant-gardes, psychoanalysis, and even by the culture industry itself – that is, by the language of advertising. Criticism will improvise, dislocate and reassemble, decentre, remove pieces of the cultural scenario from their coherence, defy all requirements of verification, improvise proximities in place of the gap laid bare by the heterogeneity of receptivity to spontaneity. All these procedures, montage, collage, automatisms, and so on, are sampled in the essay.

Adorno and Horkheimer do not hesitate to displace their observations from register to register, without regard to meaning or location. Thus the reader navigates from 'the breast beneath the sweater' to the film star who is 'a copy of himself from the start' to 'cars and cigarettes' to 'the good guy' to 'the decent girl'. Partial objects of drive connect with simulacra; commodity-ideologies take their place next to character indications. Far from being assimilated to the imposition of totality, the culture industry is shown to comprise shreds, shreds of psychoanalytic discourses, typologies, ancient liberal arts, technologies from which it weaves its web.

Since its unifying principle is the principle of its ruin, since its coherence is its irrationality, one needs only to spotlight its procedures for its representation to tear itself apart. In the overlaps between the procedures of assemblage and their representation, representation begins strangely to coincide with its own reframing. And what becomes manifest in this unstable interval, this tension between the caustic, hallucinatory reframing and

the frame itself, is precisely the transitory, perishable dimension of transcendental schematism.

The dissolution of the unchanging 'I think', its precession by an objectified mediation that escapes all conscious cognitive filtering, crystallizes a reversal; it turns the tables on the relation between subject and object in the constitution of experience. For this precession not only eliminates the synthetic effort of the subject; it also implicates subjective genesis in the disorganization of the relations between various sensations and the elaboration of concepts. Or, to formulate it more precisely, the industrial objectification cannot eliminate the activity of the unified subject without freeing up a zone of uncertain proximity, a zone out of which the differential of abstraction and materiality proceeds.

Industrial procedures volatilize cultural meaning, turning them into a 'series of signals'. These engender both a fragmentation of reality and the tendency of domination to normatively reduce reality's fragments rather than exploring their multiple connections. Likewise, the elimination of its own synthetic operation relates the subject back to what makes it similar to an object, what makes it 'enter into intimacy' with its industrial fragmentation. Here, objective humour short-circuits subsumption by joining up with exteriority, by encountering the object as its own estrangement. Objective humour – the edge of nothingness which accompanies all representations – thus sets forth the excess of this fragmentation over its given historical condition, namely the social divisions of labour constitutive of the cultural object.

As soon as the depreciative stance is tuned out, the humour pervading the essay kicks in. Everything appears recognizable and yet unfamiliar; nothing is in its place anymore; we have crossed a threshold without having really gone anywhere else. Adorno and Horkheimer may condemn laughter as a flight

from power, they may go so far as to claim that Baudelaire himself lacked humour, but it changes nothing: where their text hits the mark, it yields an objective humour. Or, more precisely, it is when Adorno's phrases deliver humour that they hit the mark.

The corrosive handling of sociological seriousness suddenly throws facts, social classes, geography, artistic hierarchies overboard, amalgamating Europe and the United States, mixing the materialist invocation of pudding powder with considerations on the impact of statistics. The essay erratically regroups the elements of culture industry ordered by the exactitude of positivism to illuminate a world in which humans have disappeared and where objects, strangely animalized by circumstances, are constantly switching between different behaviours, sometimes becoming riddles, sometimes allegory, sometimes parts with no corresponding whole. This zany dismantling does not limit itself to the positivism of that period; now, as then, it lifts the spell cast by the scholarly stupidity of social sciences.

The irreducible gap

What does this displacement of the object do to the concept of the subject? The two philosophers reject all conceptions of the subject that claim to found the origin of consciousness in its own activity and in so doing misrecognize that subjects are constituted on the ground of objectivity. It is in this context that they point to the defeat inflicted by the culture industry on Kantian schematism. This is worth unfolding, for it is not obvious that schematism would fall under this verdict. The productive activity that synthesizes the receptivity of the sensible and the categorial understanding generates a subject of unity, but only at the price of inscribing a non-coincidence of that subject to itself.

A brief recollection may be helpful here. By putting an end to contemplative conceptions of the idea, whether transcendent or innate, by making synthetic judgment a productive activity of the 'I', Kant discovered a new problem: that of the irreducible gap between the process of unification of experience and the resulting unity of the self.

The terms of this problem are the following. The dualism of the sensible and the intelligible requires an intermediary able to apply concepts of pure understanding to appearances, to knot them. This is where schematism, associated by Kant with the *a priori* form of internal sense, time, comes in. The faculty of producing schemas is imagination, the activity of forming images, of making present a non-being, of giving oneself an intuition of that which being 'absent', namely the unity of the sensible manifold, does not pertain to intuition. This strange faculty of schematism is both receptive and active. Schematism is receptive in so far as it opens onto an intuition, but this intuition itself is created from scratch, schematized; thus schematism is also active, as are categories of the understanding. The important point here is the following: schematism is not an image derived from the sensible, a reproduction of an existing thing. Detached from any given image, any experience, schemas are not images of anything, but the temporalizing activity through which images are formed, through which categories become applicable to phenomena.

Strictly speaking, the intermediary knot of reception and spontaneity, schematism, produces nothing other than the relation implied by the form of time. Indeed, time can only be a series of 'nows' if these nows are always already exceeded, inserted into a unitary vision of the series itself. Time must always give itself the image of its own stretching out, otherwise the nows will simply scatter and get lost. The relation of time must make present, in each now the

schema of all nows, namely the past, the future, the series as a totalizing rule.

What schematism thus generates is an asynchrony of time, since I can never turn back on time to grasp it, or, more precisely, I can never turn back upon myself: the subsumption of my 'I' is impossible. As soon as I turn back on time to identify myself, the act of this return escapes me. There is indeed a process of unification of experience, but the unity of consciousness that it generates diffracts at the same time as it occurs. The unity of consciousness always arrives either too early or too late in its own self-awareness.

Schematism of Kantian imagination thus only overcomes dualism by affecting thought with an unthinkable, by separating the 'I think' from the existential self by the line of time that relates them to each other under the condition of a fundamental difference. Transcendental schematism generates an inaugural split that irremediably affects the unity of the modern subject. More precisely, this split is the constitution of the modern subject. From this, Adorno and Horkheimer derive the following observation: the culture industry's preying upon the schematizing effort required of the subject, its erasure of the unthinkable that affects it – all this reveals a 'discontent of schematism'.

Kantian schematism temporalizes the categories, makes them applicable to phenomena, but the categorial table itself retains an invariant status, which blocks any possibility of historicizing both these transcendental categories themselves, and also and above all the experimentation of their linkages. It appears, then, that the table of categories is far from neutral. What is conceived by Kant as an *a priori* condition of understanding refers in reality to the genesis of subjectivity in the objective field of capital.

What to do with this heteronomy of the categorial? Should we take note of it as an irrevocable reification, and devote ourselves

tirelessly to prosecuting it? This inclination is not completely absent in Adorno and Horkheimer's work. It appears as a temptation that the authors resist, but that they will never completely overcome. The strength of the essay, then, lies precisely in the novel way in which it thwarts this conclusion.

Taking note of that heteronomy, not as irrevocable, but as a blockage imposed on the *a priori* by capitalist reification, allows for a further differentiation, which separates the process of estrangement from its uniformization. This differentiation shows that the way out of reification does not lie in an alleged reappropriation of the self, since such an attempt will only succeed in subjecting us further to the already given objectivity. The second and more essential shift is to open up another path within objectivity itself. Here the emphasis shifts from the static frame of the transcendental condition – time as an *a priori* form of succession – to its genetic logic. The form of time no longer proceeds from the subjective constitution of that form. Rather, the historicity affecting the temporal modalities of the transcendental stems from the dissolution of the temporal continuity associated with the unity of experience.

In this perspective the scenario of capitalist domination can be somewhat rewritten. Being a subject also means being an object. However, this doesn't condemn it, reduce it to the sameness dictated by the culture industry. On the contrary, the disorganization of categorial constitution bears witness to the dimension of contingency. What is meant thereby is not the arbitrary contingency of the empirical, but the immanent historicity of the categorial itself, and thus the tension of its relation to domination.

Heterogeneous, disparate exploration of the manifold integrated by the culture industry lays the groundwork for a different thinking, for a subject to whom the primacy of the object is accessible. This change of direction, this variability intrinsic to

schematism, tears it away from the doctrine of the faculties that gave birth to it. Schematism is about thought taking place in me, but as something that is outside of me, a thought that is no longer 'entirely mine' (Kant).

In 1967, *Negative Dialectics* proposed the intrinsically philosophical formulation of this inversion, termed the primacy of the object. The primacy of the object will designate a 'more of object', a separation from itself that the subject encounters in the object, and with it the discontinuity of its experience. What matters here is not to show that the reflections on the transcendental in *Negative Dialectics* are already contained in the 1947 essay. What matters is that the primacy of the object refers here to another genesis, which owes very little to the direct theoretical confrontation between Kant and Hegel carried out therein. It is to be found in the very style of the essay, in its objective humour, which it borrows directly from the heterogeneous entanglements of the avant-gardes with the culture industry. By activating the innervations which run counter to the integrated surface of culture, the essay renders schematism unrecognizable.

More specifically, the humoristic doubling of the essay on the culture industry separates its overwhelming, aversive depreciation from its propension to demystify. Whilst disillusionment conceives of reification as the coherence of the culture industry, the aversion is a singular objectivation of a disorder with which reification affects itself.

> Advertising is the elixir of life. But because its product ceaselessly reduces the pleasure it promises as a commodity to that mere promise, it finally coincides with the advertisement it needs on account of its own inability to please.[9]

9. Adorno and Horkheimer, 'The Culture Industry: Enlightenment as Mass Deception', p. 131.

Surely, the humouristic vein of the essay is not what comes directly to the fore; it is smuggled in, outdoing its disqualification by the authors. Far from the exuberant grotesque featured in Rabelais, where 'God pisses on the fields', the cold humour practised here has to do with people who 'deodorize' reality. But that disqualification equally applies to the other stylistic veins of the essay, the Spenglerian lamentation or the didactic strain of enlightenment. The appeal to decline is incapable of formulating a temporality that breaks with domination. The 'American' experience makes clear that truth can no longer be the disclosure of illusion, since it is itself part of a traffic wherein its difference from illusion has been done away with, where truth blends into the generalized consumption of opinions.

So much for the relation to decline or to pedagogy. Neither is sufficient to think both the culture industry and what runs counter to its domination. There remains humour: its literal twist, its avant-garde or 'crafted' activations bring forth a heterogeneous trait within the very hegemonic thrust of capital, its overpowering of culture. Humour is certainly not immune to integration, but that does not take away its lucidity, or the use we might make of it to explore our own dilemmas.

However, Adorno does not always help to discern this strong line of objective humour. First, the privilege he gives to suffering leads to a hypertrophy of memory, a repudiation of the power of forgetting. This freezes the modalities of historicity into a politics of mourning, or memory, obliterating both humour and its relationship to courage. Second, Adorno himself is afraid of the consequences called for by the direction taken in 1947. Thus, in his 'Culture Industry Reconsidered', written in 1963, he ignores his own insight, namely that the axial reality of the subject in no way lies in the ego, and falls back once again on its function, according to categories borrowed directly from ego psychology: the reifying hold that the culture industry wields is

predicated on a 'weakness' of the ego, to which one can then only oppose a 'strong ego'.[10]

Shedding light on the contraband humour in Adorno can never really be what Adorno himself puts forward; it will always be Adorno beside himself.

10. 'Culture Industry Reconsidered', in Theodor W. Adorno, *The Culture Industry: Selected Essays on Mass Culture*, ed. J.M. Bernstein, Routledge, London, 1991, pp. 85–92.


Begriffsschiff

UNIVERSALS & THEIR LIMITS

3

Belonging to the human race: one as many

ÉTIENNE BALIBAR

In a famous commentary on Robert Antelme's now-classic book on the Nazi concentration camps, *The Human Race*, written on his return to France after the Second World War, the French essayist, writer and critic Maurice Blanchot summarized its philosophical lesson in the following striking sentence: 'man is the indestructible that can be destroyed'.[1] This seems to verge on absurdity, but it expresses the deep contradiction lying at the heart of every reflection on the definition of the human: namely, its capacity for self-destruction, which no other species possesses. The form would be preserved in the very moment in which the matter is abolished. The title of Antelme's book (*L'espèce humaine*) could also be rendered into English as 'Humankind', 'The Human Kind' or 'The Human Species', depending on contexts and intentions. But the published translation has chosen *The Human Race*, since in common English since the seventeenth century 'race' is an equivalent of 'species' in the sole case of humans. This would not be possible in French.[2] It draws our at-

1. Robert Antelme, *L'espèce humaine* (1947), translated by Jeffrey Haight as *The Human Race: Essays and Commentary*, ed. Daniel Dobbels, Marlboro Press/Northwestern University Press, Evanston IL, 2003, p. 61. A remarkable passage reads: 'the executioner can kill a man, but he cannot change him into something else'.
2. German is a more complicated case because of the polysemy of the term *Geschlecht*.

tention to another side of the contradiction, namely the necessity and impossibility of deciding, in a simple manner, whether to neutralize the multiplicity of ways of being human – what in other places I have called *anthropological differences*[3] – for the sake of generic unity, or, to merge this multiplicity (and the social and historical hierarchies that it covers or makes possible) into the unity, for the sake of asserting the eminent 'indestructibility' of the essence or the *common genre*. I will keep these dilemmas and linguistic symptoms in mind, while I develop some thoughts inspired by our recent experience of living together – but also isolated – in a pandemic (Covid-19). My question is: *What does it mean to 'belong' to the human race/species?* What exactly do we 'belong' to? What does it mean to speak of 'belonging' in the case of a relationship that, practically, involves a feedback effect of the common species (or the generic) upon individuals themselves?

These questions are, by definition, anthropological questions in the philosophical sense. But they are also political or, I should say, metapolitical, since they bear on the most general conditions of possibility of political institutions, locally or globally, at the level of the planet. They also include an interesting semantic oscillation,[4] since 'belonging to' can mean, first, that you are a *member* of an ensemble (a collective entity or a population), which seems to be the natural interpretation in the case of a reflection on the ways in which a pandemic affects the representation of our species; but also, second, that you are *the property* or the 'object of appropriation' of a person or a juridical subject, which would mean that 'the human race' is conceived or conceives of itself as a proprietor or an owner.[5] Above all, I am

3. Étienne Balibar, 'Ontological Difference, Anthropological Difference, and Equaliberty', *European Journal of Philosophy*, vol. 28, no. 1, 2020, pp. 1–12.

4. This is true at least in French and English, since German is again a more complicated case: to 'belong to' is rendered by two different verbs: *zuhören* (for possession) and *anhören* (for membership).

5. One thinks of Descartes' (in)famous proposition in the *Discourse on Method* from 1637: 'devenir comme maître et possesseur de la nature'. Man becoming the sovereign

interested in the fact that this question – 'What does it mean to belong to the human race?' – has dramatically changed meaning several times in history while remaining formally the same, as our representations of the commonality of human beings has evolved. My guiding hypothesis is that today, in this very moment, the old question is once again shifting its references and understanding, first, because of the environmental catastrophe reflected in the scientific invention of the Anthropocene, and second, more specifically, because of the lessons to be drawn from the experience of the pandemic as to how we relate to one another as humans. I have four points.

Negation of the negation

We must begin with the element of negativity that is immanent in the question when it becomes a question of life and death, preservation or destruction of the human, as suggested by Antelme and Blanchot. As Hegel would say, the idea or dialectical scheme of the negation of the negation is always already involved in any attempt at answering the question of belonging to the human race, either from a speculative or from an institutional point of view, hence *identifying the human*. In other words, any answer is underpinned by the identification of what is non-human or in-human, and a decision on where the demarcation between the human and the non-human is drawn, leading to the implicit or explicit designation of those beings which are not the humans: those who are *dispossessed* of *humanitas*, 'falling' on the other side (the bad side, as it were) of a frontier governed by the *telos*, the recognition of the human essence, and its full or adequate realization as a norm. This amounts to acknowledging that answers to the question of belonging involve the violence of

owner of nature, although the precise function of this phrase within the discourse ought to be more carefully examined.

a set of correlative exclusions. Potentially at least, they are linked to the extreme symbolic or physical violence of the denial of the human: denying to certain beings their 'belonging' to the human race; albeit in some cases – notably slavery – *still 'belonging to'* in the sense of *being appropriated* by humans.

Our question, therefore, must be articulated with the consideration of a long chain of latent or overt statements of in-humanity, ranging from the imaginary reduction to 'animality' of certain populations or 'races' (notably in the framework of exploitation, colonization and slavery) to sheer elimination or extermination. In the middle, so to speak, we have the multiple cases of what theorists such as Goffman or Foucault have described as the 'abnormal': those in-humans, less-than-human or other-than-humans who, despite their alleged abnormality, monstrosity or exception, live among the humans as members of their kin, links in their genealogies, partners in their sociability, at the same time as being rejected, indiscernible in their shape or identified through some 'stigma' and segregated, in practice, among the humans.[6] Hence the relevance that we can grant to the title of another book inspired by the experience of the camps, Primo Levi's *Se questo è un uomo* (If, or whether, this is a man)[7] and the disturbing questions raised by some writers and philosophers around the 'analogy' of destructive treatments applied to victims of genocides, ill-treated animals, or mentally ill individuals subjected to 'eugenic' policies.

6. See Erving Goffman: *Stigma: Notes on the Management of Spoiled Identity*, Touchstone, New York, 1986; and Michel Foucault: *Abnormal: Lectures at the Collège de France, 1974–1975*, Picador, New York, 2007.
7. Primo Levi, *If This Is a Man* (published with *The Truce*), Abacus, London, 2001. US title: *Survival in Auschwitz*.

From subsumption to active/passive transindividuality

My second point concerns the ongoing mutation in our representation of the 'generic' element of belonging, which I have touched on elsewhere.[8] Some of us, who received a religious (Jewish–Christian) education, or a trace of it, remember that in Psalm 8 of the Bible, King David asks God the question: 'What is [or must be] man, so that Thou carest about him?'[9] All philosophy students learn that in Kant the critical or transcendental questions are summarized or included in the single anthropological question, 'What is man?'[10] But in reality, in modern Western civilization, there are two great typical answers, with sources in a more distant past, either on the side of ancient moral philosophy (e.g. in the Stoics) or in the tradition of natural history (e.g. in Aristotle), which are illustrated by the names of Kant and Darwin, respectively. Both are also deeply influenced by theological representations, which became later secularized. Significantly, each of them keeps giving rise to more recent elaborations in contemporary thought, which try to bring to the fore the element of negativity. A Kantian legacy or trace is also observable in the official texts which put at their centre the idea of human dignity or the 'dignity of the human' (such as the Universal Declaration of Human Rights) and in philosophies based on the ethical idea of radical otherness as a 'defining' feature of the human (as in Levinas or Derrida). Belonging to the human species, or human kind, remains there inscribed in

8. See Étienne Balibar, 'Human Species as Biopolitical Concept', *Radical Philosophy*, vol. 2, no. 11, Winter 2021.

9. *Quid sit homo, quia memor es ejus*, in the Vulgate Latin translation.

10. *Was ist der Mensch?* The addition of the fourth 'anthropological' question to the three questions organizing the transcendental critique (1. What can I know? 2. What ought I to do? 3. What may I hope?) is not to be found in the *Critique of Pure Reason* (1781), but in a much more marginal text: the *Lectures on Logic,* edited by one of Kant's assistants (1800). It was retrieved and became central in the great philosophical debate around the possibility of 'philosophical anthropology' in Germany in the 1920s. See Peter E. Gordon: *Continental Divide: Heidegger, Cassirer, Davos*, Harvard University Press, Cambridge MA, 2012.

the teleological or eschatological horizon of a *destination* of the human: a philosophy of the 'ends of man'.[11]

Conversely, the legacy of Darwin, although significantly modified, perhaps inverted in its ontological premisses, is still there in such biological elaborations of the idea of evolution and the 'descent of man' as that of Louis Bolk and his followers (including Lacan), or Stephen Jay Gould, for whom the singularity of the human – its 'exceptional' character within the animal kingdom – arises from a counter-development, an inborn incompleteness or pre-maturation of the individual, resulting in what Gould calls the 'mismeasure of man'. Such theories keep thinking belonging in terms of a specific 'origin' or a 'genealogy' that isolates a certain population among the living, at least relatively, particularly in the modalities of its reproduction; a process which is not a matter of destination, but rather of natural selection and a complex causality involving the retroaction of 'culture' upon 'nature'.[12]

I share the hypothesis that the pandemic (of which there are other examples in the past, but perhaps none as universal and immediately affecting all aspects of political, economic and private life as Covid-19, which could also be only the first in a series of forthcoming biopolitical episodes) has introduced a new modality of understanding what a 'common belonging' means. This is a belonging that is essentially *transindividual*, a mutual dependency or *co-belonging*, which immediately raises the question of solidarity and its obstacles in new, more urgent terms.[13] Why suggest this transformation from something like a teleological or a genealogical 'definition' of the species into

11. See Jacques Derrida, 'The Ends of Man', in *Margins of Philosophy*, trans. Alan Bass, University of Chicago Press, Chicago, 1972.

12. See S.J. Gould, *Ontogeny and Phylogeny*, Belknap Press, Cambridge MA, 1977, ch. 10, 'Retardation and Neoteny in Human Evolution. The Fetalization Theory of Louis Bolk', pp. 356–62; S.J. Gould, *The Mismeasure of Man*. New York: W.W. Norton, 1981.

13. The category transindividuality has been used by several philosophers in the twentieth century, mainly Gilbert Simondon. See Jason Read, *The Politics of Transindividuality*, Brill, Leiden, 2015, and my own essay 'Philosophies of the Transindividual: Spinoza, Marx, Freud', in *Spinoza, the Transindividual*, trans. Mark G.E. Kelly, Edinburgh University Press, Edinburgh, 2020.

a *clinical* and *situational* definition? Because Covid-19 is a viral pathology which progressively affects all humans through contagion or contamination crossing political or cultural borders, despite every lockdown and protecting barrier. The agent of this contamination is a virus and its human bearers, whether they are 'symptomatically' ill or not themselves, travelling together in a 'couple': a mobility that evidently is facilitated by political and economic globalization and modern ('airborne') means of communication, linked to the general circulation of commodities and money. This is a biopolitical and biosocial phenomenon, affecting all humans qua living beings, but in a differentiated manner qua social beings, depending on their age, their gender, their race, and above all their social class and nationality. So the contamination through mobility creates a solidarity. This is first a passive one – a common pathological condition imposed on us. However, we have become conscious of the fact that it is not accidental or contingent. Rather, it expresses a fundamental characteristic of the collective or transindividual human 'being'. This passive solidarity is a constraint that forces the 'species' as such to protect itself, to invent a common (or universal) *politics of the species*, or a *cosmopolitics* allowing it to transition from passivity to activity, or to *act upon itself* and its own conditions of life. We could express the same idea in the language of another philosopher, Georg Lukács in *History and Class Consciousness* (who of course draws directly from Hegel and Marx): this situation pushes the species (or the race) to become a universal 'subject–object' of history, through politics, associating all its members. The same remark, at a different level, is valid for the cosmopolitical transformation induced by the environmental catastrophe, as various contemporary philosophical works show. I am thinking in particular of Dipesh Chakrabarty's *The Climate of History in a Planetary Age*.[14]

14. Dipesh Chakrabarty, *The Climate of History in a Planetary Age*, University of Chicago

More than one species

This leads me to my third point. A mutation in the representation of the way in which we perceive our 'belonging' to the same human species, thus incorporated in a dialectics of passivity and activity, suffering and doing – something quite different from either a moral or an ontological *destination* ascribed to every individual, or to a common reproducible *heredity* (and heritage) – should directly lead us to acknowledge that we do not 'belong' to a *single* species, but to several at the same time: a community of 'companion' species. This is a very remarkable idea proposed (or proposed again) by the recent anthropology that includes the names of Bruno Latour and Eduardo Viveiros de Castro.[15] To belong to the human is also, albeit in a different modality, to belong to other species: perhaps, in the last instance, to *all* of them, with which the human species exists in correlation, affecting their life and death and being affected by them in its own life and death (which is of course an important aspect of life). To express this situation, I gladly borrow the expression that was used by Jacques Derrida regarding our relationship to language and transport it into the realm of life. 'What is it', Derrida asked, 'to "speak" or "use" a language, therefore "own" it and become its "property", while also being appropriated by it as a subject?' Of necessity, it is to speak more than one language (*plus d'une langue*).[16] Similarly, I would say, to belong to the human species is to belong to *more than one*, because species are interdependent (and their evolution is increasingly understood as a 'co-evolution') just as languages are interdependent.

Press, Chicago, 2021. Chakrabarty refers explicitly to the 'subject–object of universal history' with which Lukács, in 1923, explained the revolutionary function of the proletariat.

15. See Bruno Latour, *Facing Gaia: Eight Lectures on the New Climatic Regime*, trans. Catherine Porter, Polity Press, Cambridge, 2017; Eduardo Viveiros de Castro, *Cannibal Metaphysics*, ed. and trans. Peter Skafish, Minnesota University Press, Minneapolis, 2014.

16. Jacques Derrida, *Monolingualism of the Other, or the Prosthesis of Origin*, trans. Patrick Mensam, Stanford University Press, Stanford CA, 1998.

This formulation helps to extricate us from the idea of exclusivity or absolute singularity which inhabits theological representations of the human race, in which 'man' is the image of God on earth; and also from the Kantian philosophical representations which endow the human with a unique dignity, thus opening the neuralgic question whether all empirical humans are equally worthy or unworthy of this dignity.[17] The perspective that we are opening now, I would say, is a *pluralistic* one, an *immanent* but also a *dissymmetric* one. With regret, I must skip here a discussion of the Darwinian legacy.[18] However, in order for this multiple belonging not to become reduced to a simple symmetry, we need to incorporate into the very structure of belonging the social, technological and symbolic characteristics of the human species which affect its constitutive relationship to 'nature'. They too become part of the evolutionary process, which, as a consequence, becomes an *open evolution* that operates during our own lives and merges with history.

Put differently, while the idea of 'more than one species' with its fundamental pluralism is the opposite of every idea of a transcendent position or *oneness* of 'man in nature', analogous to the monotheistic idea of the One God, it also contradicts, on the other side of the metaphysical divide of our times, the idea that 'the living as such' is unitary, a single entity endowed with common interests and, implicitly, a common *telos* or

17. In the first chapter ('Philosophy') of *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present* (Harvard University Press, Cambridge MA, 1999), Gayatri Chakravorty Spivak has perfectly explained how the racial hierarchy in Kant's philosophy of history takes the form of an unequal capacity to access the universal process of human culture.

18. In insisting on the selective function of the environment in the emergence of the human, an essential part of which is formed by multiple other organisms that populate the same biotope, and above all through the increasing interest of twentieth-century post-Darwinian biologists in the phenomena of so-called 'co-evolution' (which includes the crucial phenomenon of domestication) whereby several species are mutually adapting and simultaneously transformed, post-Darwinism certainly provides an essential ground for an idea of pluralist belonging. This is a 'belonging' that is intrinsically multiple. I draw inspiration and clarifications here from the recent book by Pierre Charbonnier, *Culture écologique*, Les Presses de Sciences Po, Paris, 2022.

conatus. Such an idea is increasingly frequent in contemporary 'neo-vitalist' conceptions of the belonging of the human to the 'totality' of life and its interactions. For example, it was expressed in an ecological manifesto issued in the French press some time ago by a group of agricultural engineers, landscape architects, gardeners, forest cutters, and also philosophers, who protested and warned (rightly so) against industrial and agricultural deforestation (part of the 'extractive' dimension of capitalism) with the following headline: 'We [meaning the humans and the trees] *are the living who defends himself*'.[19] Just add a capital letter and 'The Living' will become a Divine Name designating a metaphysical and theological entity to which a metapolitical value can be attributed. Yet – at least this is the position that I would defend – 'The Living' as such *does not exist*: what exist are certain *living beings* in the plural, distributed and differentiated as individuals (organisms), populations, species in a course of evolution, which are interrelated and relate to an environment in a process of mutual transformation.

This is the clear lesson of such philosophers of biology as Georges Canguilhem.[20] Not only do we need to keep a certain degree of nominalism (a 'relational nominalism', if this combination does not seem semantically too repulsive), but we should also avoid suppressing *a priori*, in an ideal or utopian manner, the contradictions that are inherent in this interaction with the environment and the other species, hence the fundamental *dissymmetry* that it involves. I would even talk of a *double dissymmetry* because the human species in its evolutionary history is fundamentally a species that *colonizes* other species (and part of itself), that *domesticates* others living species (animals and

19. Baptiste Morizot and others, 'On finit par croire que la forêt a besoin d'être exploitée pour être en pleine santé' ('In the end you would have us believe that a forest cannot live if it is not exploited'), *Le Monde*, 14 October 2021.

20. See *A Vital Rationalist: Selected Writings from Georges Canguilhem*, ed. François Delaporte, Zone Books, New York, 2000.

plants, but also parts of itself, in order to create a 'domestic environment' for its reproduction), and that becomes more and more *artificialized* in its life, with the help of all sorts of mechanical, pharmaceutical, electronic prostheses – what Bernard Stiegler after André Leroi-Gourhan referred to as an 'exosomatization' of the human.[21] Such processes may have had forerunners and preliminaries in other species, but it cannot be denied that they disproportionately characterize the human in its relationship to other species, explaining (or reflecting) the singular capacity of 'the human species' to transform the environment and the conditions of life and reproduction, hence the organisms of all other species – until destroying them in the current 'mass extinction'.[22] But, as we have finally realized, this 'demiurgic' capacity has really nothing to do with a sovereign power – an absolute control of the consequences of 'man's' own action upon the existence of others. These consequences are beyond 'our' reach, since they essentially depend on the 'reactions' of other species, as illustrated in particular by the recent multiplication of *zoonoses* (of which Covid-19 is one example, after Aids, Ebola and others).

In trying to understand the fabric of this conflictual and dissymmetric interdependency, with conceptual thinking and imagination at the same time, a 'perspectivist' anthropology like the one proposed by Eduardo Viveiros de Castro in his *Cannibal Metaphysics* proves inspirational, because it displays the powers of fiction – the fiction of a *world-view* proper to non-human species – in the service of an epistemic revolution, the use of the powers of the 'in-human' in order to define the human, as it were. What is at stake is a reversal of the anthropocentric bias, while not 'fetishizing' otherness. It indicates the possibility of

21. See Ross Abbinnett, *The Thought of Bernard Stiegler: Capitalism, Technology and the Politics of Spirit*, Routledge, London, 2019.
22. E. Kolbert, *Sixth Extinction: An Unnatural History*. Henry Holt, New York, 2014.

walking the fine line between anthropocentrism or anthropomorphism and the invention of a new religion of the Living God. Pluralism, immanence and dissymmetry are the key.

Vulnerability, relationship, difference as a modality of belonging

I arrive now at my final point. What allows individuals to 'belong' to the human species *as subjects* is not their abstract common identity, but their concrete differences. It is also what allows them to think of themselves as humans in the ambivalent relationship to the question of inhumanity; making room for the uneasy idea that what is properly human, or what represents the human for another human,[23] transindividually, can (or even must, in some circumstances) appear as inhuman. Belonging, I will say again with Derrida, must be thought in terms of *differance* (the *a* instead of an *e* being there to inscribe the fact that differences are not already given, like in a catalogue, but endlessly arise from interactions in an uncontrollable manner).

To the idea of the human must essentially belong a character of limitless otherness, or in any case an otherness without pre-established limits. This means that the limits or boundaries of the human are not fixed, even if they become imposed in a more or less violent manner – but never in a manner that is stable or uniform – by culture, powers, institutions. We touch here upon a very sensitive issue. It is a question of unsettling the age-old ontology according to which, in a 'relation of belonging' (or 'membership'), the two poles of the relation would be, on the one side, *singular individuals* (including singular human

23. I am intentionally plagiarizing a well-known Lacanian formula: 'the subject represents a signifier for another signifier' (see Jacques Lacan, *Écrits*. trans. Bruce Fink, W.W. Norton, New York, 2016).

beings which could be isolated from others at least virtually or conceptually), and, on the other side, *sets* or *classes*, or *populations* which are defined by some common property. As we know from our textbooks, in a nominalist view the 'common' is just a name justified by an empirical description, whereas in the realistic view it is hypostasized as an 'entity' considered autonomous or self-sufficient. (This was the old 'quarrel of the universals'.) To speak of the 'human kind' as a single moral or historical subject can be a way of creating such a hypostatic entity, which is frequently associated with the idea of the *uniqueness of 'man'* in the world, but some biologists do the same with 'realistic' definitions of the species or its genetic pool.[24] In the understanding of belonging based on *differance* that I adopt here, we want, at the same time, to emphasize the counter-intuitive but materialist idea that isolated individuals as such belong to nothing, and to incorporate into the definition of belonging the psychic (most of the time unconscious) and political-historical elements which indicate the specificity of the human in its co-evolution among the living. This, I believe, dovetails with the tendency – emphasized by some philosophers in the last two centuries but in fact as old as ontology itself – to subvert (or invert) the ontological primacy of substance in the name of the primacy of relationality over substantialism or essentialism.[25]

Such 'ontologies of relation' (an oxymoronic designation indeed) have been developed in antithetic modalities, which nevertheless can become associated or combined. I am thinking of a *structural* modality, for instance, when Marx in his sixth thesis on Feuerbach declares that 'the human being' (or 'essence',

24. See Stephen Jay Gould, 'What Is a Species?', *Planet Earth* newsletter, 1 December 1992.

25. At least since the extraordinary developments in Hegel's *Science of Logic*, part II ('the logic of essence') on the 'intersubjective' relationality (*Beziehungen*) and the 'objective relationality' (*Verhältnisse*), which together construct the 'effective reality' (*Wirklichkeit*). See G.W.F. Hegel, *The Science of Logic*, trans. George Di Giovanni, Cambridge University Press, Cambridge, 2015.

another possible translation of the German term *Wesen*) is not an abstraction that 'inhabits the isolated individual', but 'the *ensemble* of social relations'. For him that includes relations of exchange or division of labour, but why not also language, kinship or other symbolic relations?[26] There is also an *existential* modality, as in the theories of recognition (Axel Honneth), or, better in my opinion, the notion of vulnerability proposed by Judith Butler. Vulnerability means that we are constantly in a relationship of harming and caring, injuring and healing one another, both physically and symbolically, through gesture, speech and affect.[27] Such notions of relationality (and I know that I am being very quick here) are extremely useful to analyse the 'being in common' (*Mitsein*) that an experience like the pandemic confers upon the species. But they remain insufficient to address the dramatic issue of the *differential belonging* to the species, or *belonging as discrimination* and even exclusion, in the paradoxical but constant form of internal exclusion. The paradigmatic model could be the ancient domestic and patriarchal household (*oikos* or *domus*), in which the 'human' is distributed among men, women, children and slaves (as classified by Aristotle and later by Roman law) representing types of human individuality, at the same time complementary and unequal, and for some of them exclusive; not only from the point of view of their social functions or their relationship to political status, but also from the point of view of their unequal access to (or exclusion from) the *norm of humanity* that is created and embodied by this structure. Of course, such a differential or differentiated modality of belonging (or, in the extreme case, belonging as being excluded from membership) does exist, *de facto* and also *de jure*, not only in ancient but above

26. See my commentary 'From Philosophical Anthropology to Social Ontology and Back: What to Do with Marx's Sixth Thesis on Feuerbach?', *Postmodern Culture*, vol. 22, no. 3, May 2012.
27. Judith Butler, *Excitable Speech: A Politics of the Performative*, Routledge, New York, 1997; *Precarious Life: The Powers of Mourning and Violence*, Verso, London, 2004.

all in modern societies, in the form of inequalities or exclusions from what Hannah Arendt famously called 'the right to have rights': an equivalent to the idea of belonging not only to the state or the political constituency, but to the humanity that it institutes.

Being extended to the domains of gender and sexual relations, of racial difference and culture, of education or healthcare, these discriminations are no longer imposed without resistances and more or less violent conflicts, which range from the domestic and professional realms to the national, and ultimately the planetary or cosmopolitical level. But they persist in the form of a contradiction. The resolution of the contradiction does not reside in returning, even ideally, to the abstract atomicity of an individual who ultimately bears the essence, or belongs to the species in an isolated manner. Rather, as I have argued in other places, it coincides with the idea that *difference makes belonging*, albeit in the form of a permanent dilemma: differences, not as fixed, essentialized identities opposing each other, but as experiences of the alterity of the other (the stranger in the general sense), create the psychic and social bond among humans. But they are essentially unstable; they are a *problem* for subjects as well as for the institutions on whose tentative resolution human lives (*bios*) are dependent. This is true for sexual differences, intellectual or professional differences, cultural differences, but also pathological differences: differences of 'normality' and 'abnormality'. All these great anthropological differences, as I call them, are institutional structures of discrimination, but also open possibilities for the constitution of the species, because they involve the possibility for each individual of its becoming other (or its own other). This is the reason they are at the same time severely monitored and controlled, but prove ultimately uncontrollable. They travel through the individuals and among them. It is their sum total as well as what Deleuze calls their 'lines of flight' which create a

dynamic of codification and decodification (or dissemination) of the human, therefore generating what we may call 'belonging' to one or several species.[28]

Apartheid and praxis

Rather than reaching a definitive conclusion here, I want to reformulate the question in the form of a return to the present situation. Summarizing my four points or hypotheses, I can say the following. First, to belong to the human species (or race, a much better term in this case) means, negatively, or in the modality of a negation of the negation, to overcome or *reject the denial* that historically affects the recognition of only some humans as humans, which more than ever marks our present.[29] Second, to belong to the human species means to enter a relationship of passive and active solidarity, for which the pandemic provides a ground, and which imposes a cosmopolitics of the species as such. Third, to belong to the human species means belonging to 'more than one' species, because of the mutual but dissymmetric interdependency between humans and other living organisms on earth. Finally, to belong to the human species means *differing from ourselves*, or continuously becoming others in our social relations of complementarity, domination and vulnerability, which are essentially unstable or mobile. Taken together, these propositions lead to the idea that *belonging to a species*, in particular the 'human race', is never a given (neither in the empirical modality of a fact, nor in the transcendental modality of an horizon or a *telos*), but is rather a problem that we

28. The idea of the 'line of flight' is developed by Gilles Deleuze (with Félix Guattari), in *A Thousand Plateaus: Capitalism and Schizophrenia,* University of Minnesota Press, Minneapolis, 1989; but especially in his *Dialogues with Claire Parnet*, trans. Hugh Tomlinson and Barbara Habberjam, Columbia University Press, New York, 1987.

29. Just think of the migrants and refugees that Europe in full awareness of what she is doing pushes back into the deadly waters of the Mediterranean or the Atlantic, because a 'nomadic' part of humankind is supposedly not completely human.

face about ourselves. It is the aleatory or contingent effect of a conflictual *praxis*. Belonging does not 'exist', materially or ideally: it is *made* and *unmade*, therefore it *becomes*. On this point, again, the experience of Covid-19 bears interesting lessons, which are fairly radical or extreme: in the very same moment when it becomes manifest that no human beings can live, or live a proper life, if other humans remain caught in an endemic pathology, because contamination and immunity are commonalities by nature and know of no borders, in this very same moment global relationships of domination and economic inequalities entail that vaccines are distributed in a completely unequal manner: in fact they are monopolized by one part of the species, while another part is excluded.[30] This creates a planetary biopolitical differentiation, for which the current director of the World Health Organization, Dr Tedros Adhanom Ghebreyesus, used the striking term 'Global Medical Apartheid'.[31] In other words, we witness something like a new episode in the racialization of mankind, or the division of 'the race' into races, on geopolitical and geoeconomics bases, which are partially inherited from previous historical episodes (particularly colonization), but which also rely on a new articulation of the human with its own externalized powers. The in-human returns into the human. Belonging to the 'common race' is at stake, practically, in the conflict between these two tendencies.

30. By August of 2021, 60 per cent of the population of the European Union was vaccinated, but at the same time this was the case for only 3 per cent of the African population south of the Sahara. Source: Éric Toussaint, 'L'appropriation des connaissances et les bénéfices du Big Pharma au temps du coronavirus', *Contretemps* (online), 18 December 2021.

31. Opening speech of the 148th session of the Board of Directors of the World Health Organization, Geneva, 17 May 2021.

4

General predicament, specific negotiations: Spivak's persistent critique

MARIE LOUISE KROGH

From the standpoint of epistemic decolonization, there is a catchphrase that aptly distils the intellectual strategy of Gayatri Chakravorty Spivak. I am not – at least not in the first instance – thinking of 'can the subaltern speak?' The phrase I have in mind is one which, with minor variations, is scattered throughout interviews and essays. It marks the intimacy of deconstruction with its objects: 'persistent critique'. 'Persistent critique of what one cannot not want';[1] or, alternatively, 'Persistently to critique a structure that one cannot not (wish to) inhabit.'[2] This is a stance that implies a fundamental complicity between the subject and the object of critique and thereby a destabilization of any clear-cut divisions between the two. Far from the idea of a disinterested epistemic stance, it evokes instead the contortions of contradictory desires that cannot be bracketed off but must always be navigated. Not a renunciation of political struggle or collective commitments, to be sure, but a moratorium on appeals to a politics of purity.

1. Sara Danius, Stefan Jonsson and Gayatri Chakravorty Spivak, 'An Interview with Gayatri Chakravorty Spivak', *Boundary 2,* vol. 20, no. 2, 1993, p. 42.
2. Gayatri Chakravorty Spivak, *Outside in the Teaching Machine*, Routledge, London, 2009 (1993), p. 320.

What I would like to do here is to test the parameters and variations of this phrase, in a manner not dissimilar to that which Georges Canguilhem famously described as the philosophical practice of 'working a concept'; that is, 'to vary its extension and comprehension, to generalise it through the incorporation of exceptional traits, to export it outside of its region of origin, to take it as a model or conversely to seek a model for it. In short, to progressively confer upon it, through regulated transformations, the function of a form.'[3] If Spivak at a certain point described herself as a 'practical deconstructivist feminist Marxist',[4] I propose that we might use the sentence 'a persistent critique of what one cannot not want' to give form to this practice. Within the constraints of this essay, I make no claims to the exhaustiveness of the operation. I restrict it, rather, to two terrains or two distinct scenarios, which in their difference also point to a strategically important differentiation within the field of what sometimes seems an overly homogeneous idea of epistemic decolonization.

In the first instance I will look at how Spivak reads what, in *A Critique of Postcolonial Reason*, she calls the 'source texts of European ethico-political self-representation'.[5] On her account, because these texts, as conceptual constructs, retain effectivity and structuring force within contemporary discourses, to simply turn one's back on them 'when so much of one's critique is clearly if sometimes unwittingly copied from them, is to disavow agency and declare kingdom come by a denial of history'.[6] What is required is a working through of the ways in which histories of

3. Georges Canguilhem, 'Dialectique et philosophie du non chez Gaston Bachelard', *Revue Internationale de Philosophie*, vol. 17, no. 66, 1963, p. 52. See Peter Osborne's constructive-methodological use of this notion in 'Working the Contemporary: History as a Project of Crisis, Today', in Peter Osborne, *Crisis as Form*, Verso, London and New York, 2022, ch. 1, pp. 3–17.

4. Gayatri Chakravorty Spivak and Peter Osborne, 'An Interview', *Radical Philosophy* 54, Spring 1994, p. 32.

5. Gayatri Chakravorty Spivak, *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present*, Harvard University Press, Cambridge MA, 1999. p. 9.

6. Ibid.

colonization have left operative traces within such texts; not just in racist tropes or outright instances of colonial ideology, but in the epistemic perspectives they afford, their mode of address and their expected addressees. What I will focus on here is how 'the persistent critique of what one cannot not want' entails what Spivak has called an *ab*-use and affirmative sabotage of these sources.[7]

In the second instance I will turn to a claim made in the conclusion to *Outside in the Teaching Machine*: namely, that the postcolonial situation outside of imperial centres is itself in some sense a deconstructive scenario that calls for a persistent critique: 'Postcoloniality – the heritage of imperialism in the rest of the globe – is a deconstructive case.'[8] In this instance it is to the translatability of European political and judicial forms both within and after formal colonization that is at stake: a navigation of the declensions of nationalism and free-market capitalism.

These two terrains are of course related, but holding them apart for a moment allows us to see, within Spivak's intellectual strategy, an attention to the difference emphasized by Kuan-Hsing Chen in *Asia as Method*, between what he calls decolonization and deimperialization: the differential between the work of decolonization on the terrain of the formerly colonized and the work of deimperialization on the terrain of former colonizing and imperializing states. What is at stake here is not only a territorial demarcation; it is just as much a question of subjectivity and the construction of identities in the post-Cold War era, in which a political commitment to countering expressions of neo-racism and neo-imperialism are integral to

7. An intimation of how Spivak's situated strategy of reading is a negotiation of the infrastructures of authority in the European canon can be seen in Lucie Mercier, 'Exemplarity, Authority, Universalizability', paper given at the conference 'Exemplarity, Authority, Universalizability: How is a Geopolitics of Philosophy to be Conceptualised?', Centre for Research in Modern European Philosophy, Kingston University London, 4 May 2018, https://backdoorbroadcasting.net/2018/05/exemplarity-authority-universalizability-how-is-a-geopolitics-of-philosophy-to-be-conceptualised.

8. Spivak, *Outside in the Teaching Machine*, p. 316.

emancipatory projects. These two trajectories – decolonization and deimperialization – interact and intersect but they do so unevenly and not in any straightforward manner. They are still being worked out and may even, as Chen writes, be at an initial and critical stage.[9]

'Persistent critique' is not only or not simply a testament to Spivak's decades-long engagement with the writings of Jacques Derrida. To grasp the full and multilayered significance of it as an intervention into discussions of the geopolitics of knowledge production we also need to read it within the framework of Spivak's particular understanding of the contemporaneity of the history of capitalism. For this reason I start with an account of her engagements with Marx, in order to elucidate the stakes of what might be called 'a critical art of failure', the Beckettian end of which is always to 'fail better' than before in an 'immanent critique of theory's material embeddedness in global capitalism'.[10]

Marxism in the expanded field

> Marx keeps moving for a Marxist as the world moves.[11]

Spivak's Marxism has always been something of an irritant: either too 'Derridean' or too 'orthodox', depending on the affiliation of her critics. Where Timothy Brennan characterized her work in the 1980s as 'a mixture of Derrida and a textualized Marx – although this may only be a way of saying a Derridean

9. Kuan-Hsing Chen, *Asia as Method*, Duke University Press, Durham NC, 2010, p. 14. Chen's project to develop a 'Geocolonial Historical Materialism' properly speaking involves a strategy not discussed here, the decentring of Eurocentrism and a transformation of existing structures of knowledge and subjectivity by 'using the idea of Asia as an imaginary anchoring point' such that 'societies in Asia can become each other's points of reference, so that the understanding of the self may be transformed, and subjectivity rebuilt' (p. 212).

10. Pheng Chea, 'Biopower and the International Division of Reproductive Labour', in Rosalind C. Morris, ed., *Can the Subaltern Speak? Reflections on the History of an Idea*, Columbia University Press, New York, 2010, p. 179.

11. Spivak, *A Critique of Postcolonial Reason*, p. 67.

Marx',[12] Robert Young instead decried its 'residual classical Marxism ... invoked for the force of its political effect from an outside that disavows and apparently escapes the strictures that the rest of her work establishes'.[13] It is true that several of the earlier texts on Marx and Derrida took the form of a staged and performed encounter between the critique of political economy and the critique of humanism associated with, among others, deconstruction.[14] As is noted in one of these earlier texts,

> In the current situation of the financialization of the globe all critiques of hegemonic humanism must digest the rational kernel of Marx's writings in its own style of work, rather than attempt to settle scores with Marxism.[15]

To 'swallow and digest' the rational kernel of Marx's writings rather than seek to correctly fit 'the authoritative label "Marxist"'[16] was also a direct appeal to feminists and anti-imperialists, as this frame highlights global asymmetries within the international division of labour, such that super-exploitation in the so-called margins might be recognized. To understand capitalism it helps to read Marx and to let that reading metabolize. But, as her review of Derrida's first extended engagement with (some of) the Marxian corpus in *Specters of Marx* made clear, whatever critical strategy she had sought to articulate with the idea of 'Marx after Derrida', it was not to be found in

12. Timothy Brennan, *Wars of Position: The Cultural Politics of Left and Right,* Columbia University Press, New York, 2006, p. 103.
13. Robert C. Young, *White Mythologies: Writing History and the West*, 2nd edn, Routledge, London, 2004, p. 216.
14. See Gayatri Chakravorty Spivak, 'Limits and Openings of Marx in Derrida', in *Outside in the Teaching Machine*, pp. 107–33; 'Scattered Speculations on the Question of Value', *Diacritics,* vol. 15, no. 4, Winter 1985, pp. 73–95; 'Speculations on Reading Marx: After Reading Derrida', in D. Attridge, G. Bennington and R. Young, eds, *Post-Structuralism and the Question of History*, Cambridge University Press, Cambridge, 1987, pp. 30–62.
15. Spivak, 'Limits and Openings of Marx in Derrida', p. 108.
16. Gayatri Chakravorty Spivak, 'Supplementing Marxism', in Bernd Magnus and Stephen Cullenberg, eds, *Whither Marxism? Global Crises in International Perspective*, Routledge, New York, 1994, p. 113.

Derrida's Marx: a straw man too 'silly' to measure up.[17] Marx's use of the concept of value as a social and socially efficacious abstraction, so Spivak contended, showed a much keener awareness of the 'spectrality' of capital than Derrida would allow.[18] Short of setting deconstruction to work within the critique of political economy, *Specters of Marx* instead came dangerously close to a 'deployment of Marxian metaphorics without any notice of industrial capitalism'.[19] How else, then, might one go about the task? In line with the critique of humanist Marxism and its projection of a substantive, transhistorical conception of labour onto the distinction between the exchange-value and the use-value of labour-power, Spivak's reading was instead, as Beverly Best has shown well, profoundly negative.[20] Emphasizing the *openness* of Marx writings, her repeated returns to the letter of the text sought to tease out which assumptions and presuppositions within *Capital* either facilitated or blocked a persistent critique of political economy on a *global* scale and therefore how it might be used to situate the work of theory within the systemic connections 'between industrial capitalism, colonialism, so-called post-industrial capitalism, neocolonialism, electronified capitalism, and the current financialization of the globe, with the attendant phenomena of migrancy and ecological disaster'.[21] In this framework – an often under-appreciated systemic moment within her writings – the ever increased generalization of the capital relation means that 'inside' and 'outside', 'centre' and 'periphery', 'local' and 'global' become inextricably bound up with one another.

17. Gayatri Chakravorty Spivak, 'Ghostwriting', *Diacritics*, vol. 25, no. 2, 1995, p. 79.
18. Ibid., p. 73.
19. Ibid.
20. Beverley Best, 'Postcolonialism and the Deconstructive Scenario: Representing Gayatri Spivak', in *Environment and Planning D: Society and Space*, vol. 17, no. 4, 1999, pp. 489–90.
21. Spivak, 'Ghostwriting', p. 68.

> [I]f we dismiss general systemic critical perception as necessarily totalizing or centralizing, we merely prove once again that the subject of Capital can inhabit its ostensible critique as well.[22]

Indeed, the manner in which the local is implicated in global economic and political processes is grasped from the standpoint of a Marxist theory of exploitation. The central problem here, in the sense of a task to be undertaken, is how to account for the 'historical differential in the geopolitical situation of Marxism'.[23] It is in a constant dialogue with this project that Spivak placed the history of formal decolonization and the movements for national independence within the general frame of the economic restructuring of the globe in the latter half of the twentieth century. This matters to the strategy for reading the European canon because it is precisely this process that subtends the globalization of one particular local tradition and generalizes its claim to universality. It is part of the narrative of what lends authority to this tradition and it reveals the shadows of imposition in the phrase 'what you cannot not want'.

The art of failure

To address the precise modality of 'persistent critique' as it relates to the philosophical canon, I will focus on Spivak's reading of Immanuel Kant in *A Critique of Postcolonial Reason.* There is of course an undeniable echo of the Kantian project in Spivak's title: if *Critique of Pure Reason* set out to delineate the parameters by which we might identify moments of speculative transgression of the limits of knowledge, *A Critique of Postcolonial Reason* occupies an altogether more oblique position when it comes to the meanings of critique and of reason. In what sense

22. Gayatri Chakravorty Spivak, 'Scattered Speculations on the Question of Cultural Studies', *in Outside in the Teaching Machine*, p. 289.
23. Spivak, 'Scattered Speculations on the Question of Value', p. 76.

can we say that there is a cohesive reason or perhaps mode of reasoning to the postcolonial? In some ways it is a work that is closer to Marx's critique of political economy, since it moves both at the level of (economic) discourse and at the level of historical analysis. As Spivak's subtitle, *Toward a History of the Vanishing Present*, indicates, if theoretical practice is to be justified as an attempt to grasp our historical present, this demands first that we come to terms with the disciplinary tools we employ to do so, and with how they are themselves enveloped in that history. It is a search for the conditions of transnational and transdisciplinary cultural studies in a global present that remains marked by colonial projects. Persistent critique is one answer to the question of how to deal with the authority of what appears as the uncircumventable Europeanness of the canon.

What compels me to characterize Spivak's strategy in this regard as something akin to an 'art of failure' is her emphasis on what she calls 'mistaken' readings.[24] To fail should in this respect be taken in a quite specific sense, as a highly skilful practice of recognizing what rules a discipline imposes, or what systematic limits a texts seeks to establish in its mode of reasoning, only to breach them deliberately. This strategy is played out within a general theory of interpretation, in which each interpretation is understood as a necessary displacement of the intended meaning by a new context of reception (however minimal a difference this may entail). It is the acknowledgement that such displacements happen and the realization that they can be instrumentalized within a critical operation which turn a text against itself, seeking to establish, from the inside, a rigorous displacement.

24. This strategy is operationalized in *A Critique of Postcolonial Reason* and is later developed explicitly in Gayatri Chakravorty Spivak, *An Aesthetic Education in the Era of Globalization,* Harvard University Press, Cambridge MA, 2013.

> I would rather suggest that we must know what mistake to make with a specific text and must also know how to defend our mistake as the one that will allow us to live. I assume that the passing of a text into my grasp is a mistake, of course. As we move toward the subaltern, we can only learn through mistakes, if that remote contingency arrives.[25]

Where does the difference lie between a general 'mistaken' reception and one that can become an epistemic strategy for decolonization? And for whom is it available? When the texts in question are those of the European philosophical Enlightenment, there is from the standpoint of 'the postcolonial and the metropolitan migrant', which Spivak repeatedly emphasizes as her own, something akin to a redoubling of the general scenario of unintended reception: how to give a reading of reasoned texts that ostensibly cast one as the 'other' of reason? The practice of reading that must carve out the epistemic perspective of the unintended reader is designated by Spivak in turn as an 'ab-use' – a use from below that seeks to find another use[26] – and 'affirmative sabotage', the deliberate destruction of the conceptual machinery of the master from within.[27] It is the strategic wager that tools of colonization can be put to use in the work of decolonization. There is something of a kinship here with Fred Moten's reading of the phenomenological tradition against the grain, in a modality that makes its 'juridical and philosophical inadmissibility' the condition for an immanent critique from the standpoint of those whose subject positions have been systematically barred entry:

> What if phenomenology were improperly, generatively (mis) understood as a set of protocols for the immanent critique (degeneration, corrosion, corruption) of its object, namely the transcendental subject of phenomenology? Let's say that

25. Spivak, *An Aesthetic Education*, p. 29.
26. Ibid.
27. Nazish Brohi and Gayatri Chakravorty Spivak, 'In Conversation with Gayatri Spivak', 2014, www.dawn.com/news/1152482.

> deconstruction is the ongoing history of this misunderstanding, this refusal to understand.[28]

In Spivak's reading of Kant's *Critique of the Power of Judgment* the wilful mistake and the failure to comply take the form of a short-circuiting of the empirical and the transcendental: an attempt to locate the 'anthropomorphic' moments where the transcendental subject slips towards the empirical. As Étienne Balibar has noted, Spivak tracks the process whereby 'empirical differences are converted into unequal capacities to realize the proper human, and even leaves the possibility that some racially inferior humans will never be educated, i.e. will never prove able to recognise the idea of the community [of human beings] to which they should belong'.[29] This reading is performed through the lens of terms lifted from two other disciplines: the ethnographic 'native informant', who informs but does not itself present the narrative, and the psychoanalytic notion of 'foreclosure',[30] used here to describe the structural relation between a racialized subject and the transcendental subject. This is a relation which 'differs from exclusion in that it does not keep an already constituted subject at bay. Rather, it constitutes the subject, upon which the system depends, but simultaneously expels or disavows it.'[31] On this reading, there is a primal lack, a gap between natural disposition and transcendental structure (as there is between theoretical and practical reason), which is covered over by foreclosure of the 'native informant'. 'Man' is an area cordoned off for the 'native informant' in what is a structural and *textual* foreclosure and not an attempt to 'diagnose

28. Fred Moten, *The Universalising Machine,* Duke University Press, Durham NC, 2018, p. 2.
29. Étienne Balibar, 'Human Species as Biopolitical Concept', *Radical Philosophy* 2.11, 2021, p. 10.
30. Jean Laplanche and J.-B. Pontalis, *Vocabulaire de la psychanalyse,* ed. Daniel Lagache, PUF, Paris, 1973, *Forclusion – Verwerfung,* pp. 163–7.
31. Kanchana Mahadevan, 'K.C. Battacharyya and Spivak on Kant: Colonial and Post-colonial Perspectives, Lessons and Prospects' in Sharad Deshpande, ed., *Philosophy in Colonial India,* Springer, Delhi, 2015, p. 148.

Kant's hidden beliefs'.[32] The form of repression and rejection inscribed within the text is a philosophical problem that is not just Kant's. By situating her reading within one of the canonical texts, Spivak effectively bypasses the move to brush off Kant's racism, which could be (and has been) performed in relation to what are treated as marginal texts like the anthropology and the writings on race. The latter is the strategy of certain analytic readings which abstract from the historical and textual context in order to reconstruct the most *plausible* argument to be drawn from a given thinker. This means that for an analytic Kantian, Kant's racist bias in his conception of cosmopolitanism does not in itself constitute a problem, as long as an argument for cosmopolitanism which does not include this bias can be constructed on the basis of the Kantian assumptions. This is what Robert Bernasconi has called the 'streamlined version of the history of philosophy':[33] optimized for rational application and free of embarrassing historical detail. The manner in which Spivak approaches the text instead looks to the historical conditions of possibility of the philosophical narrative of universality, and the Kantian narrative in particular. With this question comes also 'a commitment, not only to narrative and counter-narrative, but also to the rendering (im)possible of (another) narrative'.[34]

Decolonization as aporetic passage

'What we cannot not want' spells out a double bind. Spivak has generalized the term 'double bind' – a phrase originally developed to theorize schizophrenia from an experience of mutually contradicting messages received from figures of intimate

32. Spivak, *A Critique of Postcolonial Reason*, pp. 33, 37.
33. Robert Bernasconi, 'Introduction', in Robert Bernansconi and Sybil Cook, eds, *Race and Racism in Continental Philosophy*, Indiana University Press, Bloomington IN, 2003, p. 2.
34. Spivak, *A Critique of Postcolonial Reason*, p. 6.

authority – and used it to situate and anchor the idea of constitutive aporias at several levels: in language and representation as well as in politics.[35] Part of what makes this such a difficult idea to grasp is that it is at once constitutive (a general enabling impossibility from out of which *all* 'experience, thought, knowledge', indeed 'all humanistic disciplinary production', springs)[36] and specific, referring to particular instances of this enabling impossibility. These relate to the linguistic, philosophical and practical 'translation' of the political and juridical master signifiers of the European Enlightenment into different geohistorical contexts in and after colonization:

> the political claims that are most urgent in decolonized space are tacitly recognized as coded within the legacy of imperialism: nationhood, constitutionality, citizenship, democracy, socialism, even culturalism. Within the historical frame of exploration, colonization, and decolonization, what is being effectively reclaimed is a series of regulative political concepts, the supposedly authoritative narrative of whose production was written elsewhere, in the social formations of Western Europe. They are thus being reclaimed, indeed claimed, as concept metaphors for which no historically adequate referent may be advanced from postcolonial space. That does not make the claims less urgent. A concept metaphor without an adequate referent may be called a catachresis by the definitions of classical rhetoric. These claims to catachreses as foundations also make postcoloniality a deconstructive case.[37]

The question of how to conceive this partial inhabitation of what is fought against shifts the focus from persistent critique as a strategy for reading authoritative philosophical texts to persistent critique on the terrain of social and political struggle.

---

35. Spivak, *An Aesthetic Education*, p. 4 and *passim*.
36. Gayatri Chakravorty Spivak, *In Other Worlds: Essays in Cultural Politics*, 2nd edn, Routledge, London, 2006 (1998), p. 364.
37. Spivak, *Outside in the Teaching Machine*, p. 316. With this description Spivak is navigating a similar problem to that which would launch Dipesh Chakrabarty's rethinking of the geohistoricity of the concepts of political modernity in *Provincializing Europe*, Princeton University Press, Princeton NJ, 2009.

Here Spivak's work partakes in that 'double movement' which Mathieu Renault has proposed as a minimal definition for the central operation of 'postcolonial critique', a movement that is at once a

> decentering (provincialization) and translation, of wrenching and appropriation of the 'gifts' of the West, as a severing and a renewal; a movement founded on a series of epistemological displacements and an interrogation of the politics and perspectives (places) of knowledge.[38]

What I want to emphasize here is that, from this perspective, a 'persistent critique of what you cannot not want' also implies an imperative not to regard the constitutive aporia *at the general level* as an alibi for remaining passive in the face of its specific instances. This is a point which has sometimes been overlooked by Spivak's critics, in particular those who express the sentiment that if a term like 'postcoloniality' is used to denote a contemporary state, condition or epoch it will inevitably blur geographical and geopolitical specificities, and different histories of colonization and liberation. With the effacement of these differences, the political thrust of the postcolonial as a concept that is meant to denote a displaced repetition of colonial hierarchies largely recedes.[39] But the persistence of critique – while always self-questioning after the fact – also entails a *passing through* of each specific aporetic scenario: '[t]he aporetic is a situation where we cannot cross over fully to the other side, yet must continue to perform carefully mustered imperfect crossings, manoeuvring wars entailing impermanent wars of position.'[40] To strategically

38. Mathieu Renault, 'Rupture and New Beginning in Fanon: Elements for a Genealogy of Postcolonial Critique', in *Living Fanon*, Palgrave Macmillan, New York, 2011, p. 105.
39. This general critique of the term 'postcolonial' was formulated at the height of the early 1990s' debates on postcolonialism by, among others, Ella Shohat, 'Notes on the 'Post-Colonial', *Social Text*, vol. 31, no. 32, 1992, pp. 99–113; and Anne McClintock, 'The Angel of Progress: Pitfalls of the Term "Post-Colonialism"', *Social Text*, vol. 31, no. 32, 1992, pp. 84–98.
40. Gayatri Chakravorty Spivak, 'They the People', *Radical Philosophy* 157, September/October 2009, p. 34.

'cross over' in the service of generalized social emancipation requires a careful consciousness of context. From this perspective, to think of persistent critique as an art of failure is far from the anticipation of defeat. Rather, we might see it as a comment on the temporality of change, a picking away at what one 'cannot not want'.

5

The subject and/of the law: Yan Thomas and the excess of history over concept

COOPER FRANCIS

There is reason to suspect that what passes – or passed in the anglophone academy, during the era of theory – for 'the problem of the subject' rests on multiple conceptual confusions. The problem, we could say, is never able to pose itself as such, due to the different levels at which it always takes place. While the debate was largely discarded outside Europe in the decades following Jean-Luc Nancy's collection *Who Comes After the Subject?*,[1] in France there has been, on the contrary, a certain historical if not scholastic turn in the philosophy of the subject; a scholarly labour that has both clarified and multiplied the concepts, institutions and grammars of the notion and its reputed modernity.

In a 1995 survey of the French philosophical scene, Éric Alliez suggested that the 'French version of the great Heideggerian narration of Being, at one time dominant, in the end worked to produce, *for or against Heidegger's intentions*, a philosophical history of philosophy', one which would no longer support the latter's own 'destinal' themes and singular 'metaphysical' trajectory, but rather a new historiography privileging 'transversal and longue durée histories, as attentive to the creation of concepts as

1. Eduardo Cadava, Peter Connor and Jean-Luc Nancy, eds, *Who Comes After the Subject?*, Routledge, London and New York, 1991.

to the strategies and artefacts to which they gave rise.'[2] This new and properly philosophical practice of history largely focused on the transitional time of the long Middle Ages and especially the Franciscans, as at once threshold of and alternative to the *via moderna*. Such an undertaking could not but concern itself with the matter of 'the subject', object of the preceding generation's quarrels and deconstructions. In this it followed a path in dialogue with that sketched by Michel Foucault's well-known 1981–82 lectures on *The Hermeneutics of the Subject*. This trajectory is best represented by the criminally under-translated work of Alain de Libera, recent occupant of the Collège de France chair in 'History of Mediaeval Philosophy', who is primarily known in English-language discussions for his contribution to the entry on the subject, co-written with Étienne Balibar and Barbara Cassin, in the *Dictionary of Untranslatables.*[3]

Here, the authors carefully disentangle the multiple conceptual and disciplinary genealogies of the notion (variously logical, theological, psychological, legal, metaphysical – and largely *not* modern) that made it possible for Kant to think its tangled unity around 1789, alongside the institutional transformations of the French Revolution. The concept of 'the subject' might be thought to present itself there as paradigmatic of the transdisciplinary status of philosophical abstraction as such, which is to say of the sense in which philosophical concepts, constructed through reflection on events and disciplines outside themselves, somehow achieve a level of generality if not universality in addressing the exigences of their time – so as, perhaps, to have 'objective validity'.[4]

---

2. Éric Alliez, *De L'impossibilité de La Phénoménologie: Sur La Philosophie Française Contemporaine*, Vrin, Paris, 1995, pp. 19–21.
3. Barbara Cassin et al., eds, *Dictionary of Untranslatables: A Philosophical Lexicon*, Princeton University Press, Princeton NJ, 2014. See Alain de Libera, *Archeologie Du Sujet: I Naissance Du Sujet*, Vrin, Paris, 2007; and also 'Subject (De-/Re-Centred)', *Radical Philosophy* 167, May–June 2011, pp. 15–23.
4. Peter Osborne, 'Problematizing Disciplinarity, Transdisciplinary Problematics',

Where de Libera looks to the conceptual wandering of the *subjectus*, the subject no longer as support but rather cause of its own thoughts and self-affectations, it is in Balibar's contribution that we find the strongest reflection on the specifically political valences of the philosophical subject – the *subjectum* no longer subjected to the *pater familias* or absolutist monarch but itself the sovereign-cum-revolutionary-citizen. For him, this is not a matter for the history of ideas, but for the philosophical consideration of their 'conceptual unity', confronting the 'political categories of modernity' with the question that has 'preoccupied its metaphysics': subjectivity as bearer of 'consciousness and conscience' and thus 'capacities, rights and duties, or collective missions'.[5] Balibar postulates that the moment of institutional synthesis between the event of the self-positing and self-reflexive Kantian subject and the revolutionary citizen-subject be located in the work of Friedrich Carl von Savigny and the Historical School of Law's post-Kantian development of the *Rechtssubjekt* or 'legal subject'.[6] For Balibar, this German development provides the missing link in mediating Kant's 'Copernican revolution' with a form of institutional-legal subjection.[7]

Yet, this historical turn in the philosophy of the subject is not universally accepted within the French scene, as evidenced by Vincent Descombes and his seminal contribution, *Le complément*

Theory, Culture & Society, vol. 32, nos 5–6, 1 September 2015, pp. 3–35, https://doi.org/10.1177/0263276415592245.

5. Étienne Balibar, *Citizen Subject: Foundations for Philosophical Anthropology*, trans. Stephen Miller, Fordham University Press, New York, 2017, p. 275.

6. The difficulties in translating legal terms between civil- and common-law traditions is substantial for the problems addressed in this text. The historical transition in question, for example, would be expressed in English as that from 'law' to 'right'. Yet, in the Continental traditions of civil law this is rather reflected as a shift in the sense of a particular term, *droit*, *recht*, *diritto*, and so on, which would now have come to possess the sense of both legal system and (subjective) right. Further, as *sujet* and *droit* are both themselves untranslatables, their conjunction as *sujet du droit* poses numerous difficulties. This term could variously mean: (1) the legislator as legal agent; (2) one subjected to a legal system; (3) the bearer or substrate of rights. Thus it is that this term in particular contains the core tensions of Balibar's concept of the modern citizen-subject: semantically, it precisely captures the tension of one who is all at once legislator, bearer of subjective rights, and subjected to a particular (national) legal order.

7. Balibar, *Citizen Subject,* p. 48.

du sujet (The Subject's Complement).[8] While agreeing on the transdisciplinary function of philosophical reflection, Descombes instead offers an analytically inclined *philosophical grammar* of the subject, so as to clear the field of conceptual confusion introduced by philosophy itself and prepare the ground for normative political judgements. Rather than looking to a historically constructed notion (or experience) of the subject, whose aporias might provide a certain intelligibility of our time, Descombes seeks to uncover the everyday and 'necessary' concept of a 'subject of action', which could intervene in the debates of the social sciences and support the institutional affirmation of political autonomy.[9] In his analysis, the 'French legend of the modern subject', identifying the subject of consciousness with the juridical person as bearer of subjective rights, is merely ideological or historical and of no use. While otherwise sticking to grammatical analysis, here he mobilizes the historical work of French jurist Yan Thomas, whose investigations of Roman law purportedly dispute any uniquely modern shift in legal practice to accommodate the subject and its whims.

The present chapter restages this quarrel concerning the legal subject. It does so not in order to criticize either of the aforementioned authors, but rather to reflect on the engagement of philosophy with its historical or disciplinary outside. For while Yan Thomas has become a preferred reference for contemporary philosophers on the Continent – from Descombes and Balibar to Derrida, Agamben, Latour and Esposito, among others – the subterranean radicality of his meticulous analyses of Roman law

8. Vincent Descombes, *Le complément de sujet: Enquête sur le fait d'agir de soi-même*, Gallimard, Paris, 2004.

9. While Descombes is typically understood as a Wittgensteinian philosopher of mind in English-language discussions, the political thrust of his work and the biographical detail that he was himself previously a member of *Socialisme ou Barbarie* is less often noted. Descombes and Balibar thus must be understood in part as inheriting and transforming distinct strands of the Western Marxist tradition: Castoriadis's left critique of totalitarianism and defence of autonomy, on the one hand, and Althusser's analysis of the interpellation as subjection of the subject and of the philosophy of the conjuncture, on the other.

and its afterlives seems always to exceed the conceptual ends to which it has been deployed.[10] His work thus provides an excellent vantage point from which to reflect precisely on the relation of philosophy's concepts to that concrete outside on which they depend and, at times, modestly intervene. The definition of this relevant outside, however, will vary and we must be wary of the separate levels of concept, grammatical form and institution: for some, philosophy replies conceptually to the grammatical forms of our shared life (indirect reflexivity of *se* or *soi*, the same as *idem* or *ipse*); for others, philosophy develops concepts or paradigms from institutional positivities. Where grammar's empty formalism presents itself with a 'timeless' and self-justified universality, the institution-concept, rich in content, always requires justification that it – and not another – is operative, that it is still in force here, now. By developing Thomas's analyses, we will conclude that while the German development of the *Rechts-subjekt* cannot mediate the coincidence of the epistemological and legal–political subject, Thomas also calls into question Descombes's own attempt to replace the contradictions of the historically constituted modern subject with a grammatically grounded and transhistorical 'agent of human action'.[11]

From citizen-subject to *Rechtssubjekt*

'At the heart of the problems that are now raised by the use of the "subject"', Balibar begins his contribution to the *Dictionary of Untranslatables*, there is 'a pun on two Latin etymologies': the *subjectum* and the *subjectus*. These two terms, one

10. As has been argued since *Anti-Oedipus*, if not *Origins of the Family*, we find in the history of inheritance law, territorial control and the monopoly on violence since the Roman Republic (Yan Thomas's preferred objects of analysis) the tectonic foundations of our economic and political world. The introduction of contingency into their glacial movement, refusing to grant them the status of transhistorical categories despite their millennial perdurance, can have unpredictable results.

11. Vincent Descombes, 'Pourquoi Balibar?', www.raison-publique.fr/article737.html (accessed 21 May 2021).

logico-grammatical and the other juridico-political, do not represent separate lineages, but rather 'constantly overdetermine one another' such that 'following Kant, the problematic articulation of "subjectivity" and "subjection" came to be defined as a theory of the constituent subject.'[12]

Across numerous articles and books, Balibar has unfolded, at both a semantic and a historical-political level, the relation between the philosophical *subjectum* (a category originally used to translate the Greek *hypokeimenon* as substance or support of attributes that comes to denote the self-certainty and self-consciousness of subjectivity) and the *subjectus*, one who is subjected to a divine or political power. Through what irony, he asks, does the Western philosophical tradition come to use the same term – subject, *Subjekt*, *sujet* – to designate political and epistemological sovereignty, which for millennia it had used to describe legal subjection.[13] Historically, we find the *subjectus*, which in Imperial and, moreover, Christian Rome designated the individuals under legal forms of dependence (*alieni iuris*), understood to will their obedience, universally become citizen through the modern *parricidium* of the French revolutionary moment and its *Déclaration des droits de l'homme et du citoyen.*[14]

With the events of 1789, the subject, now citizen, is no longer called before the law, but comes to constitute it through a dialectical process that is as much the 'becoming-citizen of the subject' as the 'becoming-subject of the citizen'.[15] With the becoming-citizen of the subject, the subject's subjection is brought to an end as she is constitutionally recognized as having rights, granting legal-political initiative and the potentially insurrectionary capacity to 'rise up'. Yet, on the other hand, with

12. Cassin et al, eds, *Dictionary of Untranslatables*, p. 1078.
13. Cadava et al., eds, *Who Comes After the Subject?*, p. 36.
14. Étienne Balibar, 'Subjection and Subjectivation', in Joan Copjec, ed., *Supposing the Subject*, Verso, London and New York, 1994, p. 9.
15. Ibid., p. 10.

the becoming-subject of the citizen, prepared by 'a whole labour of definition of the juridical, moral and intellectual individual', the Roman citizen's (patriarchal) sovereignty becomes subjected to the universality of its newly accorded status and to a particular nation-state's constituted order.[16] The citizen who is now legislator and magistrate is also an obedient subject: no longer to the prince or *Patria potestas,* but to the law itself – the citizen is a *legal* subject.[17]

Balibar is certainly careful methodologically to separate the development of the concept of the subject in Kant from the 'making concrete' of this subject, which would require a Foucauldian 'materialist phenomenology of subjection'.[18] Yet, this time at which all subjects become citizens 'coincides' with the moment where Kant recasts the *subjectum* that still meant thinking substance in Descartes into the now substanceless 'power to think, from which all representations stem, and which reflects on itself in the first person' – what, in Heidegger's history of being, marks the modern philosophical 'sovereignty of the subject'.[19] It is in the *Dictionary of Untranslatables* that Balibar considers the stronger claim of a philosophical deduction in Kant of the identity between this epistemological 'sovereignty' and the practical-political subject, subjected to law.[20] In the *Critique of Pure Reason*, starting from his now de-substantialized transcendental subject, Kant must deduce the 'forensic' category of

16. Étienne Balibar, 'Citizen Subject', in Cadava et al., *Who Comes After the Subject?*, pp. 43–8.

17. The antinomy itself is not new, tracing itself from theological debates over God's absolute power to the transposition to the political realm in the transition from absolute monarchy to the *Rechtstaat*, where it is purported to apply to the individual as such: how can the constitutive power of the divinity or sovereign impose on itself a constituted law that it cannot break? See, for example, Anton Shütz and Massimiliano Traversino, eds, *The Theology of 'Potentia Dei' and the History of European Normativity*, Divus Thomas, Bologna, 2012.

18. Balibar, 'Citizen Subject', p. 54.

19. Cassin et al., *Dictionary of Untranslatables*, p. 1080; Balibar, 'Citizen Subject, p. 39; Martin Heidegger, *The End of Philosophy*, trans. Joan Stambaugh, University of Chicago Press, Chicago IL, 2003, p. 30.

20. Cassin et al., *Dictionary of Untranslatables*, p. 1083.

moral personality or self-identity, as the capacity to be imputed actions for which one is responsible.[21] This he does, in the A edition, through the objectification of the 'numerical identity of the Self' through successive imputations of experience to the selfsame. The merely indexical 'I' that accompanies all consciousness could, after all, designate different selves at different times.[22] From the experience of personality, we hear the 'call' to become 'a citizen of a better world'.[23] In *The Metaphysics of Morals*, one finds the internalized court that 'gives effect to the law', judging actions imputed to one's moral personality, in addition to the subjective grounding of duties and right in self-obligation: 'the law by virtue of which I regard myself as being under obligation proceeds in every case from my own practical reason... I am also the one constraining myself.'[24] Yet, Balibar concludes, it is not clear how to institutionally attach this subject of self-obligation to the becoming-subject of the post-revolutionary citizen as legal subject. This, he suggests, ought to be located in the category of the *Rechtssubjekt*, as developed in the early 1800s by Savigny and the Historical School of Law, within the post-revolutionary and post-Kantian context of the German constitutional debate.[25]

Descombes's grammatical critique of the 'French legend'

Where Balibar looks to think a particular historical unity of subjectivity and subjection that has been called the modern

21. See Étienne Balibar, *Identity and Difference: John Locke and the Invention of Consciousness*, Verso, London and New York, 2013; John Locke, *An Essay Concerning Human Understanding*, ed. Kenneth P. Winkler, Hackett, Indianapolis IN, 1996: 'PERSON, as I take it, is the name for this self. Wherever a man finds what he calls himself, there, I think, another may say is the same person. It is a forensic term, appropriating actions and their merit; and so belongs only to intelligent agents, capable of a law.'
22. Immanuel Kant, *Critique of Pure Reason*, trans. P. Guyer and A. Wood, Cambridge University Press, Cambridge, 1999, A362.
23. Ibid., B426.
24. Immanuel Kant, *The Metaphysics of Morals*, Cambridge University Press, Cambridge, 1996, pp. 438, 418.
25. Cassin et al., *Dictionary of Untranslatables*, p. 1083.

subject, Descombes dedicates his *Subject's Complement* to escaping from its apparent riddle. The philosophy of the subject, he begins, rests on a 'muddle': while we more or less understand what is at stake in the critique of 'power' and 'money' (variously to denounce the wrongs we are subjected to or the power that a form has over our life), the critique of the 'subject' is ultimately that of a concept, one replete with its various dialectical tensions only as a product of sedimented philosophical labour.[26] If we sort through the archives of centuries, submitting the variously modern and anti-modern philosophies of the subject to the test of grammar and common sense's incredulous stare, is there any conception of the 'subject' that we have 'need' of? Indeed, he concludes, for any 'ethical and political thinking' at all we require the notion of a subject not only 'identifiable as an individual', but 'present in the world in the manner of a causal power'.[27]

All this he does, following his teacher Castoriadis, in the name of a radically anti-totalitarian conception of autonomy as *capacity for action* – not in the sense of a self-positioning or constitutive subject, but as an 'instituting power' that 'participates in a normative power that must be already present'.[28] Modernity, here, is understood as both the project for an expansion of this social autonomy that it did not invent and the heteronomous desire for cybernetic management of conduct expressed through Taylorism and totalitarian regimes.[29] Philosophy's best means of contributing towards the former project would lie in analytically

26. Vincent Descombes, 'Apropos of the "Critique of the Subject" and of the Critique of this Critique', in Cadava et al., *Who Comes After the Subject?*, pp. 120–34; p. 120.
27. Descombes, *Le complément de sujet*, p. 28.
28. Ibid., p. 22. Despite the weakness of their early analysis of a new 'bureaucratic class', the members and inheritors of the *Socialisme ou Barbarie* tradition, from Castoriadis and Descombes to Lefort, Lyotard and Pierre Souyri's lesser-known analyses of the Chinese revolution, all variously articulated an important left critique of 'democratic', 'fascist' and 'communist' totalitarianism in a manner close to Hannah Arendt's account of 'desubjectivation' in *On the Origins of Totalitarianism*. Totalitarian power in its various forms would be conceived as one which works to reduce (and at the limit eliminate) the capacity for action. The critique of totalitarian or desubjectivating forms could be conceived as distinct from the critique of fascism as such.
29. Ibid., p. 95.

clarifying the notions of the subject and action for the historically ascendant social sciences.[30] The resultant transhistorical notion of the autonomous subject, present at a minimal degree in every social order however despotic, is to be grounded in the logic of the term as it has purportedly always been used in the everyday, thus radically exempt from etymological or historical considerations.[31] We will expand two moments of Descombes's larger critique: his attack on the reflexive definition of the subject as discovery (the 'philosopher's subject') and his rejection of any attempt to ground the legal subject therein.

Reflexivity has, indeed, long been the site of subjectivity in the philosophical tradition. The subject is not just agent (of thought or action), but also self-consciousness, capable of turning back towards itself as object. For substance to become subject, it must find itself in the world. This would be the peculiar blending of subject and object in the movement of the 'proper', found in Hegel and Heidegger as in the Marxism of Lukács, where the empty self exteriorizes itself (existentially, in the form of a life, or historically, as a people, species or class) before appropriating or returning to itself as its own. Ricœur had begun his *Oneself as Another* with the attempt to grammatically ground such a movement of reflection, locating it in a 'self' defined through a reflexive operation.[32] Foucault, too, dedicated the best-known passages of his *The Hermeneutics of the Subject* to the grammatical analysis of such a reflexive 'care of the self', as a moment in the history of the practices and knowledges of this reflexive relation, itself constitutive of the subject as a process of *subjectivation*:

30. Vincent Descombes, 'Quand la mauvaise critique chasse la bonne…', *Tracés. Revue de Sciences humaines* 8, 1 December 2008, pp. 45–69, https://doi.org/10.4000/traces.2363; Vincent Descombes, *Philosophie par gros temps*, Minuit, Paris, 2020; Francesco Callegaro and Jing Xie, *Le social à l'esprit – Dialogues avec Vincent Descombes*, EHESS, Paris, 2020.
31. Descombes, 'Apropos of the "Critique of the Subject"', p. 123.
32. Paul Ricœur, *Oneself as Another*, trans. Kathleen Blamey, University of Chicago Press, Chicago IL, 1995 (1990), p. 18.

> you must take care of yourself, but what is this self (*auto to auto*), since it is yourself that you must take care of? ... What is this subject, what is this point towards which this reflexive activity that turns from the individual to himself must be directed?[33]

Reflection on grammatical reflexivity would have opened the space for the *problem* of the subject in Ancient Greece, a space that Foucault continued to deny, maintaining that we cannot speak of subjectivity in the Greek world.

It is this entire tradition that Descombes would abandon, associating it with the belief that subjectivity or the subject was a historical *discovery*, whether modern, Christian or Greek, or indeed that it *has a history at all*.[34] On the contrary, the philosophical history of the subject would look much more like a *forgetting* or rendering unintelligible of the concept of action and that 'agent that possessed in itself the principle of its act', one 'already known by Aristotle'. The reflexive definition of the subject would be a projection of external logics onto grammar or at best unclear. Further, it would itself be set up to render intelligible its own, so to speak, unnatural proclamations such as 'it is in the XVIIth century and none other that man became subject', rather than to illuminate the fact that human beings, before there were philosophers, were able to act – or that in some cases they were not.[35] Grammar itself, according to Descombes, reveals no reflexive subject: we find only the everyday concept of action, applied to the self.

As he considers the other apparent ethical, epistemological, political and legal problems of the subject, Descombes dedicates a chapter to what he calls the 'French legend of the subject'. In his analysis this is the thesis – close to what we have seen in our very limited presentation of Balibar's analysis – of an identity

33. Michel Foucault, *The Hermeneutics of the Subject*, trans. Graham Burchell, St Martin's Press, New York, 2005, p. 38.
34. Descombes, *Le complément de sujet*, p. 255.
35. Ibid., p. 116.

between the philosopher's reflexive subject of consciousness and the institution of the juridical person conceived as the holder of 'subjective rights'.[36] This thesis becomes 'legendary' when formulated as the derivation of political and epochal consequences from a philosophical development, such as would place the subjectivity that the philosophers 'discovered' (this consciousness turned towards itself) and a specifically French occurrence at the foundation of universal modernity.[37] In a recent article, Descombes more pointedly directs his attention to Balibar's dictionary entry to dispute this apparent institutional-conceptual coincidence.[38] Here as well, Descombes contends that Balibar does not properly ground the relation and questions his attempt to use the juridical category 'legal subject' to do so. Is there, Descombes asks, in fact, a conceptual or institutional path from the 'subjective self-relation' to 'citizenship'?[39]

Against Balibar's attempt to locate in the *Rechtssubjekt* the connection between Kantian thought and the 'becoming subject of the revolutionary citizen',[40] Descombes analyses an important historical debate among French jurists at the time he was writing: whether one was 'for' or 'against' it, was the post-revolutionary legal world one in which the modern self-positing subject of knowledge, as much as desire and will, had become the centre of a legal system no longer of objective order and limits, but rather as the affirmation of 'subjective rights'? Was it now, as Hegel claimed in his *Philosophy of Right*, the 'right of the subject's particularity to find satisfaction'?[41] This post-revolutionary legal subject, no longer subjected to a sovereign, would be understood not just as one to whom rights and obligations could be imputed,

36. Ibid., p. 401.
37. Ibid., p. 354.
38. Descombes, 'Pourquoi Balibar?'
39. Descombes, *Le complément de sujet*, p. 394.
40. Balibar, *Citizen Subject*, p. 47.
41. G.W.F. Hegel, *Outlines of the Philosophy of Right*, ed. T.M. Knox, rev. edn, Oxford University Press, Oxford and New York, 2008, Remark to paragraph 124.

but as their foundation outside of any legal order. Where a past 'objective' law, located in Rome by Villey, expressed the division of goods between disputants by a judge, we now find a new conception in which 'subjective' right expresses a 'faculty', 'moral quality' or 'attribute' of the human person – their 'powers'.[42] The legislative dictates of objective law would now be the outgrowth of an individual's subjective rights on the basis of her reason or will; one's person would not be a mask imposed by an external order, but a property of self-consciousness.[43] Here, the 'norm-giving competence of free subjectivity' would serve as the self-positing (and self-knowing) ground both of scientific cognition and of the social contract.[44]

Yet, as Villey and Thomas stress, in two texts cited by Descombes, the discourse of the legal subject 'invaded the theoretical teaching of law [but did not] truly penetrate the world of practitioners: it is [merely] encrusted in the usage of philosophers of our time'.[45] Legal institutions remain unchanged and the modern deviations represent but the confusions of some recent judges or jurists. Indeed our references above take place not in books of law, but in philosophy; and, since attention to the disciplinary specificities of terminology is crucial to a properly transdisciplinary project, we must take this objection seriously. For, immanent to the law, the matter of the so-called legal subject is but a 'recent legal ideology': 'person' remains the only technical term employed by jurists, denoting, as it has since Roman times, the 'technical artefact that doubles the real individual' – that is, the explicitly instituted entity to which actions are attributed and that serves as the bearer of rights and obligations.[46] In the practice of law, the 'legal subject' is not the

42. Michel Villey, 'La Philosophie du droit de Hegel est-elle une philosophie du droit?', *Revue Européenne Des Sciences Sociales*, vol. 18, no. 52, 1980, p. 1.
43. Descombes, *Le complément de sujet*, p. 396.
44. Ibid., p. 351.
45. Villey, 'La Philosophie du droit de Hegel est-elle une philosophie du droit?', p. 1.
46. Yan Thomas, *Legal Artifices: Ten Essays on Roman Law in the Present Tense*, ed.

affirmation of the modern individual and its subjective desires, but simply, as ever, 'an abstraction rooted in the legal order, a point of personalised imputation of the legal rules governing this human being'.[47] This, however, says nothing about the legal subject's auto-foundation and has no modern specificity, having persisted since its formal development in ancient Rome.

In law as in politics, Descombes again concludes, the only 'necessary' concept of the subject is that of the identifiable individual, present in the world in the manner of a causal power, as provided by the notion of the person. Yet here, as in other books, he finds reason to garnish his grammatical analyses with the authority of history.[48]

Yan Thomas and the legal institution of the subject

Descombes claims that Thomas's analysis supports his own conclusions with respect to the inexistence of either a legal subject derived from the Kantian reflexive philosophical subject or indeed of any significant 'subjective' transformation in modern law. However, the latter's overall argumentation is much more subtle regarding the glacial movement of institutions and what is or is not, strictly speaking, modern in the legal subject. In the essay that Descombes cites, Thomas offers an accessible but limited *summa* of certain results from his ongoing work to define the modalities by which the subject and its legally qualified actions have been instituted in law. Such a project aims to show that we never find identity in nature, nor any self-evident

Thanos Zartaloudis and Cooper Francis, trans. Anton Schütz and Chantal Schütz, Edinburgh University Press, Edinburgh, 2021, p. 125.

47. Ibid., 126.

48. There are many who cite Thomas as authority, and many who work after Thomas as teacher. However, there are regrettably few who publicly attempt to synthesize the not-just-biographical limit points towards which his investigations reached. At the risk of accidentally presenting a 'general theory of law' or worse philosophical anthropology, the present author apologizes for the necessary damage he does to the richness of Thomas's essays in focusing on the intention of his investigations and their philosophical stakes.

transparency of the individual and its action – all are the result of distinct histories of objectification and qualification, which are certainly not mere ideologies. For Thomas, the question concerns the fact that for *l'homme en Occident* – terminology suggested by Foucault so as to avoid giving 'Western civilization' the status of a natural kind – these procedures have predominantly been enacted through ever more elaborate legal rationalities (even if, perhaps, passing to the social sciences in more recent times). These legal techniques have anthropological effects, but must not be understood as part of any meta-juridical 'anthropological function of law'. We are to consider, rather, the historical effects of law and the institutional objects that it has forged, which are not transhistorical universals but have indisputably had a certain millennial durability – not least the anthropology of the abstract subject, free to contract according to its will and with the capacity to sell its own labour.[49] In Roman law we find, for its subjects, a legal objectivation of the self as object to which one relates (and, here, *not* through a relation of care).

Thomas's larger argument may be reductively summarized as follows:

1. Roman law and the legal systems derived from it operate through the fictional construction of a 'legal subject' or person, as legal object and source of imputation, distinct from the body or life of the natural individual.[50]
2. Historically, the subject is instituted with the Roman invention of civil law to define the power of the paternal citizen and his patrimony through the reflexive *suus* (*sui iuris* and *suus heres*).[51]

49. Yan Thomas and Olivier Cayla, *Du droit de ne pas naitre: À propos de l'affaire Perruche*, Gallimard, Paris, 2002, pp. 16, 168.
50. Ibid.
51. Yan Thomas, 'Du sien au soi. Questions romaines dans la langue du droit', *L'écrit du temps* 14–15, 1987, pp. 157–72; Pierre Legendre, *Le dossier occidental de la parenté: Textes juridiques indésirables sur la généalogie*, Fayard, Paris, 1988; Yan Thomas, 'L'enfant à naître

3. In Roman law, there is no notion of responsibility or action tied to the legal subject – action never appears in its transparency, but always *qualified.*[52]
4. In the mediaeval reception of Roman law by the Christian glossators, an effort is made to minimize legal artifice and create a one-to-one correspondence between the legal and the natural person – an operation that is continued with the 1789 universalization of the legal subject's equality on the basis of birth. This has made it difficult today to see that the person remains, as ever, a legal artefact.[53]
5. Where in Rome the city had no existence as a person or subject, with mediaeval canon law we find the attempt to define collective subjects, starting with monasteries and culminating in the modern state.[54]
6. Amidst a political context hostile to the French Revolution, Savigny and the jurists of the Historical School of Law were successful in remodelling Roman law to the shape of a market-based society, minimizing the constitutive place of paternal power and fashioning it as the law of the subject of exchange.[55]

We have already considered point 1. Below, we examine points 2 and 6 from the vantage point of their philosophical implications for Descombes's and Balibar's argumentation.

---

et l' "héritier Sien": Sujet de pouvoir et sujet de vie en droit romain', *Annales. Histoire, Sciences Sociales*, vol. 62, no. 1, 2007, pp. 29–68.

52. See 'Act, Agent, Society', in Thomas, *Legal Artifices*.

53. Thomas and Cayla, *Du droit de ne pas naitre*, p. 144.

54. Yan Thomas, 'On Parricide', in *Legal Artifices*; Yan Thomas, 'Un expédient interprétatif aux origines de la personne morale', in *L'architecture du droit. Mélanges en l'honneur de M. Troper*, Economica, Paris, 2006, pp. 951–76.

55. Yan Thomas, 'La romanistique et la notion de jurisprudence', *Droits* 4, 1 January 1986, p. 149; Yan Thomas, 'Une invention de la romanistique allemande: L'acte de transfert abstrait', *Droits* 7, 1 January 1988; Yan Thomas, 'La romanistique allemande et l'État depuis les Pandectistes', *Publications de l'École française de Rome*, vol. 235, no. 1, 1997, pp. 113–25; Yan Thomas, *Mommsen et 'l'isolierung' du droit (Rome, l'Allemagne et l'État)*, Éditions De Boccard, Paris, 1984.

Reflexivity and absolute power of the Roman citizen-subject

From the titles found in his bibliography to the few programmatic pronouncements he made during his career, it is evident that a significant aim of Thomas's investigations was to contribute to what Foucault called the history of 'subjectivity', in particular of 'processes of subjectivation' (perhaps even the study of 'reflexivity', to which the recently formed Fonds Yan Thomas at the Parisian École des hautes études en sciences sociales has been dedicated).[56] From Hegel to Freud, it has long been a commonplace of modern philosophical reflection that the transition from Greek to Roman antiquity must constitute a fundamental moment in any such history. Yet this newly forged subject was not an expression of the 'spirit' of the Roman republic or the West more broadly – it was the product of a technique or art, of a society fashioned through law to pursue a task in a conscious and arbitrary fashion.[57] The full weight of Thomas's investigations was mobilized against his close colleague and collaborator Pierre Legendre's own juridical approach to the subject, which provided an example of what Thomas sought to avoid: a philosophical anthropology of law. For Legendre, the history of the subject would be that of the distinct yet always present legal institutions of life (*vitam instituere*), of identification

56. See the essays collected in Thomas, *Legal Artifices*, as well as R. Verdier and Yan Thomas, 'The Relationship between History and Anthropology in the Study of Crime and Criminal Justice', *IAHCCJ Newsletter* 5, 1982, pp. 33–7. In the latter we read: 'The correlate of every power is a subject. It is through a radical reversal of the questions one has typically posed with respect to power that one comes to interrogate the effects of power in the subject, or more simply on the subjective conditions of power. Here we discover, in other words, the political mechanisms [*ressorts*] of guilt and responsibility [*culpabilité*]; here we show how the state, through a certain degree of self-affirmation ... directly takes up the individual, or the consciences that it engages in dialogue with, at once universal (because the concrete person of the interlocuteur, his social determinations, don't matter, but only his abstract status as subject) and immediate (there is no chain that ties power to the subject: opposed to the continuum proper to certain archaic societies ... we find a radical disjunction of power and subject, an empty space posed by power, at once at an extreme distance and in an extreme proximity as permits identification).'

57. See Emanuele Coccia's contribution to Paolo Napoli, ed., *Aux origines des cultures juridiques européennes – Yan Thomas entre droit et sciences sociales*, École Rome, Rome, 2014, p. 213.

and incest prohibition (Oedipal castration) through the 'genealogical principle' of filiation – while our hyper-modern societies would be those on the unnatural path of *attempting* to 'liquidate' Oedipus.[58] For both, Western modernity will lose its universal status; yet, where for Legendre this takes place through a certain anthropological flattening, for Thomas this was rather a matter of singularizing a particular contingent institutional trajectory through space and time: that of the construction and successive transformations of the abstract subject of Roman paternal power.[59]

Where Foucault's philosophical genealogy looks towards the history of problematizations, primarily in the discursive-institutional *dispositifs* of psychology and the social or human sciences, Thomas's legal 'causistics' instead considers the history of always provisional *solutions* that jurists have given to come to a practical decision in a particular case.[60] This, perhaps, allows his research to move closer to the fading intersection of the 'operations of governance' and the 'care of the self' that Foucault famously never managed to approach directly, aside from his well-known but elliptical 'Lives of Infamous Men'. Foucault was, as already discussed, the first to locate an early problematization of the subject in Plato's *Alcibiades* reflections on the agent of an enigmatic 'care of the self'. However, he was clear that 'no Greek thinker ever found a definition of the subject, he did not search for it, and I can say quite simply that [in Greece] there is no subject.'[61] Thomas, on the other hand, argues with what is for him, so generally restrained and disciplined in his conclusions, an atypical insistence that Rome in fact marks the 'explosive

58. Pierre Legendre, *L'inestimable objet de transmission: étude sur le principe généalogique en Occident*, Fayard, Paris, 2004, p. 91.

59. For a more in-depth analysis of this question in Legendre, see Anton Schütz, 'Thinking the Law with and against Luhmann, Legendre, Agamben', *Law and Critique*, vol. 11, no. 2, 2000, pp. 107–36, https://doi.org/10.1023/A:1008939323404.

60. See Anton Schütz and Thanos Zartaloudis's preface to Thomas, *Legal Artifices*, as well as Paolo Napoli's to Thomas, *Les Opérations du droit*.

61. Michel Foucault, *Dits et Écrits*, Volume 2: *1976–1988*, Gallimard, Paris, 2001, p. 1525.

institution of the subject', even if it is 'radically opposed to the modern idea of a subject which would be absolute itself within nature.'[62] If in Plato's Greece we find a problem of the subject without a solution (or concept), in Rome we find the institution of the subject in response to a different problem. In perhaps his earliest statement on the matter, Thomas concludes a 1978 article, 'The Law between Words and Things', with the claim that 'abstract value and the abstract subject are, indeed, at the centre of the legal vision[, but] this emerged on a vastly different terrain than the bourgeois universe ... this form is Roman.'[63] Yet, as he concludes an article from the previous year, in Rome we do not find the 'universal agent, responsible for their acts', which will be the 'formal expression of the universality of the market economy'.[64]

What does this mean? In ancient Rome, the civil was instituted. As is known from Émile Benveniste's earlier studies, civil law is not the definition of the city in the abstract, but of the con-citizens – the fathers.[65] This subject is defined in law, which

62. Thomas, *Legal Artifices*, p. 224.
63. Ibid., p. 49.
64. Ibid., p. 266. It must be stressed from the start: Thomas was not a Marxist and many of his essays were dedicated to powerful critiques of Marxist theories and periodizations of law and the state. The vitality of his work is found, above all, in its critique of naturalism of all persuasions. Nonetheless, as Napoli argues (*Aux origines des cultures juridiques européennes*, p. 205): 'Yan Thomas belongs to a generation of researchers for whom Marxism represented an unsurpassable stage in their intellectual development. If many intellectuals' passage through Marxism can be detected in residual traces, through remnants that were not completely decomposed in the successive evolution of their thought into a social-democratic worldview or neoliberal catharsis, for Yan Thomas, who always remained outside the ideological militantism linked to the schema of classes and relations of production, Marx cannot be considered as a mere avatar of his trajectory.' Napoli here stresses the fundamental materialism of Thomas's 'anti-humanist' approach to law, as well as his early laudatory references to the Althusserian reading of Marx. However, it is also the case that, unlike Foucault, his 'otherwise than Marxism' *till the end* – and, in fact, to an increasing extent towards the end of his life – took place on the terrain not just of what Marxism excluded but Marx's central categories of 'value', 'commodity', and 'abstract labour'. Where in early essays Thomas considers the relation between the emergence of monetary and legal abstraction, it is towards the legal institution of the economy that many of his later studies turn. It is perhaps the economic anthropologist Karl Polanyi to whom he must be compared, as one who, abandoning any historical certitudes, enters history 'without safety nets' – and, in the end, cannot but come to certain of the same critical conclusions as Marx.
65. Émile Benveniste, 'Two Linguistic Models of the City', in *Problems in General*

is to say abstractly, in a manner radically separated from (and not the recognition of) the natural or social determinations of his life.[66] This autonomous subject, not subsumed under any higher entity such as the city, is defined 'a priori as a universal and abstract being, posed in the absolute of its own existence'.[67] Yet, in Rome, this subject's autonomy is not granted from birth, but subjected to a foundational heteronomy. The status of the subject as autonomous and 'one who falls only within his own legal sphere' (*sui iuris*) necessarily follows that of submission (*alieni iuris*) to the absolute power of life and death of another, his own father. *There is no subject, in Rome, who was not previously subjected to another's power.* All subjects find themselves initially under the legal dependence of another, not a metaphysical or symbolic entity, but the concrete father. It is only at the moment of the father's death that the *alieni iuris* becomes *sui iuris*.

In the legal institution of the Roman citizen-subject, we can already see that reflexivity and the reflexive pronoun are centre-staged. However, this reflexivity emerged not in the context of contract *or* philosophy, but rather in that of an estate that moves from one hand to another; that is, paternal succession as the foundation of accumulation. Already in the law of the XII Tables, we find the notion of the *suus heres*. In English, this is often translated as 'immediate heirs', but in Latin and Romance languages emphasis remained on the reflexive pronoun *suus*. This word did not refer to the archaic sense of 'belonging to a group', as analysed by Benveniste in his *Dictionary of Indo-European Concepts and Society*, but functioned exclusively as a reflexive pronoun that, as in the reflexive *sui* of *sui iuris* (or Spinoza's *causa sui*), underlined an independence as mastery of self by self. A non-reflexive *ejus* was reserved for those who were not subjects.[68]

Linguistics, trans. Mary Elizabeth Meek, University of Florida Press, Coral Gables FL, 1971.

66. Thomas and Cayla, *Du droit de ne pas naitre*, p. 123.
67. Thomas, *Legal Artifices*, p. 176.
68. Legendre, *Le Dossier occidental de la parenté*, p. 87.

It is 'his' family, 'his' inheritor, and the inheritor inherits the 'his', the reflexive pronoun and self, which is his patrimony and legal identity.[69]

The father is thus legally defined reflexively through his absolute power over his sons, his self, and his belongings or patrimony.[70] The familial order is defined as those subjected to the power of this master (*in potestas* or *alieno iuri subiectae*) (Gaius I, 47). The father as *sui iuris,* on the other hand, is submitted to no power but his own (*suae potestatis*). Here, Thomas critiques Villey's objective understanding of Roman law: already in Rome, law was not just the objective distribution of goods in the city, but also the father's right and power over his domestic jurisdiction, which was not itself extra-legal.[71] At the limit the *sui iuris* is confounded with a liberty of one's self in the idea of personal capacity or absolute power of self-on-self – in an important sense, this is a proper Roman theory of subjective right.[72]

Through testamentary succession, the male heir under his father's power at the time of the latter's death appropriates the pronoun *suus*, receiving his legal destiny and the absolute paternal *potestas*. Contrary to the philosophical vision of a self that finds itself in its other, exemplified by Antigone's excessive funeral rite,[73] in Rome we find the legal construction of identity-unity in patrimony – it is the personal pronoun, the name of the father, that is passed down, equalizing alter and ego. Here, Roman law is not strictly defined through the opposition of subject and object:[74] the self [soi] of the father

69. Thomas, 'L'enfant à naître et l'"héritier Sien"', p. 45.
70. Thomas, *Legal Artifices*, p. 179.
71. See Yan Thomas in Michel Garcin, ed., *Droit, nature, histoire: Michel Villey, philosophe du droit: IVe Colloque de l'Association française de philosophie du droit*, Presses Universitaires d'Aix-Marseille, Aix-en-Provence, 1984, p. 38.
72. Ibid., p. 40.
73. Nicole Loraux, 'La main d'Antigone', *Mètis. Anthropologie des mondes grecs anciens*, vol. 1, no. 2, 1986, p. 16; https://doi.org/10.3406/metis.198, p. 869.
74. Yan Thomas, 'Res, chose et patrimoine. Note sur le rapport sujet–objet en droit romain', *Archives de Philosophie du Droit* 25, 1980, p. 420.

was his possessions [sien], his patrimony.[75] 'Natural' possession was not understood as the most certain for the Romans, given its discontinuity: legal succession offered the instituted fiction of a continuous eternity of both patrimonial accumulation and the subject.[76] In Rome we thus find a constructed identity between the generations. With the death of the father, active and passive – this unbridgeable chasm of heteronomy – are merged into one and the same power such that the same continues itself as law 'fills the gaps of duration', instituting a fictional identity of the living with the dead through their property.[77] Not the succession of generations, or even the transmission of goods, but the perpetuity of a single subject under the name of the father via the immobility of patrimony – certainly, Thomas suggests, a 'mythology destined for a triumphant future'.[78] Macpherson famously defined seventeenth-century liberal-democratic theory, exemplified by the work of Locke, as that of a 'possessive individualism', where 'the individual is essentially the proprietor of his person, owing nothing to society for them ... not part of a larger social whole, but as an owner of himself'.[79] However, this was more properly the institutional reality of Rome – the albeit limited population of 'autarchic' subjects tied to their own, the proper of their property and 'domestic jurisdiction', *without* an overarching legal institution of (and submission to) the city or the modern system of needs.[80] The liberal difference from Roman institution and conception does not so much go via a

75. Thomas, 'Du sien au soi. Questions romaines dans la langue du droit', p. 171.
76. Thomas, 'L'enfant à naître et l'"héritier Sien"', p. 54.
77. Ibid., p. 54.
78. Ibid., p. 56.
79. C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford University Press, Oxford, 2010, p. 3.
80. On the historical debates concerning Roman 'autarchy' and 'domestic jurisdiction', see Paul Veyne, 'Mythe et réalité de l'autarcie à Rome', *Revue des Études Anciennes*, vol. 81, no. 3, 1979, pp. 261–80, https://doi.org/10.3406/rea.1979.4063; Yan Thomas, 'Remarques sur la juridiction domestique à Rome', *Publications de l'École française de Rome*, vol. 129, no. 1, 1990, pp. 449–74; Yan Thomas, 'À Rome, pères citoyens et cité des pères. Rome (IIème s. Av.-IIème s. a. J.C.)', in Françoise Zonabend, ed., *Histoire de La Famille*, vol. I, Paris, 1986, pp. 65–126.

change to the paternal legal subject itself, as through the replacement of paternal heteronomy with that of an overarching and subsuming 'moral personality' of society or the state – to some extent contra Macpherson's narrative.

The *Rechtssubjekt* in Savigny's 'actual' Roman law

Thus while on the one hand we find a proper institution of the reflexive citizen-subject in Rome, on the other hand we can nonetheless locate a certain operation carried out by the Historical School of Law and their *Rechtssubjekt*. Juridical sources confirm that the Latin *subiectum iuris* is a terminological innovation of the seventeenth century, present already in Leibniz's writings.[81] It is only then that the term takes on a sense similar to 'person', rather than referring simply to the matter under discussion in a trial, as it did for scholastic philosophers and humanist jurists of the sixteenth century.[82] With the German Pandectists and the Historical School of Law, the term *Rechtssubjekt* comes to refer to the subject who freely deploys his will and unilaterally realizes his autonomy through the economic appropriation of the things of civil society.

It is, however, important to take note of context before one reads this as a Kantian innovation. Savigny and his school were embedded in a specifically German conflict with both the absolutism of the princes and the *Volkssouveränität* of the French Revolution.[83] The Revolution was the universal enemy of the Historical School, while its proponents, Savigny included,

81. Yves Charles Zarka, *L'Autre voie de la subjectivité*, Beauchesne, Paris, 2000.
82. Thomas, *Legal Artifices*, p. 131.
83. Indeed, there is an epoch of human history that passes between 1789 (year of the French Revolution, Kant's *Critique of Practical Reason* and the second edition of the *Critique of Pure Reason*) and the 1803 of Savigny and Thibaut. The period of radical Kantianism described by Negri in his *Alle origini del formalismo giuridico* ends abruptly in 1801 with the Peace of Luneville and the ascendancy of an anti-Jacobin Romanticism. One finds that the German bourgeoisie, once anti-absolutist, makes unexpectedly traditional alliances after their experience of the French Revolution. See Antonio Negri, *Alle origini del formalismo giuridico,* Cedam, Padua, pp. 5–6, 201.

entertained a more pragmatic relation to the matter of the princes. Their school undertook a novel *neither/nor* to the sovereignty of the princes and the people: it was the attempt to develop, through the university study of Roman law, an autonomous legal science within such a politics of and over law, from a partisan position which advocated for the social and political supremacy of the jurists – what will soon be called the *Rechtsstaat* as both rule of law and rule of lawyers.[84] In this context, the category of the *Rechtssubjekt* was not a translation of Kantian-revolutionary philosophy into the legal institution; it did not institute the antinomies of the politicized, if subjected or voluntarily submitted, citizen-subject, but was rather a self-consciously counter-revolutionary operation to legally define the individual's circumscribed field of economic initiative.[85]

In line with the developments of philosophical Romanticism, the Historical School produced an organic vision of law, not as the political creation of human beings but as the naturally evolving spirit of the people, a *Volkgeist* without subject.[86] The state, even in its limited Roman expression as 'instance of authorization', is noticeably absent from their legal science and it is not what we find in Hegel, as the institution that stands apart from and intervenes in or sustains civil society. Indeed, given the jurists' unanimous opposition to the French-Jacobin artificial, rationalist and legislative state, the state was removed from the concern of law and understood instead as an organic expression of the community.[87] The Historical School proffered a unique

84. James Q. Whitman, *The Legacy of Roman Law in the German Romantic Era: Historical Vision and Legal Change,* Princeton University Press, Princeton NJ, 2014, p. 95.

85. While Hegel and his early students – E. Gans, L. von Stein and not least of all K. Marx – were critics of the historical school's 'organicism', by 1848 even the Hegelians had become conservative. See Aldo Schiavone, *Alle origini del diritto borghese. Hegel contro Savigny*, Laterza, Rome, 1984, as well as Karl Löwith's *From Hegel to Nietzsche: The Revolution in Nineteenth-century Thought,* Columbia University Press, New York, 1964.

86. For the connection to Romanticism, see especially Whitman, *The Legacy of Roman Law in the German Romantic Era*.

87. Thomas, *Mommsen et 'l'isolierung' du droit*, p. 26; Thomas, 'La romanistique allemande et l'État depuis les pandectistes', pp. 113–14.

synthesis of the 'liberal utopia of intersubjective civil society' with the 'counter-revolutionary utopia of an organic development of natural communities'.[88]

It is in this context that law is developed as a prolongation of the individual or predicate of the subject and *subjectum iuris* is interpreted as the legally autonomous individual, the abstract man 'defined in the absolute and outside any social determination'.[89] Yet this development is one opposed to the sovereignty of the subject and its will, as rights are here naturally grounded in the subject as a *de*politicization of the revolutionary citizen. That such citizens were also protected against the prince was, originally, but an epiphenomena. That there is no intervention possible for the legal subject is inscribed in the organic and thus natural character of their community. Rome was understood as the eternal *libera respublica*: the community of Europe that developed a 'legal order constructed on the autonomy of the subject' with the jurists 'philo-republican' defenders of individual rights and private property, as well as enemies of despotism (whether of the princes or the people).[90] Justinian's *Institutes* were understood not as a mere doctrine or historical artefact, but reason in written form (*ratio scripta).*

It is the strength of Thomas's analysis to have demonstrated that Roman law is not, as Villey's variant of natural law would require, an invariant and transhistorical essence that would have remained unchanged or perhaps become covered over through history, but rather a *longue durée* technique, constantly moulded to its circumstances. It is an art or, to use the terminology of Schiavone, a universal syntax, uniquely capable of accommodating and setting into form new institutional arrangements.[91] For

88. Thomas, *Mommsen et 'l'isolierung' du droit*, p. 26.
89. Ibid., p. 18.
90. Thomas, 'La romanistique allemande et l'État depuis les Pandectistes', p. 123.
91. Aldo Schiavone, *Ius: L'invention du droit en Occident*, trans. Jean Bouffartigue and Geneviève Bouffartigue, Belin, Paris, 2009; Thomas, *Legal Artifices*, p. 134.

certainly the will, responsibility and subjective intentionality, these modern categories, were not present in Roman law – even the presence of contract was circumscribed.[92] Like the glossators before them, the Historical School intervened in Roman law and *changed it* in a crucial and ingenious manner. They developed the marginal praetorian technique of *traditio*, an act of property (or, more precisely, *res*) transfer without ceremony, into a Roman theory of contract, interpreted through the categories of volition. However, this was not, again, the attempt to transform the subject's desires or will into law: over a century, culminating in the 1900 German civil code, the Historical School and the Pandectist jurisprudence they inspired instituted the circumscribed sense of a 'will oriented towards an economic result, legally protected'.[93] Through recourse to Roman law, they instituted the rational *a priori* of civil society, populated by the subjects of exchange.[94]

Despite their own ideology ('law has no existence for itself; rather its essence lies, from a certain perspective, in the very life of men', as Savigny is well known to have claimed), the Pandectists did not thereby ratify a social fact – they and the jurists that came after them were the engineers of a new civil order, assembled for a purpose amidst a legal politics. The Pandectists, we can say, made a difference to an ongoing process. In contrast to the Napoleonic *code civil*, overly concerned with the state and public law, they instituted the subject of exchange, adapting Roman law to market society as, in a literal sense, a

92. Thomas, 'Une invention de la romanistique allemande: L'acte de transfert abstrait', p. 37.
93. Ibid., p. 46.
94. As Marx, himself once a student of Savigny, wrote to Lassalle in 1861 on the topic of the English adaptation of Roman law: 'Roman law, modified to a greater or lesser extent, was adopted by modern society because the legal idea of the subject of free competition corresponds to that of the Roman person... You have shown that the adoption of the Roman will originally rested on a misconception ... but it by no means follows from this that the will in its modern form ... is the misconceived Roman form... [You would not say that] French dramatists in Louis XIV's day rested on a misconception of Greek drama... It is certain that they understood the Greeks in a way that corresponded exactly to their own artistic needs.' Karl Marx, in *Marx and Engels Collected Works*, vol. 41, Lawrence & Wishart, London, p. 316.

counter-revolutionary operation. It was a labour of reuse, forcing a new sense to Roman words, a 'bricolage of concepts' from the ancient context, a 'proper transcription of modernity into the schema of a thousand-year-old knowledge', as the private law of civil society.[95] Even though themselves opposed to codification, it was the Historical School's jurisprudence that informed the structure of the German civil code, which became the model for most modern European nations, as well as countries such as China and Brazil.[96]

While the *Rechtssubjekt* does not correspond to the French citizen-subject or the Kantian critical judgment, we can say that it marks a fundamental moment in the 'history of the subject', equiprimordial with the Roman *patria potestas:* the *desubjectivated* subject of exchange. For globally, we can say, it is not the French Revolution that determines our political horizon – it is more properly the reaction. The Historical School helped to deconstruct the paternal determinations of the Roman subject in a world where the 'organisation of the market postulates and constructs a subject outside of majesty and outside of power.'[97] With the legal subject or subject of exchange, we find heteronomy without sovereignty or majesty, the father replaced by the organic development of the market and the administration of the system of needs[98] – a matter perhaps finally confirmed, Thomas notes, when parricide was removed as a crime from the French penal code in 1992.[99] This is not itself, *pace* Legendre, an unnatural elimination of Oedipus or, conversely, a normatively neutral state of affairs, but a historical situation long in preparation that can be criticized on other grounds. Without in the least

95. Aldo Schiavone, *Alle origini del diritto borghese. Hegel contro Savigny*, Laterza, Rome, 1984, pp. 62–3.
96. In 1968, shortly before his death, Alexandre Kojève remarked that 'the accomplishment of the Chinese revolution was to bring civil law to the country.'
97. Thomas, *Legal Artifices*, p. 186.
98. Schiavone, *Ius*, p. 700.
99. Thomas, *Legal Artifices*, p. 234.

downplaying the geographically specific and delimited histories of domination or care of the self, it is globally the capacity for (and dependence on) selling our labour and the infinite accumulation of capital which, alongside the possibility of *exclusion from the drama of value*, still defines our subject position.

What, then, is our result?

In Rome, there is no derivation of the legal subject from a philosophical reflection, but the civil institution of the subject through heteronomy, propriety and reflexivity; in modern Germany, we do not find the legal affirmation of Kantian self-consciousness and volition, but an anti-revolutionary will to economic transaction subsumed under the community's organic development. On the one hand, our reading of Thomas's history provides an alternative genesis of the modern citizen-subject, no longer understood through a politics of rights, but as a subject of exchange that risks no longer passing over into any sort of political subjectivation at all. On the other hand, Thomas rejects the thought that we might find a transhistorical subject of action outside its institutional modalities and their epochal transformations.

Descombes's analysis rests on a philosophical anthropology of the institution and its norms that is not merely grammatical. As he himself embraces, it is a philosophy of 'objective spirit' as normativity, rather than a history of often violent or 'normalizing' relations and forms, such as the qualitative anthropological novelty to be located in the legal forging of the person and its acts. Descombes would of course respond that such an overly historicist conception of possibility does not change the fact that acting was possible in Rome, as it is now, and that we have always been able to speak about it, even where law did not. While certainly true, the everyday conception of action, however, does

not tell us in advance that the plebeians *could* secede, nor that the father was *qualified* to kill his son. Its empty formalism does not help render either past or present intelligible. In the end, then, the dispute concerns what philosophy ought to do and the transdisciplinary status of its concepts. Should the historical work be left to other disciplines, which philosophy might aid through a self-consciously restrained practice of conceptual clarification – at the risk of an empty grammatical formalism? Or is there a specifically philosophical generality that can be extracted from history, producing concepts that can help individuals as much as disciplines come to terms with the possibilities and exigencies of their time – at the risk of producing only metaphors or examples, however historically accurate?

The philosophers here, for all their very real divergence, nonetheless express the hope that philosophy might always be the 'anti-totalitarian' insistence that thought never become identical to its time, but that we be equal to its demands, whether through an apprenticeship in autonomy or philosophical reflection, without end. We can conclude, following Yan Thomas, that it is a matter of 'posing today's questions disencumbered from yesterday's answers, armed only with our own forces, and without forgetting the dangers that have haunted, and still haunt, those who attempt to behave freely.'[100]

100. Ibid., p. 240.

6

The philosophy of the concept and the specificity of mathematics

MATT HARE

Within narratives of twentieth-century French philosophy, Jean Cavaillès occupies the unusual position of being widely referenced whilst rarely being cited beyond a few stock phrases. He is frequently invoked alongside a litany of other founding figures of the so-called French 'epistemological tradition' (principally in conjunction with Gaston Bachelard, Georges Canguilhem and Alexandre Koyré), but the function of such indexing is generally only to outline, in highly abstract terms, a set of general methodological heuristics or conceptual orientations as background to the work of various luminaries of the 1960s' philosophical moment in France. In particular, Cavaillès is referenced for a single philosophical formula opposing the 'philosophy of the concept' to the 'philosophy of consciousness', a rather opaque disjunction which is imbued with rhetorical force via the mythologization of his double stature as a mathematician-philosopher and a resistant, executed by the Nazi occupying forces. Thus one finds that for all that Cavaillès is recognized as a precursor to more storied philosophical trajectories, he remains just that: a signpost towards later developments, a collection of key words.[1]

1. On Cavaillès's chequered reception, see Knox Peden, *Spinoza Contra Phenomenology: French Rationalism from Cavaillès to Deleuze*, Stanford University Press, Stanford CA,

This etiolated figure cast by Cavaillès in the reception history of twentieth-century French philosophy is not simply a contingent effect of the profoundly technical (on occasions borderline gnomic) nature of Cavaillès's writings. It also has deep roots in the philosophical programme that can be discerned therein, for there are intrinsic conceptual reasons that make it resistant to being exported into other domains. Indeed, I shall argue, the intrinsically restricted nature of Cavaillès's programme for mathematical philosophy is inseparable from its philosophical value. For Cavaillès's 'philosophy of the concept' is a theory of the *specificity of mathematics*, in a double sense: on the one hand, mathematics is defined as the domain of the production of *specific rational contents*; on the other, this very thesis, according to which mathematics is defined *by* its specificity, serves to erect an absolute demarcation of mathematics *from* every other domain of intellectual activity. In what follows I outline these two senses of specificity, each of which will be shown to bear upon respective incommensurate uses of the notion of the *singular* in Cavaillès's philosophical lexicon, and thus on the stakes of his much-vaunted 'Spinozism'.

The first sense: mathematics as rational specificity

In a letter to fellow radical Protestant Étienne Borne, written on 7 October 1930, Cavaillès returned to a polemic he had been developing against the Catholic philosopher Gabriel Marcel:

> I even wonder to what extent it is possible to attain the true naivety of the Saint without a prior submission to this necessity

2014. In what follows I put aside a rich tradition of works in France that directly develop a 'Cavaillèsian' programme in mathematical epistemology *stricto sensu*: Jean-Toussaint Desanti, *Les Idéalités mathématiques*, Éditions du Seuil, Paris, 1968; Houyra Benis Sinaceur, *Corps et modèles: Essai sur l'histoire de l'algèbre réel*, VRIN, Paris, 1991; Alain Michel, *Constitution de la théorie moderne de l'intégration*, VRIN, Paris, 1992; Christian Houzel, Didier Nordon, Xavier-Francaire Renou, Henri Roudier and Jean-Jacques Szczeciniarz, *Pour Cavaillès*, Pont 9, Paris, 2021.

> which manifests the approach of God, immanent in mathematics, transcendent in love. And it is here that I locate my grievance against Marcel, his ignoring of the absolute value of the intelligible, of the rational: there is something divine even in the concept, *at least in the passage from one concept to another.* And it is here that we have the true Spinozist ontology, incomplete, but definitive in what it asserts.[2]

Doubtless, these are the words of the 'young' Cavaillès (aged 27) and cannot be taken to represent his mature philosophical perspective, not least because the theological context of this statement would not be explicitly endorsed by the later philosophico-mathematical essays. Nevertheless, these lines introduce a central theme of Cavaillès's philosophical project, namely the definition of mathematics in terms of its *movement*, a thesis that will be resumed in the closing lines of the posthumously published *On Logic and the Theory of Science*, where it will again be connected with Spinoza. I have in mind the sentence which immediately precedes Cavaillès's celebrated invocation of an opposition between a philosophy of consciousness and a philosophy of the concept, which concludes both that text and Cavaillès's extant writings. Given the central role played by these lines in Cavaillès's posterity, they bear citing in context:

> [O]ne of the essential problems for the doctrine of science is precisely that progress cannot be a mere increase in volume by juxtaposition, the prior subsisting with the new, but must be a perpetual revision of contents by way of deepening and erasure [*rature*] … *Progress is material or between singular essences* [*essences singulières*], its motor the demand that each of them must be surpassed. It is not a philosophy of consciousness but a philosophy of the concept that can yield a doctrine of science. The generative necessity is not that of an activity, but of a dialectic.[3]

2. Jean Cavaillès, 'Lettres à Étienne Borne (1930–1931)', *Philosophie*, vol. 107, no. 4, 2010, pp. 13–45, p. 28; emphasis added. Translations from Cavaillès are my own unless otherwise noted.

3. Jean Cavaillès, *Œuvres complètes de philosophie des sciences*, Hermann, Paris, 1994, p. 560. Translation from *On Logic and the Theory of Science*, Urbanomic, Falmouth, 2021, pp. 135–6; emphasis added. Hereafter references to Cavaillès's main works will be cited from the *Œuvres complètes* as *OC*, and references to Mackay and Peden's translation of *On Logic and the Theory of Science* as *LTS*.

This passage is striking for the characteristic density of references implicitly invoked by Cavaillès, as it mobilizes his interpretation of results at the forefront of then-contemporary mathematics against Hegel ('juxtaposition'), Husserl and Kant ('philosophies of consciousness'), and Brunschvicg and Brouwer ('activity'). It is thus worth noting the positive valence given to Spinoza, the interpretation of whom in terms of a doctrine marked by the syntagm *essences singulières* is a cornerstone of French Spinozism.[4] In characterizing his notion of the progress of mathematics as being 'between singular essences', Cavaillès makes it clear that his theory of the becoming of mathematics belongs to the perspective of rationalist nominalism: the value of the rational – for which mathematics will serve not only as the paradigmatic but as the exclusive domain – lies not in its generality, but rather in the production of specific contents.

Cavaillès's understanding of mathematics in terms of specificity is best situated against the background of his primary philosophical interlocutors within post-Kantian reflections on mathematics and logic. Despite profound divergences in theoretical perspective, the elaboration of which would take us beyond our present purposes, Kant, Bolzano, Frege, Husserl and Carnap (each of whom plays an important role for the conjunctural intervention made by Cavaillès in *On Logic and the Theory of Science*) all in different ways praise mathematics for its universality or generality. As a heuristic, this conception of mathematics can be understood as being made up of two interrelated theses. On the *intra-mathematical* level, mathematical concepts are taken to be characterized by the fact that they intrinsically refer to all

4. An important reference here is to Léon Brunschvicg, *Les Étapes de la philosophie mathématique*, Librarie Félix Alcan, Paris, 1912, with which Cavaillès was familiar. In the course of Brunschvicg's defence of 'mathematism', he enters into polemic with Hyppolite Taine for having placed mechanistic philosophy 'under the patronage of Spinoza, that is to say, of the philosopher who saw most clearly the vanity of all classification into faculties as well as of all general ideas, who most insisted on the indefinite complexity of singular essences' (p. 563).

of the possible cases (or constructions) falling under a concept: naively, the concept 'triangle' refers not to any *particular* triangle, but immediately to all possible triangles. Further – whence the intrinsic nature of the reference – this concept does not point to some external, empirical set, with all the attendant problems of drawing a boundary to said reference, but rather exhibits each and every triangle, without remainder, owing to the fact that the concept contains its own rule of construction. This intra-mathematical generality founds Kant's focus on mathematics as paradigmatic for exhibiting the 'something = *X*', the Fregean project of mathematized logic as investigation into the domain of 'all that is thinkable', the Husserlian phenomenological focus on the 'object in general', and Bolzano's insistence that by calling the laws of formal mathematics '*general* [*allgemeine*], I mean it to be understood that mathematics never deals with a single thing as an *individual* but always with whole *genera* [*Gattungen*]'.[5] This intra-mathematical articulation of the generality of mathematics qua *indifference to content* can then be taken to ground a second level of generality, which we can call *generality of application*. The paradigm here is the application of mathematics to physics: it is precisely in so far as we take mathematical concepts to be 'pure' or 'empty' (devoid of any reference to a particular case) that we can understand the mathematization of a physical theory as bestowing on it an absolute generality, independently of any of the contingencies of the experimental situation. Hence, to mathematize is to de-particularize. The generality proper to mathematical concepts thus serves as a model for the more problematic ascription of generality to empirical concepts.

We shall return to the problem of the relation between these two levels of generality, but for now I will focus on Cavaillès's relation to the former, intra-mathematical thesis. The schema

5. Steve Russ, ed., *The Mathematical Works of Bernard Bolzano*, Oxford University Press, Oxford, 2004, p. 94.

just outlined is a simplification, but is fruitful for situating the way in which Cavaillès's epistemological investigations into modern mathematics were orientated by a fundamentally different problem. In short, Cavaillès's interest was in the ways in which mathematical objects are situated in fundamentally different ways within different formal settings, and in defining mathematics in terms of the mode of passage between these different settings. To choose an elementary example, when over the course of the nineteenth and twentieth centuries the operators of elementary arithmetic (such as the operation '+') were reconstituted within the framework of modern number theory, there is an obvious sense in which we can view this process as the extension of a particular gesture of 'generalization' central to classical algebra: in moving from the statement '1 + 2 = 3' to the general form '$a + b = c$', we transition from a statement bearing on particular objects (the intuitively understood whole numbers) to a statement bearing on generic objects (any arbitrary whole number). This is the 'moment of the variable', which Cavaillès takes to be one (but only one) of the fundamental operations of abstraction in mathematics, which he will variously name as 'idealization', 'generalization' or 'paradigmatic abstraction'.[6] Yet the identity between the elementary '+' and the abstract '+' is not something given, but rather is only constructed from the standpoint of the higher theory. We could pick numerous examples of such passages in the history of mathematics, but the conceptual point remains the same: mathematical history presents us with a sequence of reformalizations of its own basic notions, each of which can be seen in a certain sense as determinate complications of the 'same' operation, but none of which can strictly be identified with each other within a single unitary framework. Further, it is this very difference between different mathematical

6. *OC*, p. 511/*LTS*, p. 75.

theories that, for Cavaillès, constitutes the essence of mathematics itself, for 'each independent part of mathematics possesses its own modes of concatenation [*ses modes propres d'enchaînement*], which characterize it.'[7]

A fundamental (and unresolved) problematic of the Cavaillèsian programme thus becomes that of accounting for the identity within difference of mathematical operators and objects in these passages between different specific domains. Given that there is no meta-framework which can finally individuate the 'reality' of a particular operation, in what sense can we speak – as Cavaillès frequently does – of the re-situation of old notions within new frameworks as being an enrichment or 'extension' of the *same* notion? How are we to understand Cavaillès's recourse to formulations stating that new mathematical concepts contain 'more' content (or are 'deeper' or 'more profound') than prior concepts, given that his theory denies any possible field of comparison that could ground (in, say, quantitative terms) the idea of an 'increase' in intelligibility? These problems were acute for Cavaillès given that a large part of his theoretical work – essentially shaped by a sympathetic engagement with the Hilbertian formalist programme – was rigorously positioned against two programmes for constructing 'external' measures by which the identity of mathematical notions could be assured. On the one hand, there was the 'logicist' programme, exemplified by Frege and Russell, which Cavaillès stridently opposed as a reactivation of a Leibnizian ideal of a universal combinatory or 'theory of forms' seeking to enumerate (simultaneously) all of the possible forms of mathematical rationality. On the other, there were the various programmes for 'finitism', 'intuitionism' and 'arithmetism', which, starting from a basically Kantian inspiration, attempted to ground mathematics in a secure domain of

7. *OC*, p. 663.

intuitively graspable objects (be they 'whole numbers', 'marks', etc.) on which mathematical construction could be grounded. A large part of Cavaillès's first-order epistemological work can be read as a detailed engagement with the difficulties of the latter programme, with his judgement being ultimately negative, since 'the demand for possible arithmetization (Kronecker-Brouwer) is a misunderstanding of what is specifically mathematical: the unlimited procession of original intuitive modes.'[8]

In this notion of a procession between different intuitive modes, we find another prefiguration of the final doctrine of the passage between *singular essences* that closes *On Logic and the Theory of Science*.[9] The attempt to exhibit the specificity of mathematics so understood inaugurates a norm for reading its history, which orientates Cavaillès's epistemologico-historical writings. Cavaillès's commitment to the history of mathematics is thus downwind of his commitment to theorizing specificity: it is because the theoretical edifice is intended to show the progress (or production) of singular essences that it is necessary to investigate the genesis of these essences in particular historical documents, in the exact formulations made by existing historical mathematicians. In the remainder of this section I shall focus on two closely related themes that emerge in Cavaillès's elaboration of this theory of mathematics.

Operator–object duality and the necessary generation of new concepts

Among the texts that exerted a profound influence on Cavaillès's philosophical programme, a special place should be accorded to

8. *OC*, p. 579.
9. I am here gliding over significant developments that occur in Cavaillès's thought between the periods of the composition of his doctoral studies and *LTS*, in particular with respect to the concept of intuition. For an account of some of these, and their relation with the specific technical problem of 'effective calculability', see my article 'The Effective as the Actual and as the Calculable in Jean Cavaillès' (*Noesis*, 2022).

Dedekind's 1854 Habilitation address, which opens by stating Dedekind's intention to focus on 'the general manner in which, in the progressive development of this science, new functions, or, as one can equally well say, new *operations* [*Operationen*], are added to the chain [*Kette*] of previous ones'.[10] We find here a fundamental problem that will inform Cavaillès's work: the conjunction of *neccessity* and *creation*. The problem that Dedekind considers is the movement involved in the introduction of 'ideal' objects and operations in the development of mathematics. On Dedekind's view, whilst every science develops through the gradual introduction of new notions, the signal feature of mathematics is that such a process of introduction is necessary: the extension of the domain of objects and operations emerge from the kernel of the initial definitions in a regulated manner.

> [I]n this mathematics is distinguished from other sciences – these extensions of definitions no longer allow scope for arbitrariness but follow with an absolute necessity from the earlier primitive definitions, provided one applies the principle that the laws which flow from the initial definitions and which are characteristic for the concepts that they introduced have *universal validity* [*allgemeingültig*]. Then these laws conversely become the source of the generalized definitions if one asks: How must the general definition be conceived in order that the discovered characteristic laws be always satisfied?[11]

Dedekind's initial focus is on the reciprocal extension of the field of objects (i.e. the *Zahlgebeit,* the number domain) and operations in the development of arithmetic and algebra. As Cavaillès states: 'Necessity intervenes here in a double movement.'[12] Taken from one side, the extended application of the basic arithmetical operations of addition, multiplication and exponentiation and

10. Richard Dedekind, 'On the Introduction of New Functions in Mathematics', first widely circulated in 1932 in *Gesammelte mathematische Werke III*, pp. 428–43. Translation from William Ewald, ed., *From Kant to Hilbert: A Source Book in the Foundations of Mathematics*, vol. 2, Oxford University Press, Oxford, 1996, p. 755.
11. Ewald, ed., *From Kant to Hilbert*, pp. 756–7, translation modified in line with Cavaillès's interpretation of the passage at *OC* 61.
12. *OC*, pp. 61–2.

their inverse operations immediately necessitates that we 'create the entire existing domain of numbers anew': the rigorous filling out of the space implied by these basic operations and objects (starting, that is, with an object domain restricted to the positive whole numbers), leads us to 'the negative, rational, irrational, and finally also the so-called imaginary numbers'.[13] Taken from the other side, a correlative modification of the domain of operations is now necessary, as they were not initially well defined for all of the objects (i.e. number classes) that have been occasioned by their application: for example, exponentiation initially has no meaning for the case of negative numbers or fractions. It must therefore be redefined in a more general setting by giving the general theorem for the addition of exponents, but this is to situate the operation of exponentiation on a higher plane, to give it a new meaning. Hence, the generation of a new definition such as, in our case, the replacement of concrete numbers by abstract variables in the law of exponentiation '$x^{a+b} = x^a \cdot x^b$', exemplifies a process in which 'every posited definition immediately generates a connecting thread with the existing system, but it is the whole bundle of them that is, in reality, to be understood as the new definition, which only condenses them to the highest degree'.[14]

Dedekind has here sketched a research programme into the introduction of new operations in mathematics. However, it contains a basic tension between two concepts that would traditionally be seen as opposed: necessity and creation (or 'generation' [*Erzeugung*]). Naively, if the 'new functions' introduced to account for the expanded application of operations were necessary, why were they not there already? Indeed, from a Kantian perspective the conjunction is nonsensical: given that, from the standpoint of the *Critique of Pure Reason* at least, necessity and universality are identified as co-constitutive characteristics of *a priori*

13. Dedekind, 'On the Introduction of New Functions in Mathematics', p. 257.
14. *OC*, pp. 61–2.

judgements, it makes little sense to speak of the necessary emergence of 'new functions', as per definition necessary and universal concepts should be *a priori*.[15] Cavaillès himself notes that Dedekind does little to resolve this tension concerning 'this necessary generation of new concepts'.[16]

Placing Cavaillès in the aftermath of these unresolved problems with the Dedekindian perspective on mathematics helps us to see how what I have called above the progress between 'specificities' in mathematics is of a piece with the *co-constitution* of *operations* and *objects*; that is, what Cavaillès's student Granger will call, in his various elaborations of the Cavaillèsian project, the perspective of *operation–object duality*.[17] In effect, this involves giving a primacy to the operation that is highly unusual in the history of philosophy: in so far as the domain of objects is seen as being *produced* by the development of operations, 'objects' no longer have any *a priori* status. This thesis is consistent with a broader attack that Cavaillès will mount on the Cartesian notion of grounding knowledge in simple ideas, which will be extended into a critique of attempts to ground mathematics in (discrete) intuitions or the notion of *evidence* (Husserl). Yet, by the same token, there is no possibility of according a fixed *a priori* status to 'operations', such that they would be conceived as a fundamental store of mental procedures which serve to produce the totality of mathematical objects. This latter point represents something that was a matter of fundamental theoretical struggle for Cavaillès, in so far as his doctoral dissertations are still orientated by the idea that the 'reality' of a mathematical theory can in some sense be individuated according to the presence of certain 'central

15. For a recent and profound elaboration on this 'hidden principle' of Kantian and post-Kantian philosophy, see Brice Halimi, *Le Nécessaire et l'universel*, VRIN, Paris, 2014, in particular ch. II.

16. *OC*, p. 62. Note that Cavaillès has turned Dedekind's assertion about the introduction of 'functions' and 'operations' into one about the generation of *concepts*.

17. The elaboration of this perspective is a central theme in Granger's work, but see in particular the analysis of Cavaillès's theory of abstraction in *Pour la connaissance philosophique*, Éditions Odile Jacob, Paris, 1988, ch. III, pp. 67–92.

intuitions' or 'gestures' that serve to unify it (so that a theory such as Cantor's initial invention of set theory could be seen as a progressive unfolding of the founding gestures of ordinal and cardinal 'counting').[18] It was in abandoning this perspective, and thus fully relativizing the notions of operation and object, that Cavaillès transitioned to the perspective of *On Logic and the Theory of Science*, which can be read as a relativization of the concept of the transcendental internal to mathematical work: different mathematical theories will be read as different operator–object domains, without recourse to an 'external' perspective that could explain their relations. The problematic of the 'philosophy of the concept' is thus the construction of a new concept of concept as the motor of this inter-transcendental variation.

The non-homogeneity of operations and the break with Kantianism

The thesis of the relativity of operations and objects just outlined must be connected to another central aspect of Cavaillès's project: the refusal of a 'Kantian' thesis concerning the homogeneity of operations in mathematics. In brief, this is another essential component of Cavaillès's rationalist nominalism: the thesis of object-operator duality prescribes the relativization of the transcendental, and this relativization will be specified each time by the singularity of different mathematical theories, in such a way that what is in principle denied is a general or *a priori* theory of the forms of mathematical reason. In this sense, Cavaillès represents a post-Kantian return to nominalism, one which results in a position that can seem paradoxical: the transcendental is each time particular. Unfolding this position requires a consideration of his tense relation to Kant, and in particular to French neo-Kantianism.

18. Cf. *OC*, p. 227.

Many of the difficulties of Cavaillès's position on this matter are on display when, responding to comments made by the mathematician Maurice Fréchet following the presentation of his doctoral works in 1939, Cavaillès states that 'I do not seek to define mathematics, but, by way of mathematics, to know what it means to know, to think; this is basically, very modestly reprised, the question that Kant posed. Mathematical knowledge is central for understanding what knowledge is.'[19] Two points should be made with respect to this. First, Cavaillès's statement is an axiom that prescribes an order of investigation: we ought to investigate mathematics in order to understand what thought is, and not the other way around; in other words, there is no *a priori* domain in which questions as to the essence of thought and knowledge can be posed in advance of (or conditioning) the progress of mathematics. We must accept this dogmatic aspect if we are to approach this philosophy in good faith. Second, if one takes this axiom seriously, one cannot stop there: if 'mathematics' – understood as the *effective* or *actual* realization of mathematical work, and not as some abstract definition – indeed holds the secrets of thought and knowledge, then this immediately prescribes a programme for wholesale reform of philosophy, which must now engage unreservedly with the entire body of mathematical production. Whence 'Cavaillèsianism' as a research programme. Yet it is surprising to find this position placed in Kant's own lineage, given that *On Logic and the Theory of Science* is in part structured by an extended critique of Kantianism, or 'the philosophy of consciousness', precisely on the grounds that it is a philosophy which attempts to delineate *a priori* conditions for thought prior to the actual development of mathematics.

Attention should thus be paid to the precise way that Cavaillès understood the Kantian programme, with respect to which it is

19. *OC*, p. 625. Jean Cavaillès and Albert Lautman, 'Mathematical Thought', trans. Robin Mackay, www.urbanomic.com/document/mathematical-thought, p. 20.

essential to refer to Brunschvicg's treatment of Kant in *Les Étapes de la philosophie mathématique*, a text that Cavaillès relies heavily on in his treatment of Kant in the doctoral works. On Brunschvicg's reading, mathematical philosophy is 'the cornerstone of the *Critique of Pure Reason*', and the core of the Kantian programme is to have posed to the problem of synthesis in such a way that, as Kant puts it in the introduction to the B edition of the *Critique of Pure Reason*, the questions 'How is pure mathematics possible?' and 'How is pure natural science possible?' are identified under the 'formula of a single problem': 'How are synthetic judgments *a priori* possible?'[20] As Brunschvicg summarizes: 'Kant realized that the solution of the problem with respect to the science of nature is the corollary of an analogous problem that, rather than solely concerning physics – that is, the application of mathematics to experience – is internal to mathematics itself.'[21]

The novelty of Kant thus lay in his having attempted to resolve the problems inherent in the application of thought to reality by positing a strict analogy with, so to speak, *the application of mathematics to mathematics*, such that, to use the classic example, the subsumption of the concepts '5' and '7' under the concept '12' exhibits synthesis in its pure form, with respect to which empirical cases of synthesis (say, subsuming the manifold of sensory data that is experienced when looking at the fingers of a normal human hand under the concept '5') is only a special case of this pure activity.[22] It is in this sense that the *Critique of Pure Reason* can first and foremost be read as a 'mathematical philosophy', with respect to which so-called 'sensory experience' is only a derived form. In turn, Brunschvicg locates Kant's central innovations with respect to the problem of pure mathematics as

20. Brunschvicg, *Les Étapes*, p. 257; Immanuel Kant, *Critique of Pure Reason*, Cambridge University Press, Cambridge, 1998, B19-20.
21. Brunschvicg, *Les Étapes,* p. 256.
22. I am borrowing the phrase 'the application of mathematics to mathematics' from Ian Hacking, *Why Is There Philosophy of Mathematics At All?*, Oxford University Press, Oxford, 2014.

a response to the problem of concatenation that d'Alembert takes up from Descartes: why is there – or, indeed, is there? – more in a 'chain' of deduction (2 + 2 = 4) than in (immediate) intuition (2 + 2 = 2 + 2)? Why was the whole content of a mathematical proof not there from the start? D'Alembert's answer is that on the level of the rational contents themselves, there is no novelty in this process, but merely the progressive unfolding of an initial definition which 'has not really been multiplied by this concatenation [*enchaînement*]', but 'has merely received different forms'.[23] What appears as progress for consciousness is only the gradual recognition of a rational arrangement that was latent in the relevant concepts.

For Brunschvicg the Kantian revolution lies in Kant's having taken the opposite stance: there is more in the conclusion of a demonstration than was present at the outset, and this supplement is added by *a priori* synthesis, such that in the progressive steps of a demonstrative chain we glimpse the activity of the mind or intelligence in its pure form (in its productivity), which will be seen to be identical with the activity (or progress) of science itself. Kant thus answers the problem of concatenation or deduction by transforming it into the problem of synthesis: 'The place of *a priori* synthesis does not lie in the connection between the terms of a judgment, or in the demonstration of such and such particular "numerical formula": it lies in the general process from which every particular number is derived, that is, in the creation of the notions themselves.'[24]

It is easy to see why on this reading Kant strongly prefigures Dedekind's analysis of mathematics as the necessary generation of concepts. And this is doubly so given that for Kant the primary moment of synthesis will be found in the basic

23. Jean Le Rond d'Alembert, 'Discours Préliminaire des Éditeurs' to the *Encyclopédie*, 1751, pp. ix. For Brunschvicg's citation of this passage cf. *Les Étapes,* p. 270.
24. Brunschvicg, *Les Étapes*, p. 270.

arithmetical operations, interpreted as *acts*, such that it will be 'in order to do justice to the sign +' that Kant will require the doctrine of the schematism: the synthetic unity of apperception in consciousness underwrites the entire synthetic process.[25] It is this ineliminable role given to the constructive activity of the mathematician which allows a reading of Kant as a philosopher of mathematical creativity, as Cavaillès notes in his thèse principale, *Méthode axiomatique et formalisme* (without yet taking the crucial step – which will define his later work – of rejecting Kant's theory for its very subjectivism): 'It is the synthetic activity of the *I think* that justifies the two characteristics of mathematical work: unpredictable becoming and absolute value. Absolute value because synthesis is required by the unity of apperception, unpredictable becoming because there is an effective constructive activity.'[26]

It should be clear here both why Kant is a central reference for the debate around the essence of mathematical thought, such as it will rage throughout the nineteenth century and on into the 1930s, and why it makes sense to ascribe to Kant the question that Cavaillès attributes to him: how does mathematics tell us what it is to think, what it is to know? But in all of this, we must note an essential assumption which Brunschvicg and Cavaillès took to underwrite the Kantian approach, namely that the treatment of the activity at stake in elementary mathematical examples is sufficient to give a philosophical basis for the treatment of higher mathematics, such that developments at a higher level of technical complexity will merely appear as special cases, and cannot be expected to threaten the theoretical edifice that has been developed with reference to simple cases. Whence Brunschvicg's rather qualified praise for the Kantian project as a whole. In one sense, Kant made an unsurpassable contribution to

25. Ibid., p. 271.
26. *OC*, pp. 34–5.

mathematical philosophy by producing an immanent philosophy of science:

> For the first time … with Kant's doctrine concerning mathematics, the theory of science is, in relation to science itself, placed neither *above* science (as with Cartesian or Leibnizian metaphysics, which subordinate the principles of reason to theology), nor *below* science (as with English empiricism, which does not see mathematical notions as anything more than approximations of experience); the Kantian theory of science is exactly at the level of science itself.[27]

Yet, this immanence is achieved by insisting, by fiat, on the *operative homogeneity* of science, such that the concepts at work at its avant-garde will not be different in kind from those at stake at its most fundamental levels.[28] It is for this reason that, despite their internal divergences, the various attempts at the turn of the twentieth century to delimit a 'secure' domain of mathematical activity by referring all constructions back to a finite intuitive basis index themselves as belonging to Kant's lineage. As far as Brunschvicg was concerned, writing in 1912, it was not necessary to take a final stance on this debate: one could maintain a division which recognized Kant's essential contribution to foundational questions whilst leaving other avenues open when it came to developments at the forefront of modern mathematics. The Cavaillèsian research programme essentially begins once this *pax romana* is broken – that is, once it is no longer acceptable to separate the domains of 'technical' and 'foundational' mathematic work, which is precisely what he saw as the necessary result of the then-contemporary developments he approached in his epistemological studies.

On Cavaillès's view, answering 'the question that Kant posed', in the context of the foundational debates of the 1920s and 1930s, required a rejection of the Kantian programme at a quite

27. Brunschvicg, *Les Étapes*, p. 271.
28. Cf. ibid.

fundamental level. The ground on which this break is articulated is the refusal of the thesis of the homogeneity of operations in mathematics, which – qua the position of object–operation duality articulated above – equally entails a break with the thesis that mathematics deals with any particular or secure domain of 'objects'. Put otherwise, Cavaillès extracts from the Kantian lineage the thesis in *On Logic and the Theory of Science* that 'synthesis is coextensive with the engendering of the synthesized', but draws the conclusion from this that it is necessary to *stratify the concept of synthesis*, in a manner which entails a correlative stratification of the two 'unities' which were seen to underwrite the Kantian programme: on the 'subject' (or 'operator') side, there is a break with the thesis of the synthetic unity of apperception, whilst on the 'object' side there is an undermining of the supposedly 'general' form of the transcendental object = X.[29] Yet, it is precisely on these grounds that we rediscover the basic unresolved problem of the Cavaillèsian programme with respect to the inter-transcendental identity of mathematical operations, in so far as this strategy of *double stratification* is in fundamental tension with Cavaillès's commitment to what we could call the *continuity of mathematical becoming*. This tension is thrown into sharp relief when, in *On Logic and the Theory of Science*, he reworks his objection to Kant in the context of the challenge that Gödel's incompleteness results posed to the Husserlian theory of formal ontology:

> The body of a theory is a certain operatory homogeneity – as described by the axiomatic presentation – but when a theory is carried to the infinite, the iteration and the complications provide results and an intelligible system of contents that are ungovernable, and an internal necessity obliges it to surpass itself by way of an enlargement, which moreover is unforeseeable and only appears as an enlargement after the fact. There is no more juxtaposition than there

29. *OC*, p. 510/*LTS*, p. 74.

> is initial fixation; it is the entire body of mathematics that develops *in a single movement* across stages [*étapes*] and in diverse forms.[30]

If the mature Cavaillèsian programme is to be understood as working out the consequences of the rejection of any *a priori* or formal unity that could be seen to govern the process of synthesis, then in what sense is it possible to speak of the development of mathematics as the continuous unfolding of 'a single movement'? It is with respect to this problem that Cavaillès invokes an enigmatic notion of the 'polymorphy internal to a single rational concatenation'.[31] This notion of *internal polymorphy* is the closest thing we find to a 'definition' of mathematics in Cavaillès: mathematics just *is* the rational unfolding of a series of incommensurable theories in a movement which is continuous (each new theory resituates and transforms prior theories) but which cannot be unified under a single enumeration of forms. We find here again the first sense of the specificity of mathematics in Cavaillès's work, in so far as mathematics is understood as the domain of this rational polymorphy, and this polymorphy is in turn exhibited as the progress (and necessary relation) between different singular essences (or, in full Spinozist terms, between different 'ideas of ideas'). Cavaillès is thus an essential thinker of what Brice Halimi has called the 'problem of homogeneity': 'does there exist a homogeneous kind of entity encompassing all of which one can speak?'[32] Halimi's argument is that a *positive* answer to this question is the implicit assumption of the Kantian 'correlation' of the necessary and the universal. Cavaillès thus appears as a profound exponent of a *negative* answer to the homogeneity problem, all the more powerful because he claims to derive this negative consequence internal to the history of mathematics. This is one of the deepest senses of Cavaillès's

30. *OC*, p. 556/*LTS*,p. 131; emphasis mine.
31. OC, p. 510.
32. Halimi, *Le Nécessaire et l'universel*, p. 82.

'anti-Kantianism': contrary to what Halimi calls the correlation at the heart of the Kantian programme, Cavaillès delinks necessity from universality in order to attach it to specificity. By the same gesture we find what I will call the second sense of the specificity of mathematics, equally central to Cavaillès's programme: mathematics is the *only* domain which possesses this character of rational polymorphy, in strict distinction from the other scientific disciplines. It is to the consequences of this second specificity that I will now turn.

The second sense: mathematics as distinct from the other sciences

By now the lineaments of Cavaillès's theoretical perspective should be clear: mathematics has been designated as the domain of the production of specificities, and in turn the logical problem towards which mathematical philosophy is orientated is that of thinking the polymorphic relation between these specificities. It is with respect to this logical problem that a programme emerges of rereading the history (or 'becoming') of mathematics under a particular norm: that of revealing the identity of necessity and movement as the nature of the rational or the intelligible. However, this norm must be connected to another central aspect of this programme: the problem of the relation (or non-relation) between mathematics and physics, a problem which in turn stands for the profound gap between mathematics and the other sciences. What Cavaillès calls in *On Logic and the Theory of Science* 'the fundamental problem of the epistemology of physics' (*l'épistémologie physique*) is that mathematics and experimental science are characterized as two essentially irreconcilable domains of experience or of concatenation.

> the concatenation of physics [*l'enchaînement physique*] has no absolute beginning, any more than that of mathematics does … experimental

> acts engender yet more experimental acts by way of a *sui generis* concatenation which, at least in this regard, is independent – because it is of another essence – from the mathematical concatenation [*l'enchaînement mathématique*].[33]

On Cavaillès's view, the act of physical experimentation is essentially historically situated in a way that the mathematical act is not. This division may seem surprising given the theoretical importance of historical investigations for Cavaillès. It is important to note that although Cavaillès was by way of practice a historian of mathematics, he was ambivalent about the idea that mathematics has a history, properly called; hence his enigmatic reference to the investigation of 'this history, which is not a history'.[34] The ambivalence is as follows. On the one hand, mathematics must be understood as a progress or a becoming, and thus cannot be reduced to any universal or *a priori* formalism that would specify its development in advance, from which follows the central role of history for mathematical philosophy. On the other hand, this progressive character of mathematics is to be apprehended *post facto* through a reconstruction of the movement between its different rational contents, one which is of an entirely different order from the contingencies of the different formulations made by working historical mathematicians, with all of their attendant lacunae and misunderstandings, as much as their embeddedness in the facts of cultural history of intellectual biography. The archive of mathematical history is thus a kind of primary material through which the identification of necessity and progress can be exhibited, but the movement at stake is not itself identical with the development of historically produced works. It is in this sense that, rather than a historicity, mathematics possesses an *intrinsic logical temporality*, such that, in stark contrast to either classical rationalist theories of

33. *OC*, p. 522/*LTS*, p. 88.
34. *OC*, p. 664.

mathesis or to pure historicism, 'The fact that everything does not happen all at once [*d'un seul coup*] has nothing to do with history, but is the characteristic of the intelligible.'[35] It is quite otherwise for the case of physics, as well as all other experimental sciences, for in these cases there is an intrinsic link between experimental practice and the historically specific lived action of the experimenter. Thus in the transcription of the lecture course 'Causalité, nécessité, probabilité' given at the Sorbonne in the spring of 1941 we find the following stark opposition:

> What is physical – in opposition to mathematical – is the effective action of the physicist. Physical experience is situated in history whilst mathematical experience is not... Mathematical thought and physical thought mutually exclude each other (necessary concatenation [*enchaînement nécessaire*] on the one hand and historical concatenation [*enchaînement d'historique*] on the other).[36]

The designation of mathematical concatenation as necessary and physical concatenation as historical is founded in the different roles played by the subject in the two concatenations, connected to two competing notions of experience. In mathematical experience the mathematical subject performs an *experiment of pure thought* – that is, an experiment in which thought acts upon itself – whereas the experience/experiment in physics involves an essential aspect of *alterity*: thought experiments with something outside of itself. Thus Cavaillès states in a response to Ferdinand Gonseth in 1938: 'I do not believe it is possible to unify mathematical and physical experience under the same concept. There is an autonomous mathematical knowledge that is

35. *OC*, pp. 517–18/*LTS*, p. 83.
36. Cited in Paul Cortois, 'Cavaillès lecteur de Pascal', in Jean-Jacques Szczeciniarz and Baptiste Mélès, eds, *Hommage à Jean Cavaillès*, Hermann, Paris, 2018, pp. 37–62, p. 55. The telegraphic character of these lines is owed to the fact that they are cited from a transcript that Cortois made in 1988–89 of lecture notes on Cavaillès's course taken by Mme Marie-Louise Gouhier Dufour, and are thus not from Cavaillès's own hand (see p. 51). My reading in this section is influenced by Cortois's 'non-standard' interpretation of Cavaillès.

sufficient unto itself, and that therefore requires an idea of truth that is unrelated to physical truth.'[37] The severity of this position must be underlined, for it has the consequence that there is no possibility for a unified theory of science in the Cavaillèsian framework, and thus that Cavaillès's philosophy of the concept must be understood as being opposed to any project of general epistemology. Continuing his reply to Gonseth, Cavaillès makes one of his most startling enunciations to this effect:

> Whilst both experiences [i.e. in mathematics and physics, MH] stem from the same intuitive sensory activity, they thus each represent the culmination of two diametrically opposed evolutions. The description of these evolutions, and the study of the relations between them, seem to me to belong more to general anthropology than to epistemology.[38]

If we take Cavaillès's reference to anthropology here seriously, then on his account the relation between mathematics and physics fundamentally poses an essential problem for philosophy, but it is not, as traditional epistemology would have it, the problem of the rational ordering of the world or of the unity of scientific practice, but that of how to think the fact that in the contingent history of human societies we find points of contact between two incommensurable regimes: that of the production of rational knowledge and that of the organization of practical activity. The problem of the mathematics–physics differend thus in effect comes to stand as a surrogate for questions around the relation between reason and history. This point is all the more striking given that Cavaillès seems to have also thought this relation in terms of singularity, but now in a sense fundamentally different from the notion of 'singular essences' indexed above:

37. From Cavaillès's reply to Gonseth's presentation in Ferdinand Gonseth, ed., *Les Conceptions modernes de la raison. Entretiens d'été – Amersfoort (Septembre 1938)*, Volume I: *Raison et monde sensible*, Hermann, Paris, 1939, p. 41.
38. Ibid., p. 43.

> Is there an autonomous concatenation in physics? Appearance of the notion of existence which is to say of singularity… This notion of singularity = that which characterizes physical thought.[39]

In designating all physical thought qua 'thought of an existence' as the effective grasp of a singularity, Cavaillès advances a theory of the specificity of action which stands in opposition to any theoretical generality, but in a manner which in no way suggests a unification with the 'singular essences' found in the progress of mathematics.[40] The problem of the relation between reason and history, having been displaced onto that between mathematics and physics, is thus thought as the relationship between two incommensurable senses of the singular: the singular rational contents of mathematics and the historical singularity of the physical situation. But this comes with the consequence that the specificity of mathematics is characterized by its absolute difference from any applied discipline. From this, two final points follow.

First, it should be clear why Cavaillès's theory of the relationship between mathematics and physics is different from the position articulated above under the name of the *generality of application.* The mathematics which 'results' from the theorization of the physical situation is particular, just as much as the physical situation itself is, but they are two different *modes* of particularity (rational particularity and lived particularity). In turn, this makes it clear why Cavaillès is not a neo-Kantian. For Brunschvicg as much as for Cohen and the other authors of the Marburg school, physics and mathematics stood as joint paradigms of the transcendental. In contrast, with Cavaillès the form of synthesis is found to be fundamentally different for the intra-mathematical case and the case of the relation between thought and nature. Thus, starting from a novel theory of the applicability of mathematics to itself, we move from an analogy

39. From Dufour's course transcription, cited in Cortois, p. 58.
40. Ibid.

between the application of mathematics to mathematics and the application of mathematics to physics to a foundational disanalogy between these two forms of application. The consequence for the philosophy of the concept is that only in mathematics is it possible to make the modalities of transcendental variation precise; that is, to give a formalization of the way(s) in which a transcendental operator–object domain *shifts*. This is not possible for other sciences because of the different relation therein between theories and the determination of the objects on which they bear. It is thus in a very precise sense correct to read Cavaillès's overall theory as a contribution to the problem of the *historical a priori* or the *relativization of the transcendental*, but on the condition that we understand such a proposal as *strictly intra-mathematical*. The stridency with which Cavaillès takes pure mathematics as the exclusive paradigm of transcendental structuration is thus intimately bound up with Cavaillès's anti-Kantianism and his correlative rejection of the unity of science.

The second point concerns how focusing on this problem of the split between mathematics and physics provides a way to rethink the stakes of Cavaillès's resistance activity, and thus to resituate Cavaillès as a figure within the reception of French philosophy. Famously or infamously, the canonization of Cavaillès rests on an analogy constructed by his surviving collaborators between his roles as a resistant and as a mathematician-philosopher. Yet this analogy has been put to strikingly different ends. On the one hand, Raymond Aron's invocations of his last meeting with Cavaillès in London serve to ground this analogy in *a common concept of necessity*, 'which had command over practical imperatives as much as scientific propositions'.[41] It is in this spirit that Aron relayed in his obituary for Cavaillès the latter's statement to him on the occasion of

41. Cited from Aron's introduction to the 1962 *Philosophie mathématique* collection, reprinted in *OC*, p. 212.

their final meeting in London in 1943: 'I'm a Spinozist; I believe we submit to the necessary everywhere. The concatenations of the mathematicians are necessary, even the stages of mathematical science are necessary. This struggle that we carry out is necessary as well.'[42] On the other hand, Canguilhem sought to position the lesson of Cavaillès's work, life and death as exemplary of the combat between the universality of reason and fascism's negation of rationality, which in turn could be thought in terms of the resistance that rational necessity posed against the contingencies of history:

> [O]ne can understand that Cavaillès was a resistant according to logic. The deduction is simple. And for those who knew him, it is not imaginary. Nazism was unacceptable to the extent that it was the negation, savage rather than scientific, of universality, to the extent that it announced and sought the end of rational philosophy. The struggle against the *unacceptable* was thus *ineluctable*.[43]

Despite the differences in emphasis, both gestures served to lionize Cavaillès for the generation of the 1960s on the ground that there was an implicit deduction to be made from the aridity and rigour of his theoretical practice to the 'heroism' of his resistance activity.[44] In turn, this implied connection could serve as the rhetorical background to the politicization of the polemic between the 'philosophy of the concept' and the 'philosophers of consciousness', on the ground that Cavaillès's life was a kind of proof of the compact between scientific work and practical commitment, as opposed to the counter-proof of the inaction of the figure of the phenomenologist or philosopher of experience. It is thus striking that when one examines Cavaillès's texts, what one discovers is a philosophy that is in principle orientated in

42. Cited by Canguilhem in his 1967 inaugural address for the Amphithéâtre Jean-Cavaillès, reprinted in *OC*, p. 674. Translation from Peden's introduction to *LTS*, p. 19.
43. From Canguilhem's 1969 memorial radio lecture for Cavaillès, reprinted in *OC*, p. 677.
44. This thesis structures Peden's study *Spinoza Contra Phenomenology*; see in particular pp. 17–24.

the most profound ways against any possible synthesis between scientific thought and practical life.

What makes Cavaillès a philosophically generative figure through which to think this disjunction between thought and life is that it is exactly this point which is thematized in his comments on the mathematics–physics relation and his attendant critique of abstraction. For all that Cavaillès is known as a thinker of different forms of intra-mathematical abstraction, a red thread running through his work is that mathematical thought is not separate from the world, but rather is a qualitatively distinct manner through which the world is lived. Cavaillès thus outlines a *modal theory of abstraction*: to think the world mathematically is to think the same world as that of practical life, but to think under the image of necessity. Yet in no sense is this to be understood as an ontological split, as if mathematics represented the truth of world, with respect to which sensory and practical existence is a mere shadow. This point is expressed most stridently in the same response to Fréchet discussed above. Immediately following his invocation of the question posed by Kantian philosophy, Cavaillès continues by critiquing Fréchet's empiricist argument that mathematical concepts are produced by abstraction from an underlying sensory reality:

> Fréchet says: 'There are notions that are taken from the real world, and others that are added by the mathematician.' I respond that I do not understand what he means, since what is it to know the real world, if not to do mathematics on the real world?
>
> What do you call 'real world'? I am not an idealist, I believe in what is lived. To think a plane, do you live it? What do I think, when I say that I think this room? Either I speak of lived impressions, rigorously untranslatable, rigorously unusable by way of a rule, or else I do the geometry of this room, and I do mathematics.[45]

45. *OC*, p. 625/'Mathematical Thought', p. 20.

Cavaillès expresses here a position on the problem of abstraction that is notable for the equal distance it takes from empiricism and Platonism: the question of the 'relation' between mathematics and the real is ill-posed, for mathematics is to be thought as one immanent modality of the real. It is towards the articulation of this tender position that Cavaillès's whole theoretical work was directed:

> I spoke of a solidarity on the basis of sensible gestures. There is not, on the one hand, a sensible world that is given, and, on the other, the world of the mathematician, beyond it. … I believe that we never leave this starting point, in the sense that there is an internal solidarity and that each time we substitute for a less-well-thought mathematical object some more-thought-out objects, … all the same, we do not leave the sensible world.[46]

Read internally, the position here might seem to be constrained to the epistemology of mathematics. Yet read in terms of the ethical and political stakes of Cavaillès life and its mythologization, this position on the question of abstraction conjoins once more with Cavaillès's 'Spinozism', but this time on the terrain of the relation between what Étienne Balibar has called 'theoretical universalism' and 'practical universalism'. In his essay 'Sub specie universitatis', Balibar provides a suggestive heuristic which contrasts the Marxist–Hegelian tradition of thinking theory and practice in terms of a schema of ideal unification with what Balibar calls the 'Double Truth' strategy for thinking the universal, which he associates with the names of Spinoza and Wittgenstein. The latter holds that the demands of the theoretical and the practical are radically incommensurate, and thus must be thought together in a manner which preserves their independence whilst also accounting for their belonging to the same world, and making demands on the same actors. As Balibar summarizes: 'since in this conception there is nothing like an external (ideal,

46. *OC*, p. 626/'Mathematical Thought', p. 21.

or transcendental) point of view from which the difference could be reduced … philosophy becomes an exercise … in understanding why we always inhabit the same ("immanent") world in two contradictory manners which are *both universalistic*."[47]

Given all that has been said above concerning the essential conjunction between the necessary and the specific in Cavaillès's work, it is evident that one cannot unproblematically inscribe Cavaillès in this tradition of a double strategy for thinking universality. Rather, what I suggest is that Cavaillès can be read as occupying a formally analogous position as a partisan of two incommensurable senses of necessity, the relation between which is philosophically fecund because it is theorized in terms of the contact between singular points. On the level of rational practice, he was led to a nominalist insistence that to do justice to the necessity of mathematical thought required locating the kernel of this necessity in the unsynthesizable passage between theories, and thus in harbouring the singular essence of each novel intelligible production. On the level of practical commitment, he indeed exemplified 'the logic of Resistance lived until death' eulogized by Canguilhem, but if one wishes to extract an ethics from this point it can only be of a paradoxical sort: to live life rationally is to bind oneself without remainder to the exigencies (or the singularities) of a particular situation.[48] What is in principle disbarred here is a unitary deduction between the two regimes. Two necessities, thus two specificities. Doubtless, the risk of hagiography abounds here; one which it is rare for writing on Cavaillès to avoid entirely. Nevertheless, it is precisely because both theoretically and practically Cavaillès's work and life suggest ways of thinking the difference between the necessary and the universal that he remains a point of departure for contemporary philosophy.

47. Étienne Balibar, 'Sub specie universitatis', *Topoi* 25, 2006, pp. 3–16, p. 7.
48. Cf. *OC*, p. 678 for Canguilhem's comment.

Nehmen Sie Dada Ernst! "...the triumph of creativity over evil!" 70 years later Royal College of Art MA students at the Kurt Schwitters Summer School 'reconstructed' the missing Herzfeld painting and, on the 70th anniversary of the Munich Entartete Kunst exhibition, hung the Herzfeld painting -the right way up- on the end wall of the Merz Barn.

Eröffnung der ersten großen Dada-Ausstellung
in den Räumen der Kunsthandlung Dr. Burchard, Berlin, am 5. Juni 1920.
ch rechts: Hausmann, Hanna Höch, Dr. Burchard, Baader, W. Herzfelde, dessen Frau, Dr
George Grosz, John Heartfield.

OTHERNESS, ANARCHISM & THE STATE

7

Otherness as a kind of being: a reading of Plato's *Sophist*

CATHERINE MALABOU

In his 1990 book *Oneself as Another*[1] Ricœur discusses the issue of personal identity. Through a confrontation between Continental and analytic approaches, he comes to the conclusion that neither tradition has been able to elaborate a satisfactory concept of the self. Philosophers from both sides, however their profound divergences, have systematically understood identity as sameness, not as selfhood. Sameness characterizes personal identity understood as I = I, as abstract and formal identity, an identity which can be easily posited (like Descartes) or on the contrary destroyed (like Strawson, Davidson or Parfit – Ricœur's main interlocutors in that book). Selfhood, on the contrary, Ricœur says, characterizes a type of identity that proceeds from a difference, from the gap, the interval that always exists between 'I' and 'me'. It is easier to define the self by listing what it is not (it is not a substance, it is not exactly a subject) rather than by trying to bring to light what it is. Therefore Ricœur speaks of the self as a kind of 'not-being'.

What is the link with Plato's *Sophist*? It is precisely the issue of not-being that lies at the core of the dialogue. This link is suggested by Ricœur himself, who declares in his book's conclusion:

1. Paul Ricœur, *Oneself as Another,* trans. Kathleen Blamey, Chicago University Press, Chicago IL, 1992.

> the dialectic in which sameness and selfhood oppose one another and are related to one another belongs to a discourse recalling that of Plato in ... the *Sophist*...; this discourse places on stage metacategories, the 'great kinds' akin to the Platonic Same and Other...[2]

Among the five 'great kinds of Being', revealed and exposed in the dialogue, we find 'Not-Being'. Ricœur argues that his leading question 'what sort of being is the self?' echoes that of Plato: 'what kind of being is the not-being?' Before coming back to Ricœur in conclusion, and trying to characterize more closely the link between Plato's ontology and the hermeneutics of the self, understood as 'other', I will focus on the central passage of the *Sophist* devoted to the issue of the relationship between being and not-being – from 238 a to 259 b.[3]

Plato's ontology

The dialogue's subtitle already points to a difficulty: *Sophist or On Being*. The 'or' cannot be understood as introducing a synonymy. That would mean: 'On the Sophist, that is to say on Being'. The *Sophist*, as Plato demonstrates in the long first part of the dialogue, because of his use of simulacra, is a specialist of semblances, copies, reproductions that distort the original ontological models. The paradoxical subtitle *Sophist or On Being*, then, announces the necessity to engage a reflection on the relationship between being and the not-being.

> *Visitor*: It looks as though there is some such weaving together of what is not with what is, and very strange it is. (240 c)

The sophist himself, he adds, and the images that he uses are the privileged examples of such an intertwining. We cannot say

2. Ibid., p. 298.
3. Plato, *Sophist,* in Christopher Rowe, ed., Plato, *Thaetetus and Sophist,* Cambridge University Press, Cambridge, 2011.

that they are nothing; we cannot say that they are entirely being either. The discussion starts from there.

The dialogue takes place in a gymnasium in Athens a day after Plato's *Theaetetus*. The participants are Socrates, who plays a minor role, the elder mathematician Theodorus, the young mathematician Theaetetus, and a visitor from Elea, the home town of Parmenides, who is often referred to in English translations as the Eleatic Stranger or the Eleatic Visitor. Other young mathematicians are silently present. The dialogue begins when Socrates arrives and asks the Eleatic Stranger whether, in his homeland, the sophist and the philosopher are considered to be one kind or two.

The first part of the dialogue is devoted to the issue of the sophist's nature. The Visitor declares the necessity of organizing a hunt or a fishing party in order to catch and grasp the sophist's nature and reflect on the best method to do so even if the sophist seems able to escape all possible nets or traps. After this long and fascinating hunt, we arrive at the central issue.

> *Visitor*: My friend, the fact is that the investigation we are involved in is an extraordinarily difficult one. This whole matter of appearing, and seeming, but not being, and of saying things but not true things, has always caused puzzlement and confusion in the past, and it still does. It's extraordinarily difficult to grasp, Theaetetus, how one is to come out with the claim that it really is possible to say or believe things that are false, and express this without being caught up in contradiction.
>
> *Theaetetus*: How so?
>
> *Visitor*: Such a claim already dares to assume that what is not is; only on that assumption will a false thing said or believed turn out to be something that is. But, my boy, from the time I was a boy the great Parmenides never stopped testifying against it, whether expressing himself in prose or in verse: 'For never shall this prevail,' so his lines go, 'that the things that are not are; / keep you your thought, as you search, back from that path.' (236 d)

We recognize of course Parmenides's *Poem*:

> Come now, I will tell thee –
> and do thou hearken to my
> saying and carry it away –
> the only two ways of search that can be thought of.
> The first,
> namely, that Being is, and that it is impossible for anything
> not to be,
> is the way of conviction, for truth is its companion.
> The other, namely, that Being is not,
> and that something must needs not be,
> – that, I tell thee, is a wholly untrustworthy path.
> For you cannot know what is not – that is impossible –
> nor utter it.

We remember that the visitor comes from Elea, and that Elea is Parmenides' homeland. If we have to admit, considering the sophist's case, that the non-being, in a certain way, is, it means that we have to contradict Parmenides' thesis, what Plato calls a 'parricide'.

> *Visitor*: And there's this other thing I'd ask of you even more.
>
> *Theaetetus*: What's that?
>
> *Visitor*: That you don't take me to be turning into some sort of parricide, as it were.
>
> *Theaetetus*: How so?
>
> *Visitor*: In order to defend ourselves we're going to need to cross-examine what our father Parmenides says and force the claim through both that what is not in a certain way is, and conversely that what is also in a way is not. (241 d)

While affirming, on the one hand, that the not-being is in itself 'inexplicable' (238 c), Plato declares that we still have to admit that it is. Therefore, and once again, the sophist confronts us with the highest kind of puzzle.

In what follows, Plato does not only discuss Parmenides' thesis, but also those of Heraclitus and Empedocles, along with all the existing doctrines of being. These theories can be divided into two groups: those affirming that being does not change (Eleatics); those affirming that it does change (hence the metaphor of the river in Heraclitus).

The puzzle then becomes: if being is said to be changing, it then means that being does not exist; if it does not change, however, it is impossible to account for the not-being, in particular for the sophist.

From 249 e, Plato develops this alternative while showing at the same time its insufficiency. He first insists on the difficulty in a way that allows him to immediately circumscribe it. If there are several definitions of being he says – being changes, being does not change – it proves that it is possible to give several names to it. And if being can be said in different ways, we are forced to admit that a certain category of not-being exists.

> *Visitor*: So let's discuss how exactly it is that we keep calling this very same thing [Being] by many names. (251 a)

The problem then becomes that of the coexistence of the One and the Multiple within the very same thing. Plato is anticipating here what Aristotle defines as the logical issue of predication or attribution, the fact that several predicates can be related to the same substance. Predication, as Aubenque declares in *The Problem of Being in Aristotle*, is 'that through which negativity comes to being',[4] first because, as we just said, several predicates can be attributed to the same subject, and second, because there exist negative judgments, such as: 'the sophist is not the philosopher', 'a simulacrum is not real', and so on.

4. Pierre Aubenque, *Le Problème de l'être chez Aristote*, PUF Quadrige, Paris, 2013, p. 256; my translation.

Plato formulates here what will become the logical issue of negativity. A thing is what it is by not being other than what it is, which immediately implies a certain negativity – that is, a certain type of not-being. This is an argument that Hegel will later reformulate in the *Science of Logic.* Determination presupposes negation: a thing is determinate only in so far as it contrasts with other things or concepts which are determined in a way in which it is not. It then means that the not-being is inscribed in a specific way within being. Plato introduces here the fundamental idea of the existence of a not-being that is not a nothing.

In order to justify this difficult but essential point, Plato now affirms that ideas, or essences, are in communication with each other; they 'circulate' in and through one another. The same can then move without ceasing to be the same. Not only do sensible things participate in ideas, but ideas themselves participate in one another. The type of movement or fluidity Plato is looking for must be identified as a movement proper to ideality – that is, to being – and this without any contradiction. But how is it possible? Such an audacious thesis needs to be explained and grounded. There are three possibilities, the Visitor says: either all things are unmixed and fixed – thesis of immobility (universal immobility); all things are moving and circulating in and through one another (universal mobility); or else some of them only are capable of circulating, while the others are not.

> *Visitor*: And moreover, one of the three must hold: either everything must mix, or nothing can, or some things will mix and some won't. (252 e)

Plato defends the last option and exhibits its ideal possibility. Why the last option? Because if being does not move, it implies that movement and rest don't exist, which is absurd. If

everything moves, it implies that being does not exist, which is equally absurd.

So there must be a certain type of mobility that does not threaten being and does not transform movement into chaos, but reveals the specificity of their intermingling. Instead of stating that everything is moving (which would equate to the sophistic main assertion), we have to bring to light the fundamental, foundational kinds of being that circulate, Plato says, through one another. There are five of them: Being, Not-Being, Movement, Rest and Otherness: *to on, mè on, kinesis, stasis* and *heteron* (254 d–255 c). What an evolution in Plato's thinking! He is now developing what Ricœur calls an 'ontology of the second order', in which participation does not only take place between sensible things and ideas, but between ideas themselves. This second-order ontology is characteristic of the great dialogues of his maturity: *Theaetetus*, *Sophist* and *Parmenides*, which all revolve around the relationship between being and negativity.

In this circulation, the kind of being that bears the heaviest weight is Otherness. Why that? All kinds participate in Being, because each of them is what it is. At the same time, however, because each of them is identical to itself, it is consequently other than the other kinds. Otherness is a kind of being because it is what it is. At the same time, it inscribes a point of not-being in all the other kinds. And the not-being, as a kind of being, is also other than otherness. Otherness (including otherness to otherness) makes a type of not-being emerge that contemporary philosophers will call difference. Each kind of being is differentiated in itself and in its relation to others.

> *Visitor*: And moreover we're going to say that [Other] is a nature that pervades them all; for each one of them is different from the rest not through its own nature, but rather through its sharing in this other form, Otherness. (255 e)

We are moving forward in the discussion, as we understand that the not-being at stake here is not contrary to being, but other than it. Consequently, we also understand that the 'non-' or the 'not' does not mark an opposition. Other does not mean contrary to, or opposed to. Plato posits for the first time a form of negativity, of *apophasis,* that does not imply contradiction. We hear, on this point, the difference between the Greek terms *heteron* and *enantion* (*nihil negativum* and *nihil privativum*). Pursuing Plato's gesture and radicalizing it, Aristotle will bring to light two categories of not-being (*Physics* I, 187 a 3) that are *mè on* and *ouk on*, relative and absolute nothingness.

Plato now develops a reflection on the 'not', understood in this new sense: the not-beautiful is not the ugly, the not-great is not the little, the not-virtuous is not the corrupted. They are not the contraries of the beautiful, the great, the virtuous, but their others. The not-being is not nothing, but the other of being.

> *Visitor*: When we say it is the same, we say it because it shares in sameness in relation to itself, whereas when we say it is not the same we say it this time because of its association with difference, because of which it separates off from sameness and becomes not that but different, so that here it is correct to speak of it as not the same. (256 b1)

and

> *Visitor*: So when a negation is uttered we will not concede that it signals an opposite, but only this much, that 'not' and 'not-' when prefixed to the names that follow them point to something other than those names – or rather other than the things to which the names following the negation relate. (257 b)

Otherness is what put the yes and the no in relation to one-another.

> *Visitor*: We're going to say that Other is a nature that pervades them all; for each one of them is other than the rest not through its own nature, but rather through its sharing in this other form, Otherness. (255 d)

We see once again that the not-being, here, is not absolute, but only relative – and this literally, because of its relational essence. Therefore, the not-being is not-being 'in a certain sense (*kata ti*)' that pertains to relationality, what Plato calls the community of the kinds of being: *koinonia ton genon* (259 a), that circulate in one another.

Going back to the beginning of the dialogue, we can now conclude that the sophist is not the opposite or the contrary of the philosopher, but their other, thus signalling a mode of not-being lying at the heart of philosophy itself. Such a situation might appear as a threat to philosophy, and Plato is following a very risky path. At the same time, characterizing the sophist as a relative not-being helps confer on them an ontological anchoring without which their nature would remain unthinkable. The intimate exchange between being and not-being also allows for the possibility of lessening the violence of the parricide. Parmenides is not killed a second time by the recognition of this exchange; he is made other than himself; that is, in modern terms, he becomes interpreted.

Hermeneutics of the self

Interpretation – such is the leading word of Ricœur's inquiry. In the conclusion of his book ('What Ontology in View?') he characterizes his philosophical project as a 'hermeneutics of the self' that 'aims at bringing to light [its] ontological implications'. My central question, he says, is 'what sort of being is the self?'[5] As we follow the course of the conclusion, we gradually understand that Ricœur dialectically substitutes this question ('what sort of being is the self?') for Plato's one: 'what sort of being is the not-being'? He affirms that his concept of the self is an

5. Ricœur, *Oneself as Another*, p. 297.

'apophatic' one – coming from *apophemi* ('to say no'). Apophasis is a rhetorical device wherein the speaker or writer brings up a subject by either denying it or denying that it should be brought up. In philosophy it characterizes the type of discourse that can only approach its object negatively, like God in negative theology. More generally, it is not only a negative voice, but the voice of negativity.

The self, Ricœur says, can only be reached through the voice of negativity, as it is not a substance, it is not a subject, it is not a fact; it just negatively appears, in transparency, through that which it is not. It can only be what it is thanks to its otherness to the I. In a certain sense, only an act of faith can attest the existence of the self. The self is nothing but its own attestation, its own testimony, its own ethical convictions that appear in its capacity to keep its promises, to open itself to others by saying 'I am there', 'I am there for you', 'I promise you that I will always be', which is another way of declaring: 'I am myself', as if the 'it's me' could only mean 'I am holding fast to my beliefs, my resolution, my involvement, my solidarity and care, my confidence in sense, as sense'. The self only coincides with its own narrative, which transforms the pure fact of life into a plot, the pure contingency of existence into a purposive ethical necessity. I was meant to be there for you. Because the self is only a fiction, its own fiction (which is absolutely not pejorative), its own narrative, it is always another, *the fictitious-true double of the I*.

We may ask, nevertheless, what exactly Ricœur has in view while bringing together the problematic of the not-being as developed in the sophist and that of the self. Why exactly does he need this reference to Greek ontology? As we know, the notions of the 'self', of subjectivity in general, are alien to it. Ricœur of course knows this. So why this gesture? We discover that in reality Ricœur does much more than just substituting the self for the not-being. He also develops 'negatively' a whole

vision of philosophy, of the relationship between its present state and its past.

> The other than self will never be a strict equivalent of Platonic Otherness... The ontology we are outlining here is faithful to the suggestion made in our Introduction, namely that an ontology remains possible today inasmuch as the philosophies of the past remain open to reinterpretations and reappropriations, thanks to a meaning potential left unexploited, even repressed, by the very process of systematization and of school formation to which we owe the great doctrinal corpora that we ordinarily identify under the names of their authors: Plato, Aristotle, Descartes, Spinoza, Leibniz, and so on.[6]

Interestingly, the type of interpretation and reappropriation that Ricœur proposes is very different from the Heideggerian deconstruction, or the Levinasian challenge of traditional metaphysics in the names of ethics, each of which implies in its own way a critical rupture with classical ontology, mostly that of Plato. Ricœur does not attempt to break or deconstruct, but to readjust classical ontology in order to liberate its repressed potential. It is a plastic operation that consists in finding 'the point of articulation of phenomenology and the ontology of the great kinds', implying a 'reworking' of this ontology.[7]

But why is this reworking, this readjustment, revolving around the self – a concept absent from Plato, as well as from all the other philosophers previously mentioned? As I said, the self is indissociable from its narrativity. By relating this gesture to Plato's sophist, Ricœur operates a fundamental displacement. By interpreting the self as narrativity, as the capacity to narrate, to invent plots, Ricœur reveals retrospectively, retroactively, that what Plato calls the circulation of the kinds of being in the dialogue is perhaps and precisely an ontological narrativity. Not narrativity or fiction understood once as falsity or phantasy, but

6. Ibid., p. 298.
7. Ibid., p. 335.

as emplotment. As if being was developing its own story. What Ricœur tells us is that there cannot be any ontology without this essential-existential emplotment. Without the construction of a narrative; an ethical narrative. And the 'self' appears in the end as the reflective shadow of being, its fictitious double.

In the *Phaedo,* awaiting his execution, Socrates tells a story. He narrates his earlier fascination for Anaxagoras. When he was young he thought that Anaxagoras, whose main principle is Intelligence (*nous*), would teach him the cause of all things, the reason why things are what they are. However, Socrates sadly discovered that under the name of Intelligence, Anaxagoras was only able to provide factual and partial physical causes for everything.

> I never imagined that, when he said [things] were ordered by intelligence, he would introduce any other cause for these things than that it is best for them to be as they are. ... My glorious hope, my friend, was quickly snatched away from me. As I went on with my reading I saw that the man made no use of intelligence, and did not assign any real causes for the ordering of things, but mentioned as causes air and ether and water and many other absurdities. And it seemed to me it was very much as if one should say that Socrates does with intelligence whatever he does, and then, in trying to give the causes of the particular thing I do, should say first that I am now sitting here because my body is composed of bones and sinews, and the bones are hard and have joints which divide them and the sinews can be contracted and relaxed and, with the flesh and the skin which contains them all, are laid about the bones; and so, as the bones are hung loose in their ligaments, the sinews, by relaxing and contracting, make me able to bend my limbs now, and that is the cause of my sitting here with my legs bent. [This someone] would fail to mention the real causes, which are, that the Athenians decided that it was best to condemn me, and therefore I have decided that it was best for me to sit here and that it is right for me to stay and undergo whatever penalty they order. (98 a–d)[8]

8. Plato, *Phaedo*, in *Plato in Twelve Volumes*, vol. 1, trans. Harold North Fowler, Harvard University Press, Cambridge MA/Heinemann, London, 1966, p. 86.

By deciding to stay in his prison, Socrates remains who he is, faithful to himself, to his self, the self who refuses the solution proposed by his disciples, who offered him to escape. 'I won't escape', Socrates says, 'I am not a mere bag of bones and flesh, as described by Anaxagoras. I am someone who is there for you, and keeps his promises.' Without such a confidence in promise and attestation, ontology would be deprived of justification. The self (here Socrates' self) thus appears for Ricœur as the narrative, retroactive proof for the validity of ontology. This means that the ultimate ground or foundation of all things remains in itself invisible, an-archic, and manifests itself only through individual witnesses, individual selves.

Would the ontology of the great kinds have ever existed, ever persisted without Socrates' emplotment, without Socrates' fiction of a final cause? It seems that no ontology can subsist without the fiction of its necessity. Being, then, is not opposed to narrativity, as Plato paradoxically affirms so often, but narrativity appears as its inseparable other.

8

Cynicism and anarchism in Foucault's last seminars

CATHERINE MALABOU

Focusing on Foucault's last seminars, *The Government of Self and Others* and *The Courage of Truth*,[1] I intend to challenge what has become a standardized way of reading these late works. In these seminars, according to the standard reading, Foucault achieved his move from politics to ethics by insisting upon their incompatibility. Through what he symptomatizes as 'the crisis of *parrhesia*' – that is, the growing discrepancy between truth and democracy in Ancient Greece – he developed his ultimate concept of resistance, understood as a total withdrawal from the political scene. The paradigm of such a withdrawal is the Cynic 'form of life', developed in *The Courage of Truth*, which radicalizes the motif of the care of the self, developed mainly in the *Hermeneutics of the Subject*.[2] If the care of the self can still be seen as a negotiation between ethics and politics, the Cynic form of life is a clear rejection of all ideas of community and a political agenda.

1. Michel Foucault, *The Government of Self and Others*: *Lectures at the Collège de France 1982–1983,* trans. Graham Burchell, Picador, London, 2010; *The Courage of Truth: The Government of Self and Others* II, *Lectures at the Collège de France 1983–1984*, trans. Graham Burchell, Picador, London, 2011.
2. Michel Foucault, *The Hermeneutics of the Subject: Lectures at the Collège de France 1981–1982*, ed. Frédéric Gros, trans. Graham Burchell, Palgrave Macmillan, Basingstoke, 2007.

My interpretation is different. Foucault never sought shelter in ethics; neither did he elaborate a neoliberal and individualist affirmation of life. On the contrary, through his reading of the Cynics, he announces a transition towards what he calls 'the *other* politics'. Such a passage is precisely not a dismissal of politics, but of the necessity of government, which is of course dramatically different. What Foucault describes as a crisis of *parrhesia* in the last seminars is, then, a crisis of government, which leads to a secret anarchism.

Genealogy of the concept of government

There are three main steps in Foucault's conceptualization of 'government'. The first, early one is quite traditional. Government is defined as the 'supreme instance of executive and administrative decisions in State systems, as the institution, in the juridical meaning of the term, devoted to the exercise of political sovereignty'.[3] A first major transformation occurs in the fourth lecture of the seminar, 'Society, Territory, Population', in which the neologism 'governmentality' appears. It will take the lead on the analysis of sovereignty – a concept that Foucault will progressively abandon.[4] Governmentality refers to 'the institutions, procedures, analyses and reflections, calculations, and tactics'[5] that target populations and normalize their behaviours according to biopolitical norms.

The second decisive transformation occurs in the last seminars, with the concept of 'government by the truth', in which truth has to be understood as *parrhesia* – truth-telling or 'free spokenness'. Why did Foucault feel the need to 'develop

3. Michel Foucault, *On The Government of the Living: Lectures at the Collège de France 1979–1980*, trans. Graham Burchell, Palgrave Macmillan, Basingstoke, 2014, p. 1.
4. Michel Foucault, *Society, Territory, Population: Lectures at the Collège de France 1977–78*, trans. Graham Burchell, Palgrave Macmillan, Basingstoke, 2007, p. 87.
5. Ibid.

the notion of government of men by the truth?' 'Over the last two years', he explains, 'I have then tried to sketch out a bit this notion of government, which seemed to me to be much more operational than the notion of power ... in the broad sense of mechanisms and procedures intended to conduct men, to direct their conduct, to conduct their conduct.'[6] Now,

> I would like to try to show you ... how you cannot direct men without carrying out operations in the domain of truth, and operations that are always in excess of what is useful and necessary to govern in an effective way. The manifestation of truth is required by, or entailed by, or linked to the exercise of government and the exercise of power in a way that always goes beyond the aim of government and the effective means for achieving it.[7]

'*Parrhesia*', defined as truth-telling and frankness, is a specific kind of truth, irreducible to scientific truth. It is the 'manifestation of truth in the form of subjectivity', which 'goes beyond the realm of knowledge'.[8]

If 'government', understood according to both meaning number 1 and meaning number 2, always implies commandment and orders giving, the concept of government by truth profoundly disrupts the logic of commandment and obedience. This because government by the truth is a common concern to those who govern and those who are governed. It presupposes an isomorphism between the self of the rulers and the self of the subjects. Rather than operating as a logic of commandment and obedience, the parrhesiastic government is defined as a 'partnership' – with oneself, and with others at the same time. Telling the truth amounts to 'constituting oneself as the partner of oneself when one speaks, by binding oneself to the statement

6. Foucault, *On The Government of the Living*, p. 12.
7. Ibid., p. 17.
8. Ibid., pp. 80, 75.

of the truth and to the act of stating the truth'.[9] And this binding with oneself is also a binding with others.

In the end, Foucault adds, '*parrhesia* is a way of ... freely binding oneself'.[10] A free binding is paradoxically an unbinding. The self (be it that of the ruler or that of the subject) unbinds itself from its attachment to power, which is the condition of possibility for justice. This idea was already developed in *Hermeneutics of the Subject,* when Foucault deals with the education of Alcibiades by Socrates, who teaches him how to care about himself. Consequently, Foucault says:

> taking care of oneself and being concerned with justice amount to the same thing, and the dialogue's game – starting from the question 'how can I become a good governor' – consists in leading Alcibiades to the precept 'take care of yourself' and, by developing what this precept must be, what meaning it must be given, we discover that 'taking care of oneself' is to care about justice.[11]

This detachment from power, from the taste of power, from the compulsion to power, is of course difficult to achieve. The prince, or the monarch, in most cases resists *parrhesia.* It is not a lost cause nevertheless: 'The idea that *parrhesia* is always risky with the Prince, may always fail, may always encounter unfavorable circumstances, but is not in itself impossible and is always worth a try', even 'when the power the Prince exercises is, by definition, unlimited, often without laws, and consequently capable of every violence.' Why is it worth a try? 'That the sovereign may be open to the truth, and that there was a site, a place, a location for truth-telling in the relationship with the sovereign is recognized by some authors like Plato.'[12] Yet, in *The Courage of Truth* another discourse undermines this optimistic one, and on the contrary affirms the impossibility of this 'common light'

9. Foucault, *The Government of Self and Others*, p. 66.
10. Ibid.
11. Foucault, *The Hermeneutics of the Subject*, p. 72.
12. Foucault, *The Courage of Truth*, pp. 62, 60, 59.

between the governors and the governed, in all political regimes – that is, not only in tyranny but also, which is perhaps even worse philosophically speaking, in democracy.

Foucault starts by bringing to light the essential link that ties, or should tie, *parrhesia* with democracy. What makes truth-telling possible between the rulers and the subjects is the institutionally established equality among citizens. This equality is dual: it has two names in Greek, *isonomia* and *isêgoria*. *Isonomia* is 'roughly, the equality of all before the law'. *Isegoria*, 'in the etymological sense of the term, is equality of speech, that is to say, the possibility for any individual, provided, of course, that he is part of the *demos*, to have access to speech'. 'What is the nature of the relationship of these two notions to democracy, and how are they distinguished with regard to the political use of speech?'[13] While they seem so difficult to distinguish, *isonomia* and *isêgoria* are different nevertheless. What is called 'politics' in Greece does not only refer to *politeia*, Foucault explains, that is, to the republic and its constitution, but also to *dunasteia*. 'The Greek word *dunasteia* designates power, the exercise of power.' In what sense?

> The problems of the *politeia* are problems of the constitution. I would say that the problems of *dunasteia* are problems of the political game, that is to say, problems of the formation, exercise, limitation, and also guarantee given to the ascendancy exercised by some citizens over others.[14]

Truth-telling requires a talent, and some are more talented than others when it comes to public speech. They have an ascendency, a superiority over others. The influent man possesses the keys to the political game. 'In the democratic game set up by the *politeia*, which gives everyone the right to speak, someone comes on the scene to exercise his ascendancy, which is the

13. Foucault, *The Government of Self and Other*, pp. 150–51.
14. Ibid., p. 158.

ascendancy he exercises in speech and in action.'[15] We see how *isegôria* is a form of equality that introduces inequality within the city. Those who possess the parresiastic skill at a high level are naturally meant to govern others. The issue then becomes that of the coexistence of equality and ascendency in democracy, of the equal coexistence between two equalities, *isonomia* and *isegôria*, or the equal coexistence between *politeia* and *dunasteia*, between *parrhesia* as the concern for justice and *parrhesia* as talent. Such a coexistence, such a balance, was reached only once in Greece. And this with Pericles. Foucault quotes from Thucydides, who praises Pericles as having been

> at the same time the single most influent man and yet not to have exercised his power through *parrhesia* in a tyrannical or monarchical way, but in a truly democratic manner. So that Pericles, all alone as he may be, being the most influential and not just one among a group of the most influential, is the model of this good functioning, of this good adjustment of *politeia/parrhesia*.[16]

Pericles was able to put his personal talent at the service of the general interest.

> After the death of Pericles, this balance is definitely destroyed. Athens will represent itself as a city in which the game of democracy and the game of *parrhesia*, of democracy and of truth-telling, do not manage to combine and suitably adjust to each other in a way which will enable this democracy to survive. This representation, this image of the bad adjustment of democracy and truth, of democracy and truth-telling, is found in a number of texts...[17]

Parrhesia, then, becomes flattery, demagogy, 'false truth-telling'. Not everyone has a right to speak, but anyone can say anything. One can see then how *parrhesia* is at the same time the condition of possibility and the condition of impossibility for democracy. 'It

15. Ibid., p. 175.
16. Ibid.
17. Ibid., p. 181.

introduces something completely different and irreducible to the egalitarian structure of democracy.'[18]

> And this is the second paradox: there is no democracy without true discourse, for without true discourse it would perish; but the death of true discourse, the possibility of its death or of its reduction to silence is inscribed in democracy. No true discourse without democracy, but true discourse introduces differences into democracy. No democracy without true discourse, but democracy threatens the very existence of true discourse. These are, I think, the two great paradoxes at the center of the relations between democracy and true discourse, at the center of the relations between *parrhesia* and *politeia*: a *dunasteia* indexed to true discourse and a *politeia* indexed to the exact and equal distribution of power.[19]

I am reaching here the turning point of my reading. I want to demonstrate that instead of describing only the crisis of democracy, Foucault analyses the crisis of government in general, the crisis of the *very concept* of government.

After positing the crisis of democracy, *The Courage of Truth* suddenly proceeds down a steep gradient, which precipitates the text from Plato to the Cynics, provoking at full speed a series of splits, of irreconcilable ruptures, precipitating Foucault towards an anarchist ending. *Parrhesia* first is split in two, then Plato, then and in the end the notion of self – and consequently of subjectivity. The concept of government, damaged by those splits, finally explodes. It does so in a strange way though. If most readers have not been sensitive to this explosion, it is because Foucault goes on calling government the explosion of government. Thus allowing us to think that he is just thematizing the passage from the corrupted political government to the ethical government of the self, to the philosophical withdrawal from the political scene. In reality, there is another message behind this misleading one. Such a withdrawal is not a depoliticization

18. Ibid., pp. 182, 184.
19. Ibid, p. 184.

but a transition, as I said, to 'the other politics', and the secret emergence of what I will call the non-governable.

Foucault starts examining Plato's well-known rejection of democracy in *Republic* VII and *Laws.* For Plato, he says, 'good government, a good *politeia*, must be founded on a true discourse, which will exclude democracy and demagogues.'[20] Nothing original in that. He shows how *parrhesia* is then broken in two.

> So you see the notion of *parrhesia* splitting. On one side it appears as the dangerous latitude given to everyone and anyone to say everything and anything. And then there is the good, courageous *parrhesia* of someone who nobly tells the truth, even when the truth is disagreeable, and this *parrhesia* is dangerous for the individual who employs it and there is no place for it in democracy. Either democracy makes room for *parrhesia*, in which case it can only be a freedom which is dangerous for the city, or *parrhesia* is a courageous attitude which consists in undertaking to tell the truth, in which case it has no place in democracy.[21]

Nothing really original there either.

From there, nevertheless, Plato himself is split, in a schizophrenic way almost. Facing the crisis of democracy and of *parrhesia*, the philosopher has only two possibilities. He can be the educator or counsellor of the prince and try to save *parrhesia*. Or, when this education and counselling are not possible and too dangerous, he has to accept being a dissenter. And in such a case, it is much more than just democracy that is challenged. What is at stake is the incompatibility between truth and 'the political game' in general. 'So, we can bid farewell to the political arena and its procedures', Foucault concludes.[22] But this, once again, is not an abandonment of politics but the announcement of 'the other politics' (*la politique autre*).

20. Foucault, *The Courage of Truth*, p. 46.
21. Ibid., p. 38.
22. Ibid., p. 135.

Plato's dialogue devoted to the first possibility is *Alcibiades*. The dialogue devoted to the second one is *Laches*. The incredible dissociation that Foucault introduces within the Platonic corpus is much more than a simple difference or distinction between integration and disruption, between *Alcibiades* and *Laches*. It prepares a split of the subject, a split of the self. A split between the self understood as soul and the self understood as life, *bios*.

'What is this self I must take care of in order to be able to take care of the others I must govern properly?', Foucault asks in *The Hermeneutics of the Subject*.[23] In *The Courage of Truth,* he affirms that the answer is not the same in *Alcibiades* and in *Laches*.[24] In *Alcibiades* the self is the soul. In *Laches* the self is life. This apparently thin difference, incomprehensible even – is not the soul the very principle of life? – opens a secret breach in Foucault's political thinking. He starts by thematizing the existence of a fundamental duplicity in Plato.

> It seems to me that in Plato, the relation between philosophy and monarchy, between being philosopher and being king, appears ... first in the form of a structural analogy, since, basically, the philosopher is someone who is able to establish a type of hierarchy and a type of power in his soul and in relation to himself which is of the same order, has the same form, the same structure as the power exercised in a monarchy by a monarch, if at least the latter is worthy of this name and his government really corresponds to the essence of monarchy.[25]

But there is another Plato.

Laches seems to have, Foucault says, a 'fairly similar starting point' to *Alcibiades*, to the extent that it raises the issue of 'training of young people', but in reality 'the dialogue follows a completely different line of development'. Why?

23. Foucault, *The Hermeneutics of the Subject*, p. 39.
24. Foucault, *The Courage of Truth*, pp. 157–76.
25. Ibid., p. 274.

> [T]he question of what exactly it is that one must take care of is never raised in the *Laches*. The theme is: we must take care of young people, teaching them to take care of themselves. But it is not said what this themselves that they must take care of is exactly. Or rather, it is not said, and yet it is. But precisely it is not said by designating the soul as the immortal reality to which one must turn one's attention and which must be the first and last objective of the care of self … the object one must take care of is not the soul, it is life (*bios*), that is to say the way of living. What constitutes the fundamental object of *epimeleia* is this modality, this practice of existence.
>
> When we compare *Laches* with *Alcibiades*, we have the starting point for two great lines of development of philosophical reflection and practice: on the one hand, philosophy as that which, by prompting and encouraging men to take care of themselves, leads them to the metaphysical reality of the soul, and, on the other, philosophy as a test of life, a test of existence, and the elaboration of a particular kind of form and modality of life. Of course, there is no incompatibility between these two themes of philosophy as test of life and philosophy as knowledge of the soul. However, although there is no incompatibility, and although in Plato, in particular, the two things are profoundly linked, I think nevertheless that we have here the starting point of two aspects, two profiles, as it were, of philosophical activity, of philosophical practice in the West. On the one hand, a philosophy whose dominant theme is knowledge of the soul and which from this knowledge produces an ontology of the self. And then, on the other hand, a philosophy as test of life, of *bios*, which is the ethical material and object of an art of oneself. These two major profiles of Platonic philosophy, of Greek philosophy, of Western philosophy, are fairly easily decipherable when we compare the dialogues of the *Laches* and the *Alcibiades* with each other.[26]

Laches is about the education of two young men whose fathers are political men who have been too busy to take care of them. Such a situation symbolizes the solitude of individuals who are abandoned by politics, and more exactly the incompatibility between *parrhesia* as justice and *parrhesia* as sophistry. In such a situation, the young man's self will have to find a way to fashion

26. Ibid., pp. 126–7.

itself outside the logic of commandment and obedience because the analogy with the prince's self, as it functions in *Alcibiades*, is broken. In *Laches*

> It is not a question of competence, it is not a question of technique, it is not a question of teachers, or of works. Of what is it a question? It is a question – and the text says this a bit further on – of the way in which one lives.[27]

Laches will have to confer a form to his life. Further, 'this theme of *bios* as object of care [seems] to me to be the starting point for a whole philosophical practice and activity, of which Cynicism is, of course, the first example.'[28] Then, rather abruptly, Foucault moves without transition from Plato to the Cynics. He shows how the Cynic is an incarnation of the truth, visible by all, a bodily manifestation of the truth. About him, Foucault writes: 'He has suffered, endured, and deprived himself so that the truth takes shape in his own life, as it were, in his own existence, his own body.'[29] What exactly is this difference between the soul and life, between Platonic Plato and Cynic Plato, between Alcibiades and Laches, between those two modes of government of the self that in the end destroy the concept of government? Anarchism is the answer.

In *Alcibiades*, the hierarchical structure of the soul is rooted in the process of auto-affection, defined as the soul's self-reflexivity. Foucault insists upon the fact that the soul, in Plato, has the capacity to mirror itself. This motif of mirroring is developed at length in *The Hermeneutics of the Subject*.

> If we want to know how the soul can know itself, since we know now that the soul must know itself, then we take the example of the eye. Under what conditions and how can the eye see itself? Well, when it sees the image of itself sent back to it by a mirror. However,

27. Ibid., p. 144.
28. Ibid., p. 128.
29. Ibid., p. 173.

> the mirror is not the only reflecting surface for an eye that wants to look at itself. After all, when someone's eye looks at itself in the eye of someone else, when an eye looks at itself in another eye absolutely similar to itself, what does it see in the other's eye? It sees itself. So, an identical nature is the condition for an individual to know what he is. The identical nature is, if you like, the reflecting surface in which the individual can recognize himself and know what he is.[30]

Plato insists that this self-mirroring is at the same time a mirroring in God. 'It is God, then, that we must look at: for whoever wishes to judge the quality of the soul, he is the best mirror of human things themselves, we can best see and know ourselves in him.'[31] The soul's gaze, then, has a double direction – horizontal and vertical; the soul, reflecting oneself, looks above itself. And this is a gesture of obedience, it is the supreme gesture of obedience, to look above.[32] By obeying the divine gaze, the soul is then in its turn able to command. It finds itself empowered. 'At this point the soul will be able to conduct itself properly, and being able to conduct itself properly it will be able to govern the city.'[33] The soul can now go back down to the political scene.

The economy of auto-affection and the logic of government as commandment and obedience are inseparable. And it would not be difficult to see that all definitions of government in Western philosophy and political theory rely in one way or another on the economy of auto-affection – that is, of a self-mirroring that is at once horizontal and vertical. The Cynic self, by contrast – and this is already virtually present in *Laches*; that is, in the other Plato – does not reflect itself, does not affect itself, which means that it does not command, that it does not obey, that it does not govern itself properly speaking. There are two halves in the

30. Foucault, *The Hermeneutics of the Subject*, p. 69.
31. Ibid., p. 70. The same analysis is repeated in *The Courage of Truth*, p. 147.
32. Foucault, *The Hermeneutics of the Subject*, p. 70.
33. Ibid., p. 71.

Cynic self, but they do not reflect each other, because one of them is a dog. First, the *kunikos*' life is a dog's life. It is a dog's life because, as Foucault says, 'it is indifferent'. 'It is indifferent to whatever may occur, is not attached to anything, is content with what it has, and has no needs other than those it can satisfy immediately.'[34]

The non-governable

There is no life without auto-affection, one may say. This is true. But one can cultivate an indifference to auto-affection, an animal relation to auto-affection, because the animal is of course auto-affected but does not care about it. For the animal soul: 'Animality is not a given; it is a duty.'[35] The human soul has to work in order to reach such a point of indifference through the specific technology of self at work here. 'There is a whole series of anecdotes on this: Diogenes observing how mice live, and Diogenes seeing a snail carrying its house on its back and deciding to live in the same way.' Further:

> Animality is an exercise. It is a task for oneself and at the same time a scandal for others.... The *bios philosophikos* as straight life is the human being's animality taken up as a challenge, practiced as an exercise, and thrown in the face of others as a scandal.[36]

Why is this *bios philosophikos* breaking with the logic of government? After all, the animal, and the dog in particular, can easily be forced to obey. One usually commands one's dog, gives order to her. So why is this logic of life different from the logic of the soul? Because if an animal can be forced to obey, if one can commands one's dog, this is not government, this is not power, this is already domination, even if one is kind to one's dog. An

34. Foucault, *The Courage of Truth*, p. 243.
35. Ibid., p. 265.
36. Ibid.

animal cannot be governed; it can only be dominated because it cannot resist. The animal is the prefiguration of what I call the non-governable.

The non-governable is not the ungovernable. The ungovernable is still contained in the logic of the government; it is its negation. The non-governable is radically alien to government. The ungovernable can be governed and it can be dominated. It can be governed because it can negotiate with the government and sometimes lead the government to modify its politics. It can also be dominated, imprisoned, oppressed, destroyed even. But the non-governable is that which can only be dominated; never governed.

Foucault describes domination as the freezing, the blocking, of power relationships. Power relationships suppose a mobility, a circularity between power and resistance. The logic of government is a relationship of power, and Foucault shows that all forms of government engender their specific forms of resistance. The non-governable on the contrary paralyses the circularity between power and resistance, because it paralyses, even in the utmost fragile way, the logic of government. The non-governable is not the disobedient; it is what is alien to obedience as well as to commandment.

Let's go back to the dog. 'There are different interpretations of why Diogenes was called "the dog".' 'First because the dog's life is shameless. Second because it is indifferent. Third, and this is surprising, because it is "diacritical".'[37] What does a dog's life have to do with critique and the distinction between the good and the bad? Does not this distinction suppose a capacity to reflect, and to determine the good and the bad as two possible governing principles?

37. Ibid., p. 243.

This is where Foucault analyses the ethical imperative of Cynism: 'change the value of the currency'. He explains that this change happens on the surface of the coin' it is a change of effigy, 'starting from a certain coin which carries a certain effigy ... with its true value.' Cynics don't change the metal; they change the effigy. The initial effigy on the coin is the soul; that is, the 'life that obeys the law'. We remember that the soul was reflecting itself horizontally and vertically in the divine mirror of God's eye. Which also means that the will accomplishes its true self in its afterlife. Now the dog is the new effigy on the coin. It represents what remains unreflected in auto-affection and reflexivity themselves, what does not appear in the mirror, which is the banality of life, the here and now, indifferent to eternity. And what suddenly appears with this change of effigy is precisely the discrepancy between the ideal life of the auto-affected soul, the soul as mirrored by the divine, and the everyday life of the philosopher that usually does not coincide with these beautiful principles. 'The true life is other than the life led by men in general and by philosophers in particular.' By changing the effigy, one reveals 'the lives of others to be no more than counterfeit, coin with no value'.[38]

What appears, then, on the coin is something invisible, which is a difference, the difference between principles and reality. It is a form of truth that cannot be easily manifested, because what form might it have? How is it possible to show a difference, to render it manifest? One way is to make it bark. The dog incarnates the impossibility for such a difference to reflect itself, to mirror itself, because when the soul mirrors itself it precisely does not see this difference. The dog incarnates this difference precisely because a dog makes no difference between a principle and its reality. It just lives its life. It is, then, necessary to break

38. Ibid., pp. 227, 247, 244.

the mirror to make life, just life, the simple fact of living appear through what is alien to the use of a mirror. When the Cynic tells the king that he, the Cynic, is the genuine king, he does not mean that he disobeys the king, but that he knows how to bark the difference between kingship and its own caricature. Foucault uses the term 'grimace'. The dog is the uncanny revelation of hypocrisy.

As I said, this animal effigy of life is the non-governable, which can only be dominated, which is repressed, punished, killed, because it remains impervious to commandment and obedience. Far from being identical with itself, Foucault's Greek subject is split, torn between the monarchic government of the soul and the anarchist organization of the non-governable life. The non-governable is the Cynic form of *parrhesia*, and the Cynic form of *parrresia* is a prefiguration of anarchism, not an ethics but *another* politics. Foucault himself multiplies the reference to anarchism.

> The aspect of bearing witness by one's life, of the scandal of the revolutionary life as the scandal of the truth was, roughly speaking, dominant much more in the movements of the mid-nineteenth century. Dostoyevsky should of course be studied, and with Dostoyevsky, Russian nihilism; and after Russian nihilism, European and American anarchism; and also the problem of terrorism and the way in which anarchism and terrorism, as practice of life taken to the point of dying for the truth (the bomb which kills the person who places it), appear as a sort of dramatic or frenzied taking the courage for the truth, which the Greeks and Greek philosophy laid down as one of the fundamental principles of the life of the truth, to its extreme consequence.[39]

We know that Foucault expressed many times his distance from anarchism. At the same time, in the last seminars he makes a new self emerge. And it is perhaps his own self. When

39. Ibid., p. 185.

parrhesia and the political game, or scene, are incompatible, when truth-telling has become pure demagogy, populism, post-truth or fake news, it is too late to try to educate the soul of the corrupted ruler. The philosopher has to change the value of his or her own currency, to the extent that his or her vision of the soul has something in common with the ruler's autocratic way of being, commandment and obedience. The answer to the abuse of democracy is the barking of anarchy.

9

Anarchism, philosophy and the state today: a conversation

CATHERINE MALABOU & ÉTIENNE BALIBAR

CATHERINE MALABOU The topic for this conversation derives from my recent book, *Au voleur! Anarchisme et philosophie* (*Thief! Anarchism and Philosophy*), which came out in January.[1] However, instead of a direct confrontation between the two of us, staged as a replay of the historical opposition between 'anarchism' and 'Marxism', it has been suggested that we develop our reflections around more specific points, with two main points proposed by each of us. My two points concern, first, the relationship between government and domination in the anarchist vision of politics; and, second, the meaning of the term 'hegemony' today, viewed from the perspective of a new anarchism.

My book sets out from the fact that although important philosophers of the twentieth century have developed a strong concept of anarchy in their work (there are six of them in the book: Schürmann, Levinas, Derrida, Foucault, Agamben and Rancière), none of them recognizes themself as an anarchist. Reciprocally, traditional anarchists refuse to regard themselves as philosophers. I decided to interrogate this double refusal: to explore the possibility of an explicit philosophical elaboration of

1. Catherine Malabou, *Au voleur! Anarchisme et philosophie*, Presses Universitaires de France, Paris, 2022; forthcoming in an English translation from Polity Press in 2023.

anarchism and consequently the possibility of a new anarchist philosophy. It is in this context that I take up anew the topic of the relationship between government and domination.

In the first chapter of the book, I propose a reading of Aristotle's *Politics* in which Aristotle brings to light what can be called the 'archic paradigm' in politics and philosophy. That is, he establishes the primacy of the *archē*, a term that means both beginning, or inception, and commandment. In politics, the archic paradigm is for Aristotle what links state sovereignty (*politeia*), to government (*politeuma*). Aristotle declares, in book III, chapter VI, that the two terms are synonymous. State sovereignty relies on equality between citizens, who have the right to participate in assemblies; and, as we know, a citizen for Aristotle is someone who is able to command and to obey in turn. It is the reciprocity and the circularity between commanding and obeying that define freedom and equality. All citizens can be in turn subjects and governors. The problem is that, at the same time, Aristotle declares that some citizens are more able and entitled to govern than others. This is where the famous 'virtue' of the 'good man' that allows him to command others is developed. Commentators see this contradiction between equality and hierarchy as an aporia. I think that this aporia is foundational. It breaks the anarchic and egalitarian vision of citizenship by introducing a dissymmetry between command and obedience.

Ordinarily, anarchism, in all its diversity, is seen as a critique of the state, but in reality it is a challenge to the link between the state and the government. Because the government is attached to the idea of a dissymmetry between those who govern and those who obey, those who are governed, it is seen by anarchists as synonymous with domination. Government is domination. As soon as the circularity between commanding and obeying is broken, then commanding can only be domination. Such is the

specificity of anarchism: the critique of political domination and not only of economic exploitation. This is the main difference from Marxism that anarchism has never given up: there is a specific problem of power.

For Proudhon, 'The form in which the earliest men thought of order within society was the patriarchal or hierarchical form, which is to say, in essence, authority and, in operation, government.' Presupposing the primacy of government as the principal way in which order might be conceived within society is what Proudhon refers to as 'the authority principle', or 'the governmental prejudice'. This principle of the *archē*, which, as Proudhon correctly suggests, both presupposes and privileges 'government as the *sine qua non* condition for order in society', has been absolutely foundational in the historical trajectory of Western political theory. Since its origins in Greek political thought, the terms of the political and the very possibility of politics have been haunted by this paradigm, which following Proudhon might be termed 'the crisis of the political' or that which assumes the primacy of 'archic' government as the transcendental condition of possibility and material reality of politics.

The non-governable is not the ungovernable

The anarchist critique of government aims at bringing to light what might be called the 'non-governable'. As I argue in my essay on Foucault's last seminars, 'The non-governable is not the ungovernable. The ungovernable is still contained in the logic of the government; it is its negation. The non-governable is radically alien to government. The ungovernable can be governed and it can be dominated. It can be governed because it can negotiate with the government and sometimes lead the government to modify its politics. It can also be dominated,

imprisoned, oppressed, destroyed even. But the non-governable is that which can only be dominated; never governed.'

Foucault describes domination as the freezing or the blocking of power relationships. Power relationships suppose a mobility, a circularity between power and resistance. The logic of government is a relationship of power and all forms of government engender their specific forms of resistance. The non-governable, on the contrary, paralyses the circularity between power and resistance; it resists, even in the most fragile way, the logic of government. The non-governable is not the disobedient; it is what is alien to obedience as well as to commandment.

No philosopher has ever really believed that living without being governed is possible. For this reason, none of them have perceived the importance of the non-governable. For me, it is the non-governable that is the crux of anarchist thinking. This is my philosophical version of what anarchists oppose to the idea of government. What is targeted by anarchism is thus less the state, as everybody thinks, than the link between state sovereignty and government.

ÉTIENNE BALIBAR Wow! Please transcribe this. Transcribe my exclamation! I am absolutely delighted to have this conversation with you.

The first remark I want to make concerns the way you end your book, speaking in the first person, with a beautiful assertion that you wish all those great philosophers had dared to make, but that they suppressed or refrained from making for reasons you explain: 'I am an anarchist.' Catherine Malabou is an anarchist, in a sense that needs to be explained. This puts me in an interesting and challenging situation. Do I myself have a name for the position that I will try to vindicate before you?

You cleverly suggested that because you speak as an anarchist, I will speak as a Marxist – reiterating the structure of some very

famous and extremely interesting confrontations which took place in the past: Marx versus Proudhon, and Bakunin versus Marx, of course, but also some later versions as well. And there are interesting mixed figures in this history too, who somehow tried to fish from both banks. I will not refuse to be considered a Marxist, or a post-Marxist, or a critical Marxist – whichever version you like – because this gives us a good and interesting starting point, this identification that you impose on me. But I will react to what you have said from two sides. On the one hand, there is the genealogy of the categories of the *archē*; on the other, there is the question of the necessity, or otherwise, of the state.

Regarding the categories of *archē*, its double meaning in Greek philosophy and its originary or intrinsic link with the whole metaphysical tradition, we can agree: this is the very term – perhaps with a few others, but it's certainly the central one – that demonstrates the intrinsic interconnection of metaphysics and politics; the impossibility of not thinking simultaneously on both sides. I absolutely agree with that. This is something that I always wanted to explain and you do it extremely well. I have some divergences from you in the precise reading of book 3 of Aristotle's *Politics*, but that doesn't matter here. It is the other fundamental question that is at stake today and has become very concrete: the idea of the state – whether it is seen as a necessary institution, without which we can't even live, which we absolutely need, or whether it is viewed critically. Now, this critique, with some interesting nuances, belongs to *both* the anarchist and the Marxist traditions, since for Marxism too the state is something that, in the long run or under certain conditions, would have to be dispensed with.

A certain Marxist tradition, best illustrated by Gramsci, proposes a strict equivalence between the idea of the state and the fact that there is this hierarchy. So if you have a difference

between those who govern and those who are governed, you already have the idea or the principle – the seeds – of a state. (I will leave aside the question of the law.) But what is interesting is that having adopted this broad equivalence, Gramsci immediately moves to the idea that there are very different ways of governing and obeying, which are not equivalent. There is a kind of Machiavellian distinction between the cunning and force of the state, on one side, and the search for consensus, on the other. This is where pedagogy has an enormous role to play. It's not the same to have a hierarchy based on education and consensus as to have a hierarchy of power relationship that is based on coercion. So not all state formations or state apparatuses are equivalent, from the point of view of either the kind of liberty or the degree of liberty that they make possible. Nor from the point of view of those who are at 'the bottom' of society, those who are governed. This introduces oppositions between different types of state. This is interesting for the situation in which we are now and particularly for the development of so-called neoliberal policies and neoliberal forms of the economy and of rule.

Foucault plays a very strange role in this history. I was always intrigued by the fact that Foucault introduced the category of governmentality and started discussing its modalities – pastoral power in its difference from disciplinary power – at the very moment of neoliberalism; and that the architects of the Washington Consensus used almost exactly the same terminology. In 1973 the Trilateral Commission published a famous report which forms the starting point for Grégoire Chamayou's recent (2018) book, *The Ungovernable Society*, which gives an account of the emergence in the early 1970s of this idea of the ungovernability of society. This is why I find it so interesting that you want to make this distinction between the ungovernable and the non-governable: because what Huntington and the others

say is that our society, democratic capitalist society, is becoming ungovernable, so we have to find new ways of governing society. And they coined the category 'governance'. Governance is the key instrument in the new ways of combining statist intervention and economic regulation in order to keep the capitalist society alive. So they are looking for a third way, I would say, which would make it possible to go beyond and digest for their own purposes the Gramscian alternative between governing through consensus and education and governing through force. So your intervention is a direct contribution to the reflection on some absolutely crucial contemporary stakes.

Democracy, radical equality and resistance

CM Thank you Étienne. That is beautiful. I would like to respond by making three points. First, I perfectly agree that there are different forms of link between the state and government. And of course there's a strong difference between a link based purely on coercion and one that would be more enlightened and would also rely on education. Nevertheless, I think that from the anarchist point of view this difference is not really convincing, because what is at stake is the status of democracy. And here I have to refer to Rancière, who shows that in its initial formation Greek democracy was not at all understood as a polity, as a regime, or as a form of government, but as a radical equality between citizens who were considered able to both command and obey. The choice of governors was made by lot. Rancière develops the idea of an essential relationship between the lot and democratic expression. Democracy would rely on the contingency of who governs and who is governed. Even if educated, even if pedagogically explained, there cannot be any title to govern, any nature of the good governor, any virtue, because *governing does not require any particular skill*.

Alternatively, there is democracy as a regime, democracy understood as representation, but for anarchists this is already a deformation of the initial democratic constitution of the *politeia*. Of course, I think that some governments are better than others, but fundamentally the relation of domination grounded on the difference between who obeys and who commands is inevitable in government, whatever the form.

The second thing I would like to say concerns Foucault. I agree with you about the proximity between the late Foucault and neoliberalism; it has been emphasized many times. But there's something else that is interesting in Foucault – and this is where he converges with some kind of anarchism – which is that 'resistance comes first'. Instead of developing a political philosophy starting with the question of what is a good government, what is a good state, we should start with who is resisting the state and the government. Foucault proposes that whenever there's a government, even if he calls that governmentality, there is immediate resistance. Perhaps this is the first political fact: that there is a resistance to the *archē*. It was by working on that type of resistance that he sees in Hobbes, first of all, but also in modern politics, that I ended up proposing the concept of the non-governable.

This is my third point: that the non-governable (rather than the ungovernable) is something radically alien to the government and hence the strongest basis for resistance.

The structural point in anarchism is to try to bring to light something that in politics has always been resisting. You cannot discipline it. You cannot negotiate with it. You cannot govern it. In that sense it goes much further than just disobedience or revolt or protest.

EB Catherine, I completely agree with you. I see it as an absolutely essential point to impose this distinction between the

non-governable and the ungovernable. But let me add something, if I may. The question of education, I believe, is central. It is the last point at which the distinction between the governing and the governor can remain apparently acceptable. Yet with the help of Rancière you completely reject the pedagogic relationship. The idea of the ignorant schoolmaster is a beautiful one, but it suppresses our very function. How can you and I keep teaching students if we don't, in one way or another, impose some sort of authority: the authority of the knowledge that we transmit, the authority of the experience that we have, and so on. Although, we might say, there is freedom only where this kind of relationship stops. That would be against Gramsci but with Spinoza. Spinoza refused to become a professor because, as he explained in a beautiful letter, 'I want neither to be taught by someone nor to teach anyone.' But these need not be fixed roles.

The textual reference which lies behind Aristotle's description of the ideal of citizenship as a constant substitution or alternation of roles between the governing and the governed can be retrieved through the intermediary of an extraordinary note at the beginning of Rousseau's *Discourse on the Origins of Inequality*. Rousseau says there that Herodotus tells the story of the three princes who competed for the succession of a dead ruler: three brothers, each of whom presents his programme, his electoral programme as it were. This is fascinating because it puts in the mouth of the enemy, the Persian, the Asian, the distinction between the three typical Greek political regimes. Each of the princes advocates one form of government or regime. There's one who says the good regime is monarchic because only one person can rule. Another says a good regime is aristocratic because it's the one in which the best, the good men, are entitled to rule. Then there's the third regime, which isn't called democracy of course, where nobody rules. This one is rejected, but the prince gives a fantastic definition when he says: *oute arkhein*

oute arkhesthai ethelô, 'I want neither to command nor to be commanded.' So this is the original anarchist in your sense, Catherine. It's a fantastic formula which keeps haunting the whole history of political philosophy. When Aristotle proposes his definition of democracy it's a direct replication of this. You avoid the aporia by explaining that it will not be the case that anyone wants either to command or to be commanded. Rather, they will rotate. Aristotle finds that solution, and you, in a sense, return to the origin.

Marxism and politics

EB My own first point concerns the Marxian or Marxist concept of politics. What would be specifically Marxist as an understanding of politics? As part of our philosophical tradition a first difficulty immediately arises. Are we speaking about a concept of the political, in a quasi-Schmittian manner? Or are we speaking of a concept of politics as an activity, a practice, whose agents or subjects are the members of a revolutionary party, the proletarians? I shall bracket this question, because I believe that the two are not really separable, in order to turn directly to the debate between Marx and Bakunin, which, as you know, occupied more or less the whole history of the so-called First International, the International Working Men's Association. Marx was becoming furious with Bakunin and his followers and he explained this in a letter by saying, effectively: 'I'm not against anarchism; I am the true anarchist. This guy is a fake anarchist. His anarchism is a joke.' Why? Because the essential objective of anarchism is the abolition or the suppression of the state as an institution. 'But the big difference between us is that while Bakunin continuously shouts about getting rid of the state, about deciding that we don't need the state, he's totally unaware', Marx says, 'of the fact that the state exists because certain social relations and material

conditions impose the inevitability of that institution. Therefore, what I argue myself is that you will get rid of the state if and only if you succeed in transforming these material conditions.' This essentially means: if you destroy the class relationship which is its basis.

Now, the more disturbing question is: did Marx ever succeed in devising, in theoretical and conceptual grounding, a concept of politics that would maintain the two aspects of this position: the conditions, on the one side, and the final goal, on the other? My answer is no. He never succeeded. He was continually oscillating between two types of antagonism. In the same year as his letter about Bakunin, in 1875, he wrote two sets of marginal notes on texts written by others, one of which became almost an official text in the socialist, later communist, movements: *Marginal Notes on the Gotha Programme*. There he attacks his fellow socialist Ferdinand Lassalle, who (posthumously) inspired the *Programme*, and says 'This guy is a statist. This guy believes in the absolute necessity of the state. He believes that the future Communist society is created by the state, particularly in the realm of education, but also through economic planning.' The Gotha Programme was almost a blueprint for the future Soviet regime. 'He doesn't understand that in such a regime there is no freedom and there is no communism. In the field of education, what is important is not that we're educated by the state. What is important is that we educate the state in a very strong manner.' At the very same moment, he wrote a series of notes on Bakunin's book *Statism and Anarchy*, and, contrary to the first, these were of course never 'officialized' by the Marxist parties. Neither the Social Democrats nor the Bolsheviks. So it remains buried in the *Complete Works*, in a place where nobody finds it. The critique is completely symmetrical. It is directed against Bakunin's political theology, the idea that the

state is a kind of secular transposition of divine sovereignty, whose first image is a religious one. In contrast, Marx explains that there is a kind of rationality in the functions of the state, linked to the existence of capitalism, which has nothing to do with the theological or the political sovereign. So on one side he doesn't want to be assimilated to a statist and on the other side he doesn't want to be assimilated to an anarchist. The consequence you could draw from there is to say something like: 'We must try and invent our emancipatory forms of politics or revolutionary programmes and forms of activity, but we cannot rely on anything in Marx. There's no model in Marx because Marx never found a third term.' The more I try to rescue Marx today, to redeem the old man, the more I tend to believe that this aporia, this weakness, can be reversed or transformed into something like a guiding thread or even a power, a form of capacity, a political capacity. Why? Because a revolutionary form of politics has to do inevitably with the existing state, the existing state machine, but it cannot just involve the use of the state or the reform of the state. It needs a completely heterogeneous element which I have no difficulties calling 'anarchist'. You can call it 'the common'; lots of people do that today. You can call it 'egalitarian'; that's very important. But the reality of revolutionary politics is not something that you can define as a single unified essence. Of necessity, it is a unity of opposites and therefore there's no rule. That's what I derive from Marx today.

CM I'm not so familiar with this aspect of Marx's thinking; thank you for mentioning it. My objection concerns the fact that the three possibilities that you outlined – statist, anti-statist, or a new form of anarchism – seem in each case to rely on the notion of material conditions for politics. For Marx, there is a difference between base structure and superstructure, and politics

remains superstructural: an expression or a mask of the material conditions. Contemporary anarchism challenges this idea of material conditions as a way to secondarize politics. So even if Marx revised his conception of the state several times, he never really challenged the idea that politics relies on these material conditions, and is just the 'reflection' of them. Economic exploitation privileges a specific class, a class endowed with an objective determination, to be the revolutionary class. Today, that is considered a form of essentialism. Post-Marxist thinkers like Laclau tried using Gramsci, precisely, to decentre this idea of material conditions to produce a post-foundationalist kind of Marxism. It implies, as you yourself suggested, to distinguish between the traditional concept of 'politics' and 'the political', that does not proceed from a base structure, but appears on the contrary as radically ungrounded. That directly evokes the Heideggerian ontological difference: the political would be the non-foundational definition of politics. Such a redefinition, Laclau affirms, would redeem Marxism from its obsession with the base structure. For me, it is yet another form of essentialism. It avoids essentializing the economic by essentializing the ontological. That's a new problem. So my question is: how is one to decentre Marxism in order to redeem a conception of Marxist politics or post-Marxist politics that would be freed from any kind of ground or *archē*, without repeating the Heideggerian distinction between being and beings?

EB I'm no more convinced than you by Laclau's solution. I'm trying in a different way to add another element to the discussion that allows us to avoid the obsession with Marx and his legacy. I will just say two things. First, concerning the Marxian distinction between the material base and the superstructure. Of course you're right. It cannot be denied. There are many well-known texts. The consequence of this essential dualism is

the location of the political and political activity itself, political practice, in the so-called superstructure. This is where Marx very frequently becomes extremely embarrassed by his own orthodoxy. Examine what he has to say about the role of the proletariat. It is not compatible with this dualism. That is another side of Marxism. One could invoke the *operaist* tradition in Italy. For them, the proletariat is the political agent that is not located in – that is not inhabiting – the superstructure, but is rather the base itself. That makes the proletariat a unique case in history. And there is something mystical, perhaps, in this belief that the proletariat does not do politics with the instruments of the superstructure but with a *capacity* of its own. You could almost use the beautiful Proudhonian formula (they do not disagree on this point) 'the capacity of the working class, which is rooted, developed and becoming conscious within the sphere of labour'. This allows us to adopt a critical Marxian point of view on the Marxist distinction of the base and the superstructure.

Second, Immanuel Wallerstein has argued that all three ideologies typical of the bourgeois era – liberalism, conservatism and socialism – follow the same path. They maintain that there is a distinction between the social and the political: the society, the material, on one side and the state, the political form, on the other. Then they explain that what makes history, what defines the course of history, is the transformation of society. Therefore the theoretical goal is not only a minimal state, but the elimination of the state: but first you need it as an instrument of change, after which, in a second moment, things become reversed. From each point of view, whether the Socialists who want to accelerate social transformation, the Liberals who want to regulate reform and moderate transformation, or the Conservatives who want to resist transformation, everybody calls for the intervention of the state. You realize that you need the state. So in fact this dilemma,

this riddle, is not proper to Marx; it's proper to all conceptions of politics in the modern era. Now, for a number of reasons, the hegemonic discourse is liberal discourse, so from this point of view Marx is a liberal and the Conservatives are also liberals. They all maintain that the state should be used as a pure instrument to transform or to influence society.

If you maintain that the proletariat is a unique collective agency, within the materiality of workplaces and the economic relations of exploitation, which acquires the capacity radically to transform the whole social formation, why must that always be for the same, metaphysical reason? The absolute negativity of the proletariat as a social force was seen to reside in the fact that they have nothing and for that reason have no illusions about the validity of the social order; they embody radical negativity. Nearly everybody, except perhaps some good old Marxist theoretician, has ceased to believe that the working class embodies a radical negativity. What is interesting is to see how, among our contemporaries, people who still more than ever would like to destroy the existing order of exploitation periodically look for substitutes. The racialized people from the South, or the exploited women of the South – that's perhaps the most interesting version today in, for example, a remarkable text written by the Argentinian feminist Veronica Gago and others.

So I totally accept that Marx was guilty of that metaphysical dualism of base and superstructure, but when you set it in motion it begins to work in the reverse direction. What I find conceptually interesting is the fact that in some radical discourses the logic of the aporia is once again returning.

A dawning new anarchism

CM The problem is that there are many groups today which argue that they are the exploited ones. There's a multiplicity

of demands and protests, and so the problem (and this is Laclau's problem in particular) is how to hegemonize all the different demands. There's no way in which we can unify them. So I don't think we can say that women of the South, for example, are taking the place of the proletariat today. This multiplicity – better, this intersectionality – sets up the problem differently. One reason I decided to work on anarchism was because of what I call the 'crisis of horizontality' that we're living through today. Our current epoch is characterized by a coexistence between a *de facto* anarchism and a dawning or awakening anarchism.

De facto anarchism is the reign of anarcho-capitalism, which is contemporaneous with the end of the welfare state, creating in citizens a feeling of abandonment – just think of the state of hospitals and healthcare today. My contention is that current capitalism is undertaking its anarchist or libertarian turn: a generalized 'Uber-ization' of life. Citizens know they can only count on themselves. They have to become managers of themselves in order to survive through the use of digitized platforms. Anarcho-capitalism makes them believe that this is freedom. Direct transactions, the possibility of renting out one's own apartment, or of escaping banking systems through new forms of private online exchanges, appear as emancipating ways of connecting, collaborating and mobilizing to the extent that they provide on-demand services for as many needs as possible and with light, flexible central structures. Are we not, however, witnessing the global hardening of political interventionism, inseparable from a new form of centralization of economic power, some will object? How can you speak of anarchism, even right-wing anarchism, at a time of increased political authoritarianism, of confiscation of wealth and profit by a handful of corporations and conglomerates? Certainly. And yet, when some political journalists jokingly declare that Donald

Trump is an anarchist, they are not playing on words but trying to circumscribe what the whole world feels is a major crisis: the hybrid combination of government violence and unlimited deregulation of life. Authoritarianism does not contradict the disappearance of the state; it is its messenger – the mask of this so-called 'collaborative' economy which, by bringing professionals and users into direct contact through technological platforms, pulverizes all fixity.

It was by discovering the world of crypto-monetary transactions and the circulation of non-national currencies that I became aware of this. Cryptocurrencies parasitize state currencies and compete with the usual monetary circuits of commercial and central banks. Bitcoin is an expression of extreme technological capitalism. It is obvious that while anarcho-capitalism aims at transparency and visibility, it also authorizes the large-scale but opaque use of data, the dark web, the fabrication of information, and new forms of oppression, exploitation and subordination. Now, what I call the dawning of an awakening anarchism pertains to the emergence of social movements, like those of the *gilets jaunes* in France, or, in a very different way, Black Lives Matter in the USA, which refuse to be domesticated by any form of party or union, and which form assemblies and self-managed structures of cooperation and mutual aid. Even if those movements do not always recognize themselves as anarchist, it is clear that they challenge the traditional structures of mass protest by resisting any form of centralization, hierarchy and overarching discipline.

The crisis of horizontality pertains to the fact that the two opposed tendencies in anarchism – anarcho-capitalism and revolutionary anarchism – are today walking on the same ground, sharing the same platforms. This returns us to the problem of hegemony on new ground.

Hegemony and the abandonment of the state

CM As you know, the word 'hegemony' comes from the Greek *hegemonia*, the clear denotation of which is a military–political hierarchy. Many Greek words deriving from the root *hêge* refer to leadership, guidance, governance and commandment – generally of one state over other states. *Hegemonia* also characterizes the exercise of government. More recently, in the field of International Relations, hegemony has been used to designate the ability of an actor to shape the international system. Hegemony is often assimilated with imperialism. Generally, hegemony always conveys the idea of domination. However, in *Hegemony and Socialist Strategy* (1985) – in my view one of the most important books of political philosophy in the late twentieth century – Laclau and Mouffe propose a transformed meaning of the term, after Gramsci's own re-elaboration of it, which they claim inverted its meaning. Instead of referring to domination, hegemony became for Gramsci also an instrument *against* domination. It started to designate a confluence of resisting forces involved in different political struggles, thus forming what Gramsci called a 'historical bloc'. If the Gramscian understanding of hegemony needs to be re-elaborated and adapted to the current political situation, it nevertheless remains, for Laclau and Mouffe, the only viable socialist strategy. Detached from the economic base to which it was still connected in Gramsci, hegemony is interpreted by them as a transient and continent leadership effected by a word or category able to 'hegemonize' the different struggles: what Laclau and Mouffe characterize as a 'floating signifier', with no stable meaning. I was very surprised to see that emptying the words of their referents was seen as a way to de-essentialize the referents themselves. So we should think of a hegemonizing of all these resisting forces into a kind of alliance.

My question for you, Étienne, first of all, is what do you think of this? This term has become so ambivalent, designating both domination and anti-domination. Do you make use of this term yourself?

EB Yes. There must exist somewhere a conversation that I had with Ernesto Laclau about this a long time ago – he was a dear friend, I mourned him very much – in which we agreed on certain points, including the importance of the question of political alliances between different emancipatory forces. The political problem becomes to articulate different forms of universal resistances as alternatives to domination. On this I completely agree. The point on which I had enormous disagreements was the floating signifier and as a consequence the discourse of so-called populist reason, on which Laclau wrote a very interesting book. His idea was that the more empty the signifier around which and through which these different forces can become associated – the less content it has – the more efficient it becomes. So use a discourse that is as empty as possible if you want a unity to emerge. That's not Gramsci. The inevitable consequence of that is that if the grounds for the unity are not in the programme or the discourse, then they will be in a leader, whether that is an organization or an individual. Laclau was always more or less a Peronist, and Mouffe went very far in that direction after him. I have a strong disagreement with them on that.

'Hegemony' is a word that has a history and a particular sense in the Marxist tradition. Christine Buci-Glucksmann wrote a book which is still an extremely valuable resource on this. She traced back the genealogy of Gramsci's use of hegemony to the Leninist use, back to the first moment in the Russian Revolution of 1905, when Lenin realized that the revolution could arise only as a consequence of the alliance of the proletariat with the peasants and other exploited classes. At that point the term

'hegemony' refers to leadership, the leadership of the proletariat (or the leadership of the proletarian party) over the other many groups which also have a real interest in banishing the existing regime, but which are not able to do so independently. They can do so only if they collectively form 'the people' – it's a very important category – gathered around the leadership exercised by the proletariat and, in practice, the party. But in Gramsci a shift takes place which takes us to the core of the issue. He certainly kept something of the idea of the broad alliance. Why? Because he was writing at a moment in which the Fascist party was rallying the peasants, the petty bourgeoisie and some of the intellectuals. So there was a competition between two forces, each of which was, in a sense, verbally speaking, revolutionary. But there is another element in Gramsci which is not part of the Leninist legacy at all, not even of the reflection on the competition between one hegemony and a counter-hegemony. This is that the problem is not only to resist. The problem is not only to destroy or abolish a certain regime of exploitation and domination. The problem is to construct or constitute an alternative society. So the idea of hegemony in Gramsci is linked to the idea that the revolutionary agent creates a new social order. The category 'order' is very useful here.

The anarchist will say that we are able to imagine and realize in practice now an alternative social fabric because the whole society could, one way or another, emerge from forms of self-government and self-organization that can be experienced and experimented with at the level of cooperatives, towns and so on. Today, this idea is becoming increasingly influential and people give us examples of what the Kurdish fighters tried in Rojava, what the Zapatistas are trying in Chiapas, and so forth. From there they extrapolate and say what works at the local level could work at the global level, provided you find the right forms of federation. The Gramscian objection to that is that

this is a circle. You suppose that the state is no longer there and you substitute the communes and the federations. That's a beautiful utopia, perhaps even in Foucault's sense a heterotopia: there is something that is already there. But it doesn't resolve the problems for which the we need a state, and if possible a democratic state (and the state is still here). So I insist on the idea that the concept of hegemony in Gramsci has not only strategic and tactical dimensions but also a constitutional aspect.

CM Thank you so much. That's really interesting, even if I think that federalism is not just a substitution, but that is another matter.

EB For my second point, let me take up what you had to say about the governmental abandonment of the state. I am not at all sure – and this is a mild formula – that this discourse describes the actual practices of contemporary capitalism. There are parts of the world which seem to be on the verge of becoming hegemonic, in your sense, or are nevertheless competing for that, where this discourse clearly does not apply. There is China. China seems to be at the cutting edge of capitalism today, perhaps already the most advanced and potentially hegemonic form. China is absolutely not talking about dispensing with the state and reducing the function of the state to nothing. The use of the state in the pandemic is an arch-illustration of that, but it's a general point. So I have doubts.

However, I completely agree with you that this discourse has an ideological function. Its ideological function is to legitimize the deconstruction, the dissolution and the destruction of the institutions of the welfare state – social security; plus, of course, every form of planning. The global environmental crisis, if it is taken seriously, which is not clear – we may fear that it will not

be taken seriously – would be another factor that challenges the idea that in capitalist societies planning is the arch-enemy. There is also another side of the state, of course, which there is absolutely no question of dismantling: the repressive side. It's an interesting contradiction that in order to dismantle welfare institutions or the social state (which previously served to recreate or reinforce the hegemony of the bourgeois as an indirect effect of class struggles) you need the state more than ever. That's where Wallerstein's thesis seems completely vindicated. The official objective is 'get rid of the state', but the practice is 'use state power and state institutions as much as you can in order to destroy the kind of institutions that you no longer need or want and to reinforce others'.

But what are the interests? What are the needs? What are the demands of those at the bottom? The exploited and dominated people. Do they call for the dissolution and minimization of the state? My answer is 'probably no'. Of course you might say that they are fooled by the dominant ideology, they live in voluntary servitude. But it's not as simple as that. If you look at the poor in American suburbs, mainly African Americans and other migrant groups, what they suffer from is the fact that America never really had a welfare state or a social state in the British, French or German sense. The catastrophe for them is not that there is too much state, it's that there is not enough of the state. In France these days, the crisis in the hospitals is abominable. We need to introduce a concept which is neither self-organization nor the commons, nor the state-hierarchical form of administration: the concept of 'public service'. It was in Britain in 1848 that the concept of public health was invented and introduced. What is public service? Is it just what, in a long line of Foucauldian accounts of disciplinary powers, makes it possible for the state to organize the biopolitical control of the population? Where

they live, how they move, what kind of drugs they take and so on. Or is it a notion suggesting that the state should serve the people? Interesting problems emerge where there is a conflict between these different explanations and tendencies. The field of public services can be more democratically organized, as it was to some extent during the AIDS crisis, at some point, when patients and doctors started creating their own institutional forms. These were places to express both needs and demands so that the state no longer had an absolute monopoly. On the other hand, not many people will accept the idea that the best way to handle a pandemic like the one we have is to get rid of the Ministry of Health. We need regulation, so this is a relationship of forces. There is power from above and there is a kind of power from below. Where they meet they clash, but in the end they must find some sort of passing compatibility. I don't think that the anarchist discourse is able to deal with this kind of institutional field.

CM Thank you, Étienne. Going back to this problem of anarcho-capitalism. I agree, of course, that if you take the example of China, what I said seems totally irresponsible because of the strength of the Chinese state. It may seem inaccurate to talk about anarcho-capitalism at a time of increased political authoritarianism, not only in China but everywhere. Yet at the same time, my question remains: what is the state? It seems to me that the tradition of thinkers of the state who came after Marx, as well as Marx himself, have all said that the state was always already on the way to its own disappearance. So is it really the state that we're talking about, even in China, or is it, once again, the government? The Chinese government is extremely repressive, but at the same time it is in China that the factories creating Bitcoin and other cryptocurrencies, which function on a horizontal basis, are spreading. Is not the repressive force

just a mask allowing these platforms to develop? Is the state not just a cover-up for oligarchies developing new capitalistic forms of development?

EB We can agree on that last point: yes, for sure. Let's end on that.

HELD ONLINE BETWEEN IRVINE CA AND PARIS, 12 APRIL 2022
EDITED BY PETER OSBORNE

Image credits

PREFACE

Ho Rui An, Poster from *Lining* (assisted readymade using publicity materials from the Canton 'China Import and Export Fair' of the 1970s). Installation view, *Future Generation Art Prize 2021*, Pinchuk Art Centre, Kyiv, 17 October 2021. Photograph: Peter Osborne.

AFTERLIVES OF THE TRANSCENDENTAL

Howard Caygill and Antonia Birnbaum, University of Paris–8, Saint-Denis, December 2021. Photograph: Peter Osborne.

UNIVERSALS & THEIR LIMITS

Conceptboat, River Lee Navigation, Hackney, May 2022. Photograph: Peter Osborne.

OTHERNESS, ANARCHISM & THE STATE

Take DADA Seriously!, photographs exhibited at Kurt Schwitters, *Merz Barn*, Ambleside, April 2022. Photograph: Peter Osborne.

Notes on contributors

ÉTIENNE BALIBAR is currently a Visiting Professor in the Centre for Research in Modern European Philosophy (CRMEP), Kingston University London, having previously held an Anniversary Chair in Modern European Philosophy at the Centre 2012–2021. Recent books in English include: *On Universals: Constructing and Deconstructing Communities* (trans. 2020), *Spinoza: The Transindividual* (trans. 2020) and *Citizen Subject: Foundations for Philosophical Anthropology* (trans. 2017). The first three volumes of his *Écrits* appeared 2020–2022 – 1: *Histoire interminable: D'un siècle l'autre*; 2: *Passions du concept: Épistemologie, theology et politique*; 3: *Cosmopolitique: Des fontières à espèce humaine*.

ANTONIA BIRNBAUM is Professor and Head of the Philosophy Department, University of Applied Arts Vienna, having previously taught for many years in the Department of Philosophy, University of Paris–8, Saint-Denis. Her books include: *Égalité radicale: Diviser Rancièr*e (2018), *Trajectoires obliques: Michel Foucault, Philippe Lacoue-Labarthe, Jean-Luc Nancy, Jacques Rancière* (2013) and *Bonheur Justice: Walter Benjamin* (2009). She is the co-translator of Adorno's *1958/9 Lectures on Aesthetics* into French (2020).

HOWARD CAYGILL is Professor of Modern European Philosophy in CRMEP, Kingston University London. His most recent books are *Force and Understanding: Philosophy and Resistance* (2020) and *Kafka: In Light of the Accident* (2017).

COOPER FRANCIS is a doctoral candidate in Modern European Philosophy in CRMEP, working on a thesis on the history and institutions of the person in recent French philosophy. He is the co-editor (with Thanos Zartaloudis) of Yan Thomas, *Legal Artifices: Ten Essays on Roman Law in the Present Tense*, trans. Anton Schütz and Chantal Schütz (2021).

MATT HARE is a doctoral candidate in Modern European Philosophy in CRMEP, working on a thesis on Jean Cavaillès and mathematical philosophy. During 2021–22 he was a visiting doctoral researcher at the Département de Philosophie et Histoire des Sciences (CNRS, SPHERE), Université Paris Cité.

MARIE LOUISE KROGH is University Lecturer in Continental Philosophy in the Institute of Philosophy, Leiden University. She was awarded her PhD in the CRMEP in 2021 with the thesis *Temporalities and Territories: The Geopolitical Imaginary of German Philosophies of History*. She is a founding member of the London Historiography of Philosophy Working Group and a member of the executive committee of the Danish Society for Marxist Studies.

CATHERINE MALABOU is currently Visiting Professor in the CRMEP, having worked full-time at the Centre 2011–21. She is a Professor of Comparative Literature in the School of Humanities at University of California, Irvine. Recent books include: *Au voleur! Anarchisme et philosophie* (2022), *Pleasure Erased: The Clitoris Unthought* (trans. 2022), *Morphing Intelligence: From IQ Measurements to Artificial Brains* (trans. 2019) and *Before Tomorrow: Epigenesis and Rationality* (trans. 2016).

PETER OSBORNE is Professor of Modern European Philosophy and Director of the CRMEP, Kingston University London. Recent books include: *Crisis as Form* (2022), *The Postconceptual Condition* (2018) and *Anywhere or Not at All: Philosophy of Contemporary Art* (2013).

Index

Adorno, Theodor 18–37
Agamben, Giorgio 75, 163
Alliez, Éric 72
Antelme, Robert 41, 43
Aquinas, Thomas 8, 10
Arendt, Hannah 3, 55
Aristotle 6, 7, 45, 54, 137, 140, 164, 167, 171, 172
Aron, Raymond 125
Aubenque, Pierre 137

Bachelard, Gaston 101
Bakunin, Mikhail 167, 172, 173
Balibar, Étienne xii, xiii, xv, 67, 73, 74, 75, 76, 77, 79, 83, 87, 128
Baudelaire, Charles 31
Benjamin, Walter ix–x
Benveniste, Émile 90, 91
Bernasconi, Robert 68
Birnbaum, Antonia xi
Blanchot, Maurice 41, 43
Bolk, Louis 46
Bolzano, Bernard 104, 105
Borne, Étienne 102
Brouwer, Luitzen Egbertus Jan 104
Brunschvicg, Léon 104, 114, 115, 116, 117, 124
Buci-Glucksmann, Christine 181

Canguilhem, Georges 50, 59, 101, 126, 129
Carnap, Rudolf 104
Cassin, Barbara 73
Castoriadis, Cornelius 80
Cavaillès, Jean xiv, 101–29
Caygill, Howard xi–xii
Chakrabarty, Dipesh 47
Chamayou, Grégoire 168
Chaplin, Charles 25, 27
Chen Kuan-Hsing 60, 61

d'Alembert, Jean Le Rond 115
Darwin, Charles 45, 46
Dedekind, Richard 109, 110, 111, 115
Deleuze, Gilles xi, 3, 4, 5, 6, 13, 16, 55

de Libera, Alain 73, 74
Derrida, Jacques 3, 45, 48, 52, 61, 62, 63, 75, 163
Descartes, René 133
Descola, Philippe 11, 12
Descombes, Vincent xiii, 74, 75, 76, 79–85, 87, 99
Duns Scotus, John xi, 3, 4, 6, 7, 8, 9, 10, 16, 17

Esposito, Roberto 75

Foucault, Michel 44, 73, 81, 88, 89, 146–62, 163, 168, 170
Francis, Cooper xii–xiii
Fréchet, Maurice 113, 127
Frege, Gottlob 104, 107

Gago, Veronica 177
Gödel, Kurt Friedrich 118
Goffman, Erving 44
Gonseth, Ferdinand 122, 123
Gould, Stephen Jay 46
Gramsci, Antonio 167, 171, 175, 182
Guattari, Félix 5, 6, 16

Halimi, Brice 119, 120
Hare, Matt xii
Hegel, G.W.F. 27, 35, 43, 104
Heidegger, Martin 3
Herodotus 171
Honneth, Axel 54
Hopkins, Gerard Manley 3, 7, 17
Horkheimer, Max 18–26, 28, 29, 30, 33
Husserl, Edmund 104

Kant, Immanuel xi, xiv, 10, 11, 13, 32, 35, 45, 64, 67, 68, 73, 78, 104, 105, 114, 116, 117
Klossowski, Pierre 5
Kohn, Eduardo 4, 13
Koyré, Alexandre 101
Krogh, Marie Louise xii–xiii

Lacan, Jacques 46
Laclau, Ernesto 175, 178, 180, 181
Lassalle, Ferdinand 173
Latour, Bruno 48, 75
Legendre, Pierre 88, 89, 98
Levi, Primo 44
Lévi-Strauss, Claude 11, 16
Levinas, Emmanuel 45, 163
Llewelyn, John 3, 7
Lukács, Georg 47

Macpherson, C.B. 93, 94
Malabou, Catherine xiv–xv
Marx, Karl 18, 19, 53, 61, 62, 63, 167, 172, 173, 174, 177
Marx Brothers 25, 27
Moten, Fred 66
Mouffe, Chantal 180, 181

Nancy, Jean-Luc 72

Pickstock, Catherine 3, 4, 6
Peirce, Charles Sanders 3
Plato xv, 89, 133–45, 152, 153, 154, 156, 157
Povinelli, Elizabeth 4
Proudhon, Pierre-Joseph 165, 167

Rabelais, François 36
Rancière, Jacques 163, 169, 171

Ricœur, Paul xv, 81, 133, 134, 139, 141, 142, 143
Rousseau, Jean-Jacques 171
Russell, Bertrand 107

Savigny, Friedrich Carl von 74, 79, 94, 97
Schürmann, Reiner 163
Spinoza, Baruch xiv, 103, 171
Spivak, Gayatri Chakravorty xii–xiii, 58–71
Stiegler, Bernard 51
Strathern, Marilyn 4

Tedros Adhanom Ghebreyesus 57
Thomas, Yan xiii, 72–100
Twain, Mark 25, 27

Villey, Michel 84, 92, 96
Viveiros de Castro, Eduardo xii, 4, 11–17, 48, 51

Wagner, Roy 4
Wallerstein, Immanuel 176, 184
Welles, Orson 25, 27
Wolter, Allan 9

Young, Robert 62

4

Étienne Balibar
Antonia Birnbaum
Howard Caygill
Cooper Francis
Matt Hare
Marie Louise Krogh
Catherine Malabou