Foucault, Freedom and Sovereignty

Sergei Prozorov

FOUCAULT, FREEDOM AND SOVEREIGNTY

To Marina and Denis

Foucault, Freedom and Sovereignty

SERGEI PROZOROV
Petrozavodsk State University, Russia

ASHGATE

Contents

Preface

This book was born out of a simple thought experiment. How can we define freedom? While political philosophy has offered us an impressive array of such definitions over millennia, it quickly becomes apparent that any positive definition of freedom demonstrates its own insufficiency at the very moment of its enunciation. The very act of predicating certain qualities and attributes to the subject of freedom logically invites the question of whether this subject must not retain the capacity to become free from these very qualities and attributes to remain genuinely free. As soon as we triumphantly conclude, on the basis of studious research or a spark of creative genius, that freedom is this or that, this very conclusion instantaneously calls forth the spectre of another freedom, a freedom *from* the very 'this or that' that we so arduously tried to posit as its essence. Perhaps, freedom is nothing but this spectre itself, which keeps rupturing our most rigorous definitions, ensuring that the question of freedom remains a philosophical problem that must prohibit its own solution. If political philosophy recurrently manages to awaken from the dogmatic slumber that it so keenly falls into, this is probably because the spectre of freedom continues to haunt its discourse, simultaneously marking its radical insufficiency and rendering impossible any attempt at its successful completion. Thus, to remain faithful to its own spectre, freedom must always be thought as both absolute and undefinable, *absolutely undefinable* in positive terms.

The same spectre of non-positive freedom arguably haunts contemporary world politics. On the one hand, the affirmation of freedom must characterise any politics, worthy of the name, to prevent its degeneration into technocratic administration. On the other hand, in contemporary politics freedom has become an incontestable and hence vacuous slogan, at best reducing freedom to its particular positive definition and at worst legitimising the very opposite of what it affirms. One of the motivations for this book is the sense of disappointment in the promise of liberation in the aftermath of the demise of Soviet socialism, which, we must recall, was itself advanced as a global project of emancipation. This disappointment has little to do with the widely perceived failure of whatever is meant by 'democratic reforms' in post-Soviet states, but rather results from the way the very affirmation of freedom by post-Soviet 'democratic' authorities has, from the outset, functioned as an instrument of political struggle and the intimidation of the opposition. The passion for freedom that animated anti-communist resistance all too quickly became appropriated as a positive foundation for the new regimes, once again summoning the spectre of freedom, this time as a freedom from the self-proclaimed 'free societies'. Perhaps, the experience of postcommunism demonstrates most starkly the impossibility of securing or guaranteeing freedom by designing a perfect political order, in which everyone's desire for freedom would be satisfied. This impossibility makes our thought experiment more than an amusing logical conundrum and redirects our thinking of freedom away from utopian visions and abstract speculations towards

what appears to be the most pressing political question: what are the possibilities of freedom that remain available to us irrespectively of the institutional structures of government that either claim to promote it or may be suspected of its suppression? In other words, is there a freedom that cannot be appropriated by any form of political order, however 'freedom-friendly', and thus remains irreducibly ours?

To answer this question affirmatively, this book undertakes a heterodox reading of Michel Foucault's political thought, claiming that it is precisely *because of* Foucault's famous scepticism towards all grand narratives of emancipation that his work is exemplary as an affirmation of freedom that goes beyond its attribution to a certain 'perfect order'. While Foucault has on countless occasions been criticised for rendering genuine emancipation impossible, this book argues that Foucault's historical ontologies of power, knowledge and ethics derive both their remarkable force and their intelligibility from the ontological affirmation of freedom that is utterly heterogeneous to any form of political order, any positive knowledge and any moral code. Through the reconstruction of what we shall call an austere ontology of freedom in Foucault's work, we shall reconsider the relation of Foucault's critical project to the proverbial figure of the 'sovereign subject', which functions as a favourite 'straw figure' in much of contemporary critical thought. Famously 'decentred' from its foundational position in modern metaphysics, this figure stages a comeback in this book, stopping short of reclaiming its central position but rather reasserting itself at the limit of every political order as a paradigm of the subject of freedom, a being that is irreducible to any positive identity but is rather always 'beside itself' with the desire to transgress the limits of this identity.

On the basis of this reaffirmation of sovereignty, this book engages critically with two of the most influential readings of Foucault in contemporary political thought. Contrary to conventional readings, we shall propose that Giorgio Agamben's seminal theses on sovereign power and 'bare life' do not imply a wholesale dispensation with sovereignty but rather its reappropriation by the subject of bare life itself in the confrontation with the positive rationalities of government. Secondly, in a critical reading of Michael Hardt and Antonio Negri's design for the global democratic project of the multitude, we argue that its fixation on sovereignty as a target of resistance paradoxically leads their project to the replication of the features of the very Empire it seeks to resist. Instead, proceeding from the Foucauldian critique of biopolitical rationalities of government, we shall offer an alternative pathway of resistance to contemporary global governance that consists in the refusal of the biopolitical investment of our existence and seeks to reduce all power to its purely formal structure of sovereignty. In this manner, practices of resistance do not lead to our empowerment as newly emancipated subjects, but rather to our symbolic destitution as subjects of the positive order that we inhabit, which simultaneously enhances our potentiality for being otherwise, which is the closest this book shall get to a 'definition' of freedom.

Finally, I dedicate this book to my family, Marina and Denis, with endless admiration of their love of freedom, which alone makes possible the freedom of love.

This page intentionally left blank

Introduction

Thinking Freedom Freely

'Freedom Fries': Beyond the Illusion of the Perfect Order

Speaking about freedom today is a strangely uneasy experience. On the one hand, is there anything more self-evident and less contestable that the human desire for freedom? We may endlessly debate on the form of political order that best satisfies this desire, discuss the relative advantages of 'negative' and 'positive' freedom, invent countless new definitions of freedom and even provocatively proclaim the lack or perversion of freedom in our own societies, but a discourse *against* freedom appears to us today to be manifestly impossible. Indeed, not a single political regime in the contemporary world posits itself as self-consciously 'unfree'. Even when the despotic nature of a political regime is obvious to any observer, it is inevitably disavowed rhetorically by the regime in question as an indicator of some mysterious 'true freedom', thus demonstrating that even as freedom may be denied in practice, it may never be rejected as a fundamental value of human existence. If there is a concept in political discourse that lacks any negative connotations, it must be freedom. On the other hand, this very incontestability of freedom contrasts starkly with the everyday experience of our lives, in which freedom is increasingly a vacuous term. In the post-Cold War period, the promise of global emancipation has been delivered to us in a strange form of the discourse of globalisation, which incites us to become free by modelling our lives on the universalised economic rationality. Rigorously specified in terms of entrepreneurship, competitiveness, efficiency and flexibility, our freedom begins to lose its purpose, becoming increasingly indistinct from its very opposite. In the political terrain, the triumph of liberal democracy after the demise of Soviet socialism rendered any alternative form of political order a priori illegitimate. The incontestability of their vision of freedom has thrown Western democracies into a complex choreography of aggressive intervention for 'advancing freedom's cause' (National Security Strategy of the USA 2006, 11) internationally and a retreat from this very cause domestically in order to 'protect' it from dangers of terrorism that result from its international promotion. When the subjects of resistance to Western interventionism are routinely referred to as 'enemies of freedom' (ibid., 2), it appears that the term has acquired a new, rather esoteric meaning that only the elect few can comprehend. In this case, we may be free without really knowing it or act as enemies to our own freedom when we think we are actually fighting for it.

The very incontestability of the value of freedom renders it inherently ambiguous, which opens an infinite range of possibilities for its abuse under the guise of a self-assumed 'responsibility to promote human freedom' (ibid., 10). Painfully obvious to those treated as 'enemies of freedom', this abuse is also increasingly evident to an ever wider audience, as is evidenced, for example, by global protests against

the Iraq war in 2003. Indeed, when a packaged set of constitutional reforms and market deregulation is presently delivered to target societies by means of military interventions or economic coercion under the guise of 'liberation', we know instinctively that something is seriously 'wrong' with this vision of freedom but have enormous conceptual difficulties in unravelling what exactly is wrong with it and how we might possibly remedy it. It is clear that the aggressive global promotion of Western liberal freedom is both violent in relation to recipient societies and has dangerous boomerang effects on Western 'free societies' themselves. However, we can only articulate this criticism in the form of an affirmation of freedom that, at least on the semantic surface, would be strictly synonymous with the pseudo-emancipatory discourses that we set out to criticise. A critique advanced in the name of freedom always risks being inaudible in the white noise of celebratory conceit, vacuous pledges and austere threats, all invoking the sanctity of freedom. When the National Security Strategy of the United States, which explicitly authorises the preventive deployment of military force against the 'enemies of freedom', refers to freedom and liberty more than a hundred times in its fifty pages, it becomes increasingly difficult to speak about freedom outside the context of its use as an instrument of authority. Perhaps, the best example of this abuse of the notion of freedom is the staggeringly asinine decision of certain American patriots to rename French fries 'freedom fries' in the light of the French opposition to the Iraq war. Besides exemplifying the authoritative appropriation of freedom to oneself in the very same act of denying it to others, whose very exercise of the freedom of opinion apparently renders them unworthy of it, this incident also points to the problem of the devaluation of the very notion of freedom in its deployment as a political slogan. It is as if our every affirmation of the desire for freedom is readily offered to be nourished by different versions of 'freedom fries', indigestible meals, in which hypocritical moralising is mixed with blatant deceit.

Should we then do the same with freedom as what Slavoj Zizek proposes we do with the similarly abused concept of democracy? ''Democracy' is more and more a false issue, a notion so discredited by its predominant use that, perhaps, one should take the risk of abandoning it to the enemy.' (Zizek 2004c) In fact, it would hardly be possible to practice a similar abandonment in relation to freedom, if only because the very belief in our capacity to abandon a formerly valued object of discourse presupposes a certain measure of our freedom from this discourse, a certain remainder of subjectivity that remains untainted by our 'social construction' as political subjects. Freedom is thus necessarily implicated in any act of negation of determined meanings, common sense and received wisdom, as the capacity for our self-determination. Thus, if we can discard fetishised notions, dismantle confining discourses and exit ideological structures, we can do this only on the basis of a simultaneous affirmation of our freedom, an affirmation that is still in search of its own discourse.

In our view, the reason why this search is so frustratingly difficult is the commitment of discourses on freedom to what we may term the *illusion of a perfect order*. Even if we agree that our contemporary 'free societies' are not particularly 'free' and that the ideal of freedom all too frequently functions as an instrument of domination, the critical project remains tied to the task of conjuring a vision of a

social order, in which freedom would be both established and guaranteed. In other words, any critique of a 'free society', in which we live, is expected to chart its own vision of a 'free society' that would function as a positive alternative to the object of criticism. If, for instance, we are convinced that the contemporary process of globalisation has little to do with freedom, we must take it upon ourselves to advance an alternative vision of globalisation, in which our desire for freedom would be satisfied. Any critique advanced in the name of freedom must then have as its ultimate outcome a design of a political *project*, whose implementation would enhance our freedom. As a minimal presupposition of almost every conventional discourse on freedom, the assumption of the perfect order nonetheless presupposes too much. Firstly, freedom is a priori linked to a form of order as the only possible locus for its practice and, moreover, becomes an *attribute* of that order. As a result, it becomes logically impossible to conceive of freedom *apart* from the form of order, so that, for instance, the question of the freedom of the subjects of a 'totalitarian' order may never even arise. Secondly, when it is linked to the form of order, freedom begins to be conceived as an abstract endowment, a constitutionally guaranteed right, rather than a concrete experience or a practice. This reduction effaces the possibility of problematising the very sense of 'unfreedom' that is widespread in formally 'free' regimes and, as the history of the twentieth century demonstrates, has frequently led to the demise of the 'formal' freedom itself. Moreover, the abstraction of the concept of freedom from its practice enables its infinite abuse, as it loses all reference to the concrete experiences of subjection and liberation and is rather inscribed in the structure of the political system and its rationalities of government. When we so insistently link freedom to the form of government, we need not be unpleasantly surprised when freedom begins to function as its instrument.

The tendency to reduce freedom to an epiphenomenon of the social order may be illustrated by two possible responses to a perception that there is all too little freedom in our 'free societies' and even less in our attempts to 'liberate' others. Firstly, faced with the increasing deployment of freedom as a form of legitimation for practices that have conspicuously little to do with it, we are led to pronounce this discourse on freedom as a mere sham and embark on a necessarily polemical road of articulating what a 'real' freedom might be in opposition to its perversion by (neo)liberalism, (neo)conservatism, (neo)colonialism or what not. This polemical strategy is best exemplified by the endless confrontation between liberalism and Marxism during most of the twentieth century, whereby both sides denigrated each other's visions of freedom as illusory or deceitful. Let us call it the *ideological* discourse on freedom. Alternatively, we might find refuge in various forms of the *multicultural* discourse and argue that while 'Western' freedom is indeed genuine in its original context of articulation, its violent imposition on 'other' cultures is illegitimate, as this form of freedom might be 'alien' to the existing cultural practices and therefore may only function in these societies as a subtle form of domination. Although both of these critical approaches are certainly plausible, they nonetheless obscure what we shall in this book call an *ontological* dimension of freedom, irreducible to the ontic structures of either ideology or culture.

The ideology-critical discourse unveils the hypocrisy at work in contemporary political stratagems, whereby the ideal of freedom is linked with the exercise of

power, but in its affirmative task of articulating an alternative 'genuine freedom' remains tied to the positivity of order, i.e. its ideological edifice. In other words, freedom necessarily functions in this discourse as an epiphenomenal attribute of a positive form of order. For example, if neoliberal freedom is held to be a sham because of the features of the neoliberal ideology, a possible 'socialist' freedom would presumably be genuine because of the features of the socialist order, in which it would be embedded. From the outset, freedom is transformed from an existential-ontological condition of human being to a 'master signifier' in an ideological edifice. From this point onwards, we may only inquire into how 'freedom' (preferably in quotation marks) functions to constitute a form of order as a nodal point of its ideological fantasy, but not into the question of what freedom is, or might be, in its separation from any ideological structure. Ideology critique is therefore accompanied by a certain (unwitting or well-meaning) cynicism, whereby there is a plethora of possibilities of deconstructing the ideological edifice but any possibility of a discourse on freedom that would be exterior to the ideological plane is foreclosed from the outset. A critical discourse on freedom becomes equivalent to the work of a detective, sniffing out hypocrisy, contradiction or deceit, with little possibility of reflection on what freedom might be in the absence of its perversions.

The multiculturalist path of criticism performs a similar gesture of reducing freedom to an epiphenomenon, but this time with regard to a cultural rather than a political order. To say that 'our' freedom is somehow inappropriate for 'them', whoever these 'we' and 'they' might be, is to displace the question of freedom from the level of human existence to the level of contingent cultural practices, which thereby begin to function as criteria, against which the suitability of 'freedom' might be measured. If this 'cultural relativism' is taken to its logical conclusion, freedom might begin to mean absolutely anything, as long as it is in conformity with the existing cultural structure of the social order, whose own origin and present operation might have little to do with freedom. While it is undoubtedly correct to contest the deeply paradoxical idea of 'liberating' a country through its military occupation or its subjection to a certain socioeconomic order, in whose design in has played no part, these avenues of criticism exhaust their productivity at the point when they unravel the hypocrisy of the imposition of freedom from the outside. Since a consistent 'cultural relativist' attitude precludes any discourse on freedom that would transcend the boundaries of a particular cultural community, we must, all too often against our will, endorse any particularist construction of freedom against external challenges. The revolt against universalism in the post-World War II political philosophy thereby risks degeneration into an anodyne 'identity politics' that quaintly finds liberation in one's confinement within the predicates of a particular identity.[1]

However, the problem lies not so much in particularism itself, but in the prior conceptualisation of freedom as an attribute of political order rather than as an ontological feature of the human condition. Once freedom becomes conceived in this manner, it is no longer a question of human freedom *in* a society, but rather a

---

1   This tendency is sharply criticised in the 'new universalism', characteristic of the works of e.g. Giorgio Agamben (1993b, 2000), Alain Badiou (2003) and Slavoj Zizek (2000, 2003).

question of a 'free society' or, in a Cold War ideologem that sadly never went away, a 'free world'. Yet, how can a society or a 'world' be free? What we observe here is a deleterious effect of abstraction, noted by Isaiah Berlin (2002) in his seminal critique of 'positive liberty'. Once we no longer view freedom as an irreducible condition of a concrete human being, who exists in a society and may be more or less antagonistically disposed towards it, all imaginable forms of majority tyranny, conformist pressure, intra-societal oppression, political witchhunts, ethnic cleansing and other abominations carried out by a 'free society' in the name of its freedom become possible. Any discourse on a 'free society' disavows a metonymic slippage involved in it – since society as a whole can never be a subject of action, its 'freedom' necessarily concerns the subject that claims to represent society at large, which in the context of modernity has largely been the nation-state. On the level of social order, freedom is always the freedom of authority, however the latter is constituted. Both ideological and multicultural arguments are therefore intrinsically capable of justifying state violence in the name of freedom, the former by denying any freedom outside the ideological terrain and the latter by linking freedom to the anterior rituals of a 'culture'.

This book arose out of a conviction that any discourse on freedom as an attribute of social order is both unproductive and ultimately dangerous, as it inevitably leads to the effacement of the concrete experience of freedom and its replacement with an abstract principle of political order. It is the unease about the reduction of freedom to a political project undertaken in its name that motivates our engagement with the political philosophy of Michel Foucault – a thinker whose work has had a singular importance in the political thought of the twentieth century in illuminating both the expropriation of freedom by governmental rationalities and the plenitude of possibilities of freedom that remain available to its subjects even in most adverse circumstances.

In contrast to the conventional questions of political theory, Foucault does not ask: 'Under what form of political order may freedom thrive?' Instead he dismisses this very question and the answers given to it as either conservative (when the answer to this question is any already existing order) or utopian (when the theorist draws a blueprint for a perfect order). Indeed, conservatism and utopianism are not as different as it is generally assumed, since the very utopia of establishing a perfect order, in which freedom would no longer be a 'problem', is fundamentally conservative in its assumption of the possibility of a political system that corresponds with the natural state of humanity. Once this utopia acquires its *topos* and becomes a political project, it is capable of enormous sacrifices of freedom precisely in the name of its acquisition in the 'bright future'. Simply put, any utopianism becomes conservative at the moment the utopian construction begins to be implemented. Instead of asking what form of order is most friendly to freedom, Foucault's approach raises the following question: 'Given the present conditions of subjection, what are the possibilities of freedom available to us?' This question presupposes that under *any* given social order the problem of freedom would remain, if only as a logically ever-present question of a freedom *from* this very order. The discourse on freedom is thus reoriented from creating a 'freedom-friendly' order to inquiring into the possibilities of practicing freedom in orders that are, in their own distinct ways,

all encroaching on it. As we shall argue below with regard to the insistent demands of Foucault's critics for him to articulate normative criteria in terms of which the 'liberal-democratic freedom' of late-modern Western societies is to be found wanting, what these demands obfuscate is the irreducible heterogeneity between the form of order and the concrete experience of freedom, which can never be subsumed under any set of normative criteria.

The reason for abandoning the problematic of perfect order is that this very mode of discourse invariably sacrifices the concrete experience of freedom by turning human existence into a *project*, even if it is a project of liberation. The twentieth century has offered manifest evidence of repression in the name of liberation and, judging by the present anti-terrorist campaigns both domestically and internationally, our century will provide more examples of this possibility. Foucault's thought on freedom is of singular importance precisely insofar as it targets what we shall call the *abduction of existence* in the name of its 'genuine' liberation within a positive order. Our notion of abduction should be rigorously distinguished from the concept of *repression* in the various versions of humanist essentialism that Foucault (1970, 1976, 1990a) was strongly critical of. Abduction does not take an antecedent subject and then destroy or deform its 'natural' free state. Instead, this notion designates a moment of capture, when the flux of human experience becomes arrested by the installation of a structure of authority, which sets limits to the infinite possibilities available to a human being and installs an economy of injunctions and prohibitions that fosters certain possibilities and proscribes others. In this book we shall follow Gilles Deleuze's (1988) influential account of Foucault's philosophy in terming this positive structure of authority a *diagram*. On the ontological level, the diagram is conceived as a plane of constitution of historically specific forms of truth, power and subjectivity – a *site* of what Foucault (1984b, 351) called historical ontology. In the more methodological sense, the diagram is the schematic description of this plane in its historically variable distribution of relations between power, knowledge and ethics that governs the formation of subjectivity. The diagram is therefore a general concept that unites the features of what Foucault, in different periods of his writing, referred to as *episteme* and *dispositif* (see Foucault 1970, 1990a. See also Deleuze 1988, 1992). For our purposes, the diagram designates a limited space of positive order, within which human existence is confined in an abducted state and transformed in accordance with the epistemic, political and ethical rationalities that define the diagram as a teleological or, rather, a *teleo-technological* project (cf. Dillon 1995, 332). The diagram is that ordered space, in which we live our lives as subjects in the positive sense, brought into a certain 'regime of truth', endowed with stable identities and determinate moral obligations. Foucault's central insight is that despite being a structure of authority the diagram is not a locus of transcendent negativity but, on the contrary, an immanent plane of positivity, of the plenitude of historically constituted forms of life. The diagram should therefore be conceived as a 'social factory', in which our positive identities are ceaselessly produced in accordance with specific governmental rationalities.

Thus, abduction as a capture of existence must also be distinguished from the notion of *abandonment*, central to Giorgio Agamben's account of sovereign power (1998) that we shall discuss at length in this book. For Agamben, the paradox of

sovereign power is that it fully applies itself only in not applying, in suspending its own application through an exception, in withdrawing from the life of its subjects. Yet, rather than being merely 'left alone' by sovereign power, its subjects are 'abandoned' by it, held in suspense before the unremitting force of law that no longer has any significance. In this sense, Agamben claims that the subjects of sovereign power are always included in its domain as already excluded or abandoned. This disconcerting image of individuals held in abandonment by a power indifferent to them belongs to the metaphysical paradigm of sovereignty, which Foucault has famously and, as we shall argue, a little too hurriedly, relegated to an outdated status. Instead, Foucault's writings present a plethora of gaudy and shocking examples of individuals, who, rather than being abandoned by power, are captured in its almost machine-like operations that actively seek to transform human existence in accordance with a certain governmental rationality.

While Agamben's sovereign seems to appear on the scene only to retreat from it, leaving its subjects in the perpetual apprehension of his presence-in-his-absence, Foucault's imagery of power relations presents to us a myriad of agencies of power, busily (re)forming their objects so that nothing in principle should remain untouched by the mechanisms of power. Quarantine operations during epidemics, the compilation of dossiers on delinquents, campaigns against children's masturbation, etc. – Foucault's writings create an impression of an endless vertigo of governmental activity of doctors, teachers, wardens, judges, social workers that might make one wish for Agamben's abandonment. The objects of a Foucauldian power are never abandoned but rather permanently abducted by myriad governmental agencies, simultaneously confined in the restricted domains of power and rendered productive in accordance with their rationalities. This form of power that Foucault has famously termed 'biopolitics' does not oscillate between killing and abandoning to a permanently insecure life; instead, in a formula that we find no less disconcerting, it *makes live* (cf. Foucault 1990a, 138). The crucial point here is that, contrary to some overly enthusiastic readings (Hardt and Negri 2000, 2004), biopolitical power does not foster, augment, extend and nurture 'life-as-such' (which, in its very 'as-suchness' should be able to do perfectly well without biopower) but only the forms of life that are in accordance with its specific rationality. Biopower makes one live the existence it has first captured and confined. In this manner, human existence is recast as a *project*, endowed with *identity*, subjected to *authority* and granted a teleological *destination*. As we shall discuss in detail below, Foucault's key insight is that while in this state of abduction individuals can be viewed and view themselves as free in the positive sense, this very positive freedom also functions as a subtle form of constraint, which forcefully prevents the actualisation of other pathways of freedom.

This insight is furthest away from a mere philosophical conundrum. Numerous empirical studies in the Foucauldian orientation in spheres as diverse as child psychology and international development assistance, have demonstrated how subjects are incited to renounce their actual mode of existence in the project of liberating their 'true' self, personal authenticity, deep-seated 'human nature',

'repressed' sexuality, 'higher conscience', etc.[2] The promise of 'true' freedom is revealed in these studies to be a central stratagem in the abduction of human subjects and their indoctrination into governmental rationalities that they are subsequently expected to sustain autonomously, as a matter of their freedom. This insight has important implications for any critical discourse on freedom, which can all too easily fall into the trap of pontificating on 'real freedom' and thereby join the club of biopolitical experts of liberation that it seeks to oppose. In order not to replicate this abductive gesture, the discourse on freedom must renounce from the outset the possibility of any determinate answer to the question of what freedom is and where it lies. As long as one gives a positive answer to the question of 'what must a free subject be (do, say, desire)', freedom is in peril. The discourse on freedom must thus necessarily take the form of circularities and tautologies: the form of practicing freedom must always be decided on freely. The closest we shall get to a definition of freedom in this book is a statement that freedom has the ontological status of *potentiality*. In a series of brilliant studies, Giorgio Agamben (1993b, 1998, 1999) has restored the concept of potentiality, crucial to the philosophy of antiquity but subsequently cast into oblivion, to the contemporary philosophical discourse. As we shall argue in detail in Chapter 3, potentiality may be distinguished from actuality only if it simultaneously designates the potential to be and the potential *not* to be, i.e. if it is also capable of its own *impotentiality* (Agamben 1999, 215, 243). Any potentiality is always a potentiality for both being and not being, which necessarily presupposes the permanent possibility to negate any positive specification of freedom. Thus, when in this study we approach freedom in terms of *potentiality for being otherwise*, we must, firstly, rigorously distinguish 'being otherwise' from an injunction to be 'something else' – to remain potential, potentiality must never respond to any injunction for its actualisation. To speak of 'being otherwise' is therefore not to advocate, let alone prescribe, transformation, but rather to accentuate the utter contingency of any positive identity, which is nothing other than an actualisation of one potentiality among others, which thereby retreat into the past as something that 'could have been'. Being what one is is therefore revealed as also irreducibly potential, as something that could have been otherwise. Secondly, we must always bear in mind that any 'potentiality for being' is, from Agamben's perspective, always simultaneously a 'potentiality for *not* being', so that the 'otherwise' in question refers not merely to any positive predicates of an identity, but to being itself as irreducibly potential. Thus, the definition of freedom acquires a greater complexity and may be summed up in the formula of 'the potentiality for (not) being (other than) what one is'.

This statement is evidently not a definition in a strict sense of the word, as it merely names, necessarily inadequately, the infinite space of possibilities, none of which is endowed with any positivity precisely in order to retain their potential character. A discourse on freedom is therefore doomed from the outset to be inadequate to its object, since its object is not any concrete practice unfolding in the open space of freedom but this openness itself, which can only be described against the background of positivities it surrounds. The objective of this book is therefore not to present a new

---

2   See Rose 1990; Brigg 2001; Rimke 2000; Triantafillou and Nielsen 2001; Marinetto 2003; Rankin 2001; Edwards 2002; Edwards et al. 2001; Salskov-Iversen 2000.

definition of freedom alongside other existing definitions but to attempt to reshape the discourse on freedom itself by elaborating an ontology of freedom that would permit, in Foucault's words (1977a, 36), a 'nonpositive affirmation' of freedom as irreducible to any form of order and enabling resistance to every determinate answer given to the question of freedom.

'I Revolt, Therefore We Are': The Universality of Political Freedom

The abandonment of the concern with designing a perfect political order, in which freedom would thrive, might create an impression that in our account freedom figures as an apolitical or even an anti-political concept, whose function is solely to assert the need for an inviolable space of privacy, in which the individual would be secure from the abduction by power. However, as we shall discuss below with reference to the work of Isaiah Berlin, the very establishment of such private spaces is necessarily a political activity that is never exterior to the existing rationalities of power. Any affirmation of freedom that is content with a mere defense of privacy is therefore not simply insufficient but rather misdirected from the outset, always functioning as an immanent legitimation of the existing form of the public/private distinction. The affirmation of the existential freedom of the individual has nothing to do with his or her retreat into the private life, protected by the demarcation of a zone of 'negative liberty'. While Foucault's interest in the ethics of care of the self and the aesthetics of existence (1990b, 1990c) has led many to believe that a Foucauldian freedom is exhausted by a valorisation of private creativity (Rorty 1992; Wolin 1994), we shall rather argue that a Foucauldian freedom consists in the confrontation with the social order that targets the very distinction between the public and the private, whereby one frees oneself from *both* the prescriptions of individual lifestyle and the conventions of social practice. The ontology of freedom must logically lead to abandoning the valorisation of the public/private distinction altogether (cf. Koselleck 1988): what is at stake is rather the affirmation of the irreducibility of human being to any social order and thus an irresolvable confrontation between humanity and authority. Insofar as this is a confrontation with the public authority (be it the state or 'civil society'), practices of freedom are necessarily public, but at the same time are necessarily motivated by individual concerns, private desires, intimate feelings, etc. The public and the private necessarily interpenetrate each other, since they are nothing but contingent modes of structuring human existence that may well be the *object* of practices of freedom but never their *foundation*.

Moreover, it is precisely the divorce of freedom from the discourse of the perfect order that renders freedom a political concept par excellence. Our focus on political freedom in this book is the very opposite of a reduction of freedom to the circumscribed domain of politics, be it defined in terms of the state, community, ideology or institutions. On the contrary, what renders freedom political is its a priori antagonistic nature with regard to every positive form of order. Never content with its confinement to the private realm, freedom always engages with order in its totality, transcending its internal demarcation of the public and the private. If we approach 'the political' as a name for the problem of constitution of order in the absence

of first principles (i.e. as a constitutive act of power that has no ground beyond itself)³, then freedom serves as a counterpart, or in Derridean terms, a *supplement* of the political, insofar as it consists in the deconstructive engagement with order that disrupts the hold of its foundational principles on the lives of the subjects governed by it. Moreover, as we shall discuss in detail in Part 2, such practices of freedom are intricately linked to the elementary act of the foundation of order, being nothing more than a subversive repetition, by individuals captured within a political order, of the sovereign act of the foundation of the latter. In terms of this parallel, political freedom refers to the problem of the constitution of the subject in the absence of any first principles that would govern this constitution. Simply put, political freedom consists in the confrontation with any circumscribed domain of politics in the name for the potentialities of existence that are curtailed by it. By the same token, we might speak of artistic freedom in terms of confrontation with the regime of 'what counts for art' or of sexual freedom as confronting the existing conventions regulating sexual behaviour. In this sense, when divorced from the normative question of the perfect order, freedom becomes political by contesting *whatever counts for politics* in any given situation. It would thus be entirely wrong to suggest that freedom is anti-political – on the contrary, what practices of freedom do is liberate the political from its confinement within sedimented and stratified forms of order that are in a strict sense made possible by a fundamental depoliticisation (see Ranciere 2001; Prozorov 2005).

If freedom is political in this sense, then it must logically precede any positive order of politics, which invites the question of its ontological status in relation to this positivity. This book will deal with this question extensively in an attempt to elaborate a Foucauldian ontology of freedom that posits freedom as both anterior and exterior to any form of positive order, functioning as its singularly paradoxical 'slippery foundation' that simultaneously makes possible both its establishment and its transgression. The task of this book is to liberate a concrete experience of freedom from the weight of abductive governmental projects through an engagement with Foucault's philosophy that asserts, *pace* innumerable critics, that Foucault's critical project unfolds on the basis of a certain ontology of freedom and is therefore affirmative (though in an idiosyncratic way) rather than purely negative or even nihilist (Fraser 1995; Walzer 1986).

Moreover, reconceptualising freedom as an ontological condition of human being rather than as an attribute of social order will introduce into a discourse on freedom a certain kind of universalism that is absent in both ideological and multiculturalist accounts, for which freedom is only meaningful as an internal attribute of a certain particularistic order. To speak of universalism in relation to Foucault's thought is certainly controversial, given the prevalent reading of Foucault as a radical pluralist in both synchronic and diachronic aspects, emphasising the irreducible particularism

---

3   This tradition of understanding the political descends from Carl Schmitt (1976, 1985a) and has been rearticulated in contemporary political philosophy in different ways by the post-Althusserian French political thought (e.g. Alain Badiou (2003) and Jacques Ranciere (1995)), the deconstructionist post-Marxism of Ernesto Laclau and Chantal Mouffe (1985) and the Lacanian Marxism of Slavoj Zizek (1999, 2003, 2004a).

of all forms of power, knowledge and ethics. However, the universalism we shall affirm is a necessary consequence of thinking freedom ontologically as a *potentiality for being otherwise* that is inherent in and available to all human beings. This element of universality should be distinguished from any distinction between individualism and communitarianism. Countless critics have charged Foucault with opting for a hyperbolically individualistic mode of practicing freedom that aesthetises one's own existence (Wolin 1994; Habermas 1985). While these charges have been convincingly dismissed by pointing both to textual evidence and Foucault's own political and social commitments (Bennett 1996; Simons 1995), the answer to the question of whether a Foucauldian freedom is a solely individual experience or lends itself to collective action requires the displacement of the very opposition between the collective and the individual.

It is certainly true that no collective 'project' could ever be inferred from a Foucauldian ontological affirmation of freedom, both because it opposes the reduction of existence to a normative project and because it must logically presuppose taking exception from any such project as the very substance of freedom. At the same time, Foucault's standpoint recalls Albert Camus's understanding of revolt as an *individual affirmation of common existence*: 'I revolt, therefore we are' (Camus 2006, part 1). For Camus, the act of revolt actualises the universal solidarity of human beings by manifesting, beyond the limits that it transgresses, the infinite possibilities of freedom that do not depend on one's particular identities, attributes or circumstances. In his discussion of the Iranian revolution of 1979, Foucault appears to echo Camus in asserting that revolt, although always arising out of particular circumstances of subjection or oppression, affirms nothing particular but rather the possibility available to us all: 'It is through revolt that subjectivity (not that of great men but of *whomever*) introduces itself into history and gives it the breath of life.' (Foucault cited in Bernauer 1990, 180) As a potentiality, freedom is not only available to *all* without any possibility for discrimination, but it is also available to all *equally*: in asserting one's freedom one is always already *wholly free*, irrespectively of the positive degree of autonomy that one thereby achieves. In such a sense, a practice of freedom functions as an affirmation of human universality and is therefore unthinkable in terms of a narcissistic individualism.

This is not to say that freedom cannot be abused by its deployment against the freedom of the other. Indeed, the possibility of abuse or perversion is inherent in the very notion of freedom as radically heterogeneous to any form of normative prescription. To be worthy of the name, freedom must necessarily presuppose the permanent risk of its own abrogation or, in Derrida's terms, of a 'radical evil' that would destroy freedom from within: '[w]ithout the possibility of radical evil, of perjury, and of absolute crime, there is no responsibility, no freedom, no decision.' (Derrida 1996, 219) We must therefore accept the infinite risk of freedom: if freedom is not to be viewed as an epiphenomenon of a particular order, we must presuppose the ever-present possibility of its abuse. 'Freedom is freedom for both good and evil.' (Agamben 1999, 183) Thus, a discourse on freedom must refuse the conventional blackmail gesture, whereby an act that most of us would consider outright evil is demonstrated to be manifestly free so that a moralising critic could ceaselessly pontificate about the inappropriateness of 'that sort of freedom'. This blackmail is

ironically less widespread in the domain of empirical politics than in political theory: the formal freedoms of contemporary liberal-democratic societies surely allow for infinite abuse that can never be adequately insured against other than through the installation of a dystopian police state. Yet, none of this appears to disqualify these actually existing freedoms on the grounds of the absence of adequate insurance against abuse – a charge regularly levelled against Foucault (Rorty 1992; Walzer 1986; Wolin 1994). Freedom in the sense of potentiality for being otherwise is an ontological condition of possibility of practices, whose effects are entirely contingent and may well consist in abrogating their own conditions of possibility in e.g. the assumption of 'voluntary servitude' or the negation of the freedom of the Other. However, taking this risk of infinite abuse is essential to any concept of freedom worthy of name, since the only alternative would be a restrictive specification of freedom in positive terms that would return us to the normative discourse on the perfect order. The abuse of freedom cannot be insured against precisely because of its universality that proscribes any endowment of freedom with rational or moral foundations and positive identitarian predicates. 'In the end, there is no explanation for the man who revolts. His action is necessarily a tearing that breaks the thread of history and its long chains of reasons.' (Foucault cited in Bernauer 1990, 175)

Yet, for all its universality freedom remains unthinkable as an attribute of any collective unity. Against the long tradition of the appropriation of the value of freedom by artificial unities, whether particularistic or quasi-universalist, our approach to freedom insists that freedom is the inalienable attribute of individuals, since 'individuals are the sole existents' (Caputo 2000, 190). As soon as we endow a collective unity with the existential attribute of freedom we open up an infinite possibility of the sacrifice of individuals in the name of the freedom of the community (society, nation, religion, culture or the 'international community') to protect itself from 'alien' elements, be they conceived in medical, criminal, theological or moral terms (cf. Dillon 1998; Prozorov 2007a). In this manner, 'freedom' becomes nothing more than a possibility of exercising power for the unencumbered execution of the governmental project, be it liberal or socialist, majoritarian or minoritarian, cosmopolitan or communitarian. Thus, the normative discourse on the perfect order adds nothing to our understanding of freedom but rather endangers the experience of the latter by the illusory attempt to establish an order of 'good life' where freedom as such would be unnecessary.

The affirmation of universality inherent in freedom has therefore little to do with the 'organic' image of social harmony at work in *both* cosmopolitanism and communitarianism: to be worthy of the name, freedom must presuppose one's exit from any form of community, local or global, the rupture of all social ties, the fragmentation of all unities. The universality that we speak of has nothing to do with the reduction of the individual experience of freedom to a cosmopolitan 'world community', which is explicitly or implicitly at work in the current discourses on cosmopolitan democracy (Held 1995; Habermas 2001. Cf. Calhoun 2003). The practice of freedom affirms that which is human in its subject beyond all positive determination and it is this 'bare' humanity rather than any cosmopolitan identity that is intrinsically shared equally by all human beings. From this perspective, equality

is neither anterior to freedom nor antagonistic to it, but rather functions as its *logical correlate*, the other side of the same coin.

Thus, a community, founded on freedom, may only be thinkable in terms of absolute equality and non-exclusivity, a community of human beings solely *qua* human beings in the absence of any identitarian predicates whatsoever. In other words, freedom is universal as a *concept* but not as a *practice*: however idiosyncratic one's affirmation of freedom might be, it must presuppose the freedom of others, *all* others that are *wholly* other, in this very affirmation. Conversely, however universal the experience of freedom might be, its practice only makes sense as an individual act in relation to oneself, whose form and content can never be stipulated in advance. What is universal is our capacity to transgress the limits that confine us, yet any such transgression must be a concrete transgression of *our* limits in order not to degenerate into a silly parroting of past experiences or the heroic acts of role models. None of this is meant to demote the possibility of collectivist practices of freedom but merely to emphasise that even in most tightly integrated groups the decision to adopt and continue to enact the group identity must be taken freely by individual members in order for such collectivist practices to be practices of freedom in any meaningful sense. This is the requirement that differentiates an underground party cell from a prison cell.

In other words, what we must emphasise as a precondition for our discourse on freedom is the logical impossibility of transferring freedom from actually existing individuals to any collective unity or form of order. On the one hand, no particular order can be founded on freedom, since the latter presupposes an ever-present possibility of exception from it, and, on the other hand, freedom can be practiced in any form of order, as nothing positive precludes it. The fact that our being is always being-with-others does nothing to prescribe the delegation of our freedom to the abstract entity that is ultimately composed of 'with' rather than of 'being'. We all are with others only as (and by) ourselves, never forming an entity endowed with being aside from the part of our existence that we devote to it. This is not equivalent to reductionism, as the relational structure of 'with' is certainly constitutive of our identity (and thus no community is ever merely a sum of its parts), but this constitutive character does not endow this structure with any attributes of the existent. Thus, as an existential attribute, freedom is logically inapplicable to any collective structure and may only concern its individual members, who in turn may be conditioned, to a greater or lesser extent, by this collective. Camus's dictum on the *necessarily individual* practice of a *necessarily universal* affirmation illuminates another possibility of linking freedom to the existential condition of being-with-others that avoids the crude anthropomorphisation of the preposition.

At the same time, this rejection of a 'collective freedom' must not be equated with an ontological individualism, particularly characteristic of liberal political philosophy. What is at stake is definitely not the approach to the individual as a self-enclosed and self-sufficient 'rational actor'. If anything, Foucault's nominalism is considerably more radical than that deployed in the liberal tradition: one need only recall his notion of 'sub-individuals' (Foucault 1980a, 208) as the vehicles of power relations. The Foucauldian critique of power relations, immanent to the social realm, does not stop, as liberalism does, at the individual as the 'last instance' of freedom,

its 'natural subject', but, as we shall discuss in detail below, penetrates the individual itself in the affirmation of the potentialities for being otherwise, an affirmation that necessarily splits the subject into an instituted *identity* and the force of *subjectivity*, manifested in resistance to it. This affirmation of 'being beside oneself' that we shall present as the defining feature of Foucault's ontology of freedom goes beyond the very opposition of individualism and collectivism, illuminating a domain of human existence that is common to us all and yet irreducibly our own. Ultimately, Foucault's philosophical ethos is an affirmation of being human beyond any known humanism. This ethos affirms the possibility of the *community of free beings*, whose possibility was first inaugurated by Nietzsche (2003), a community of 'whatever singularities' that have dispensed with all identitarian predicates and equally share their singular freedom in the sense of potentiality for being (other than) what they are (see Agamben 1993b; Nancy 1991; Derrida 1996). While both collectivism and individualism have historically been marked by the abduction of existence by the diagram of government, this community of freedom, whose contours lie almost entirely in the future, would be marked by the blissful absence of any project, to which human existence must be sacrificed. In the meantime, the task for today's political thought is the liberation of freedom from the unbearable weight of normative discourses that threaten to bury this experience for good.

On Being Foucauldian: The Freedom of Unfaithful Interpretation

Although this book engages in detail with Michel Foucault's thought on freedom, it is not an exercise in exegesis. It is not meant to say definitively what Foucault's conception of freedom is, but rather offers an example of what *a* Foucauldian conception of freedom might be. The difference at stake is that between excavation and construction – our point of departure is that, in an ironic confirmation of Foucault's critics, a full-fledged conception of political freedom is lacking in Foucault's work, which however only means that a Foucauldian conception might be *developed* on the basis of his textual corpus. The attribute 'Foucauldian' therefore refers to a source of intellectual inspiration and does not in any way function as an intimidating means of validation of the understanding of freedom that we propose. This study is therefore not an 'interpretation' of Foucault in the hermeneutic sense of interpretation that Foucault found so objectionable: 'If interpretation is a never-ending task, it is simply because there is nothing to interpret.' (Foucault in Dreyfus and Rabinow 1982, 107) Although an influential account of Foucault's work by Hubert Dreyfus and Paul Rabinow (1982) terms his approach 'interpretive analytics', it is not at all certain whether Foucault's studies in any way belong to the interpretive tradition of hermeneutics[4], either in its primary variant, concerned with recovering

4   In speaking of Foucault's 'anti-hermeneutical' attitude, we refer to exegetical 'depth' hermeneutics that presupposes, in John Caputo's (2000) phrase, the possibility of accessing through interpretive practice the Secret, the deep, hidden and more fundamental meaning. It is this type of hermeneutics that Foucault derides in his frequent criticisms of commentary (see e.g. Foucault 1976, xv–xix; 1981, 1984a, 1989, 118–26). However, despite the rejection of the exegetical attitude and the affirmation of 'no remainder to discourse' (Foucault 1976,

everyday meanings accessible to subjects, or the 'hermeneutics of suspicion' that posits the existence of deeper hidden meanings: 'I do not question discourses about their silently intended meanings, but about the fact and the conditions of their manifest appearance; not about the contents which they may conceal, but about the transformations which they have effected.' (Foucault 1991b, 60)

More generally, Foucault's hostility to interpretation is evident in his dismissal of 'commentary' with its presupposition of the excess of the signified over the signifier: 'commentary must say for the first time what had, nonetheless, already been said, and must tirelessly repeat what had, however, never been said.' (Foucault 1981, 58) Moreover, we ought not to forget that in Foucault's 'Order of Discourse' commentary figures as one of the schemes of the *rarefaction* of discourse that installs a hierarchical distinction between originary and transitory discourses, by virtue of which there is a possibility of the incessant proliferation of secondary discourse, which is nonetheless limited to the reactualisation of the contents of primary discourse (ibid., 57. Cf. Foucault 1984e). As a mode of rarefaction, interpretive commentary makes discourse simultaneously plethoric in its volume and impoverished in its content, inciting its subject to say less by speaking more.

It is certainly ironic that the work of a thinker so manifestly hostile to interpretation has given rise to a cottage industry of commentary and a vibrant if decidedly non-Foucauldian debate on 'who Foucault really was' and what he 'really meant'. It appears that Foucault's famous injunction 'do not ask me who I am and don't ask me to remain the same' (1989, 17) has all but gone unnoticed by countless commentators, whose frequently brilliant exegetical studies seem to do precisely that. Although we shall often rely on exegetical interpretations of Foucault's thought on freedom, our task in this book is heterogeneous to these readings. We do not pose the question of where Foucault stood on freedom or how the problematic of freedom fits into any of the conventional reconstructions of his project. For this reason, we shall permit ourselves to ignore some of the questions that preoccupy current debate in the industry of Foucault-commentary (e.g. the (dis)continuity of Foucault's oeuvre, the relation between historical and transcendental dimensions in Foucault's thought, the relative influence of Nietzsche, Heidegger or Bataille on Foucault's work, etc.). Instead, we shall rather follow Foucault's own pathway in attempting what we shall call *unfaithful interpretation*, which finds no value in deliberating what Foucault *really* meant, but rather seeks to 'deform [the thought of the author], make it groan and protest' (Foucault 1980c, 64). This entails that we take seriously Foucault's own characterisation of his 'theory' as a 'toolkit', intended for 'users' rather than an 'audience' (Foucault 1980b, 145), that self-consciously lacks the integrity of *oeuvre* but is rather composed of diverse problematics, loosely tied

---

xvii.), Foucault's work, particularly in its genealogical phase, may be read as a certain 'radical hermeneutics' or 'hermeneutics of refusal' (Caputo 1993, 2000) that denies the existence of the Secret, but is not thereby consigned to positivism, but rather 'opens a depth of negativity' (Caputo 1993, 257) and affirms what Caputo calls 'responsiveness to the abyss' that is disclosed in the place of the Secret. For Foucault's rejection of interpretive commentary see also Megill 1985, 222–26; Blanchot 1987; Flynn 1991; Veyne 1997; White 1994; Deleuze 1988.

together by a number of ontological and epistemological commitments. This book focuses on one such commitment, an ontological affirmation of freedom, and, on its basis, ventures to develop a vision of political freedom that would be adequate to our present. In this endeavour, traditional Foucauldian themes will certainly encounter strange bedfellows, most notably Carl Schmitt, that might cause many groans and protests amongst the more doctrinaire Foucauldians. At the same time, this mode of unfaithful interpretation is hardly a promiscuous idiosyncrasy on our part but is rather characteristic of some of the most outstanding and most controversial applications of Foucault's work in contemporary political philosophy. As we shall argue in the second part of this book, the accounts of biopower and biopolitics by Giorgio Agamben, Michael Hardt and Antonio Negri are exemplary in this respect, being thoroughly heterogeneous to Foucault's original articulation of these concepts, for better or worse. The point is that the question of whether this divergence is indeed 'for better or worse' should not be decided on the basis of the author(s)' fidelity to the 'original' but on its own terms and in its function in the contemporary discourse. If the purpose of the study of thought is not a mere consecration of the thinker, the groans and protests that this thought elicits in the process of its deformation might well be indications of its remaining alive and capable of being put to use.

The emphasis on infidelity also means that we approach Foucault's work not merely substantively as a set of histories or even a theory of historiography but rather, and more importantly, as an *experience*, which by now has acquired a relative independence from the contents of these works (see May 2005; Flynn 2005; Sharpe 2005). For instance, today's reader of the *Birth of the Clinic* (1976) is in all likelihood excited not by the detailed archaeology of the 19th century shift in medical perception, but rather by the experience of the reversal of familiar categories and the externalisation of the most interior. By the same token, Foucault's studies of the Ancient Greek aesthetics of existence (1990b, 1990c) arouse contemporary interest not only because of their strictly historical insights, but, more importantly, because of the possibility of a radically different ethical relationship to the self that they demonstrate. Reading Foucault today is arguably important not only for gaining historical or theoretical *knowledge* but primarily for grasping the singular experience of the movement of his *thought*.

In his outstanding study, James Bernauer has identified this movement in terms of its 'force of flight' (1990) from all forms of confinement of human existence, both literal and metaphorical. Bernauer distinguishes four forms of this force of flight in the historical development of Foucault's thought. The *cathartic* phase, culminating in *The Order of Things* (1970)*,* seeks to purge the anthropological conditions of possibility of the modern episteme, freeing thought from its commitment to the foundational figure of man. The force of *dissonant* thought, exemplified by *The Archaeology of Knowledge* (1989) seeks to make available to thought the experience of difference that is not subsumed under the unitary horizon of the Same. The *dissident* thought of Foucault's more explicitly political writings of the 1970s sought the liberate political criticism from the constraints of the 'juridico-discursive' metaphysics of power that from the outset confined all political criticism to the system it set out to criticise. Finally, the *ecstatic* thought of Foucault's late writings on ethics and aesthetics of existence attempted to purge the forms of relationship to the self prescribed in

modern ethics and thus to effect a certain 'dispossession' of the self, as opposed to the ideal of self-possession cultivated in manifold forms of humanism.

We may immediately observe that all these four dimensions connote a certain 'negativity without rest' (Bernauer 1990, 180), a preoccupation with exiting all regimes of confinement, or, in John Caputo's (2000, 255) brilliant formulation, 'twisting loose' from all historically constituted forms of life. Similarly, Jon Simons's (1995) study of the political significance of Foucault's work emphasises its underlying drive of transgressing, both 'theoretically' and 'practically', the limits that define our identity. The movement of Foucault's thought in all its phases is concerned with marking exit signs in spaces that were previously considered inescapable. Thus, the concern with freedom not merely defines the substance of Foucault's studies from *Madness and Civilisation* (1967), with its furious condemnation of the hypocrisies of the humanist 'liberation of the insane' that led to ever more intense forms of confinement, to *The Care of the Self* (1990c) that sought to illuminate the possibility of an ethical self-relation freed from epistemico-moral imperatives. In addition to these thematic concerns, the desire for freedom animates the movement of thought itself, whereby the very activity of thought becomes a practice of freedom, insofar as in its affirmation of the freedom of others it effects a cathartic purge of its own deep structures, liberates dissonance within itself, dissents from the rules and norms of political criticism and finally, in an ecstatic dispossession, unfaithfully frees itself from its own identity: 'Thought is freedom in relation to what one does.' (Foucault 1984c, 388) What is singular about Foucault's thought on freedom is that besides taking freedom as an object of thought, he makes thought itself the object of practices of freedom, *thinking freedom freely* rather than confining it once more within a certain epistemico-moral mode of thought by elaborating a 'theory of freedom'. To think freedom freely is to resist the temptation to fix its meaning and define the possibilities of its practice by locating it within a form of order, real or imaginary, practical or theoretical, possible or impossible. This entails abandoning the dangerous illusion of ever resolving this question, of ever having the last word on freedom, if only because freedom itself would be such a last word: 'The guarantee of freedom is freedom.' (Foucault quoted in Gordon 1991, 47)

It is this affirmation of the freedom of thought in the thought of freedom that seems to us be a singular feature of Foucault's philosophy that defines what being Foucauldian might mean today. Posing the question of the significance of 'Foucault Now', Todd May arrives at a similar conclusion, emphasising how Foucault's works invite our permanent return to them not because they must be 'deciphered, commented upon, researched, psychoanalysed, annotated, cited, and for those of us who teach, assigned to undergraduate students as part of a new, improved canon' (May 2006, 76. Cf. Fox 1998). Instead, May suggests that reading Foucault might be a form of 'spiritual exercise' that orients our way of living, showing us that, as Foucault has insisted, 'we are much freer than we feel' (Foucault 1988h, 10):

> We return to [Foucault's writings] not to discover whether the penal regime of torture ever overlapped with that of rehabilitation, but to recall the contingencies of our own history, and to remind ourselves – because we so often forget – that our history is indeed contingent. We return to his writings because he speaks to us, from out of our past – and

perhaps still, out of our present – of who we have been and who we are, and he does so in ways that allow us to imagine who we might become. We return to Foucault Now, and we will return to him in the future, because the freedom he sought in his life and freedom of which he gives us a glimpse in ours is, contrary to all those in power who would prefer that we do not know it, a set of possibilities that remain intact before us. Our task, the task that remains to us, is to live these possibilities. (May 2006, 76)

From this perspective, 'being Foucauldian' has more to do with the receptivity to this liberating experience of the movement of thought towards its own freedom than with the fidelity to particular concepts, postulates and hypotheses. If, as Trent Hamann (2006, 79) correctly claims, reading Foucault can be a 'life-changing experience', the consequence of this experience must surely be distinct from a pious conformity of a convert. Since the life-changing force of Foucault's work consists precisely in thought freeing itself from all that constrains it and ultimately from its own identity, being Foucauldian must also mean being unfaithful to Foucault, ruthlessly pushing his insights to the limit, probing their implications at most unfamiliar sites and ultimately playing these implications off against what may have been the original intentions of the author. Being Foucauldian necessarily entails deforming his thought-experience precisely in order to *repeat* it as a transformative and liberating experience adequate to our present. No commentary or exegesis will ever serve this purpose, as it will always remain stuck outside the 'labyrinth' of Foucault's thought, 'in which [it] can lose [itself] and appear at last to eyes that [it] will never have to meet again' (Foucault 1989, 17). Yet, it is possible to enter this labyrinth of thought that flees from itself once we give up the attempt to trace in the maze of its underground passages Foucault's 'true' identity. Fully aware that 'we are difference, [and] our selves the difference of masks' (Foucault 1989, 131), we shall make no attempt to attain the 'truth' of Foucault's thought by tracing our path along the many abandoned masks. Unfaithfully and freely, we shall make our own way through Foucault's labyrinth. This is therefore not a book about Foucault and his thought on freedom – it is a book about political freedom that in our view cannot be written without an engagement with Foucault's freedom of thought.

The first part of this book is devoted to the reconstitution of what we shall call an austere ontology of freedom that in our argument functions as a constitutive outside of Foucault's more familiar historical ontologies of truth, power and ethics. Chapter 1 addresses the answers to the question of a 'Foucauldian freedom' that are provided by three alternative perspectives. Firstly, both liberal political philosophy and the Habermasian critical theory view Foucault's work as thoroughly alien to the discourse on freedom as such. In this understanding, Foucault is primarily a dystopian theorist of literal and figurative confinement, disqualified from the discourse of freedom due to his evasion of transcendental normative foundations, which would enable a critique in the name of freedom. Secondly, the post-Foucauldian scholarship in governmentality conceives of freedom as an instrument of power relations in the liberal governmental rationality and thus as wholly immanent to the positivity of social order. Finally, the more philosophical orientation of the Foucauldian scholarship draws on Foucault's writings on aesthetics and transgression and affirms the centrality of freedom to Foucault's thought at the same time as it dispenses with

the need for its normative grounding. It is this concept of 'concrete freedom' that forms the basis of the argument of this book.

Chapter 2 undertakes a detailed reconstruction of the ontological status of 'concrete freedom'. We shall posit freedom as an existential condition of the living being that exceeds all governmental disposition and can therefore never be established or guaranteed by political institutions but rather functions as their permanent *excess*. In this sense, freedom is a quasi-transcendental concept that is primary to the 'historical ontologies' of positive regimes of truth, power and ethics that Foucault is most famous for. We shall then concretise this understanding of freedom through its contrast with Isaiah Berlin's well-known distinction between 'two concepts of liberty'. We shall argue that Berlin's notion of 'negative liberty' still belongs to the positivity of the liberal order and is therefore not 'properly negative', subject to the same dangers that are inherent in every notion of 'positive liberty'.

In our argument, the primary danger of every positive conception of freedom is its reduction to a certain identity, which in the Foucauldian axiomatic is always an effect of power relations. In order to illuminate how a 'properly negative' freedom may be possible, Chapter 3 undertakes a dissociation of Foucault's ontology of freedom from every form of 'identity politics' and the very concept of identity. Rather than guide the struggle of identities for recognition, Foucault's thought inspires a permanent 'twisting loose' from the confinement of identity and the affirmation of being 'beside oneself'. In other words, it resists all subsumption of human being under a positive form through the externalisation of every diagram from the life of its subject. The object of liberation is thus not one's identity but rather one's potentiality for being, which must always presuppose the possibility of both being and not being, of being both 'thus' and 'otherwise'.

The interlude between the two parts of the book lays the basis for the political reconstruction of concrete freedom in a reading of J.M. Coetzee's novel *The Life and Times of Michael K*. The figure of the main protagonist of the novel may be viewed as the hyperbolic epitome of a Foucauldian subject of freedom, an 'infamous man', who forfeits all benefits of a governmentally disposed 'good life' in an affirmation of his '*bare life*' as a free living being. While the notion of 'bare life' has entered the discourse of political philosophy with Agamben's disconcerting image of the concentration camp as the fundamental site of modern politics, the interpretation of Coetzee's novel from a Foucauldian perspective permits to articulate a different reading of 'bare life'. *Pace* Agamben, we approach 'bare life' not as the object of political power but as a subject of resistance to it, constituted by a refusal of all identification in the name of one's freedom as a living being. The figure of Michael K provides us with a paradigm of the free subject that serves as a heuristic point of departure for our reconstruction of freedom in terms of sovereignty over one's existence.

The second part of the book relocates the Foucauldian ontology of freedom to the political terrain in the reaffirmation of the presently discredited figure of the *sovereign subject*. Chapter 4 addresses the affinities between the political ontologies of Foucault and Carl Schmitt in terms of their *ontological extremism*, a metaphysical disposition that locates the conditions of possibility of order in the founding rupture of the exception. Against facile readings of Schmitt as an apologist of 'absolute

power', we approach Schmitt's concept of sovereignty as an act of constitutive transgression that is devoid of any positivity. The sovereign decision is a limit experience that cannot be subsumed under either the order that it displaces or the order that it institutes. Both the Schmittian sovereign and the Foucauldian subject of freedom are therefore 'borderline' or limit figures that are indispensable to the formation of the diagram and the loci of resistance to the positivities constituted in it. While the Schmittian sovereign is best defined as a transgressor in relation to itself, the transgressive subject of 'concrete freedom' may be viewed as sovereign over its own existence.

Chapter 5 specifies this notion of 'sovereignty over oneself' in the context of late-modern biopolitical government through a critical engagement with Agamben's reading of Foucault, which conflates sovereignty and biopolitics and ontologises this synthetic form of power as constitutive of the entire Occidental political tradition. In contrast, we shall argue that sovereign and biopolitical forms of power are thoroughly distinct in their paradigmatic structure and it is precisely their paradoxical combination that accounts for the violent excesses of modern politics. Given the contemporary predominance of biopolitical forms of power, whose object is not 'bare life' but rather the 'care of all the living', sovereignty becomes a rather inappropriate target of criticism and resistance. Instead, it appears timely to appreciate its own critical function in the context of global biopolitical governance, which displaces all transcendence in the utopia of a purely self-immanent and self-enclosed order. We shall therefore posit the *refusal of biopolitical care* that affirms the sovereign power of bare life as the appropriate strategy of resistance to contemporary global governance.

Chapter 6 elaborates the pathways of resistance to biopolitical governance by contrasting the Foucauldian assertion of the 'sovereign power of life' with Michael Hardt and Antonio Negri's influential conception of the democratic project of the 'multitude' in resistance to the biopower of 'Empire'. Despite the fact that Hardt and Negri's conceptual vocabulary is strongly indebted to Foucault's work, their understanding of biopolitics is entirely heterogeneous to Foucault's original conception. This divergence is owing to Hardt and Negri's immanentist ontology, in which there is no place for exteriority and transcendence – the key categories in Foucault's ontology of freedom. Moreover, this immanentism is concretised in orthodox Marxist terms, whereby the immanent realm of biopolitical production is a priori viewed as a site of freedom, so that all that is required for the 'emancipation' of the multitude is the resistance to the transcendent 'sovereignty of biopower'. As a result, Hardt and Negri's emancipatory project comes down to a demand for a 'biopolitics without sovereignty', which replicates rather than deconstructs the structure of the Empire. In contrast, a Foucauldian pathway of resistance may be summed up in terms of 'sovereignty without biopolitics', whereby all immanent forms of rule are externalised from human existence and thus reduced to the pure form of sovereignty as exterior and transcendent to the life of its subjects.

The concluding chapter addresses the implications of our reconstruction of sovereign freedom for contemporary social and political thought. We shall argue that a Foucauldian understanding of freedom contrasts starkly with the 'messianic' turn in continental philosophy, primarily associated with the later work of Jacques

Derrida. The paradigm of messianic thought is defined by the Derridean gesture of the perpetual *deferral* of the promise of freedom, democracy or justice, which always remains 'to come'. In contrast, Foucault's thought contains nothing messianic precisely by virtue of its ontology of freedom, in which freedom is and has always been present as the condition of possibility of every form of order. The liberating ecstatic experience of Foucault's thought does not open to us a horizon of a 'bright future', but rather less eminently, reveals to us the full extent of our 'voluntary servitude' in the past, demonstrating to us that we have actually been a lot less free than we might have been.

The ethical task of this affirmation of freedom consists in enhancing our awareness of our own implication in the governmental practices that we wish to condemn, of our own voluntary servitude to the forms of power that we often perceive as external constraints, of our own ceaseless involvement in the construction of diagrams that we dream of fleeing. Foucault's claim that we are 'much freer than we feel' is therefore the opposite of a complacent and self-gratifying sense of new-found liberation but rather an invitation to think our freedom freely by acknowledging our own implication in its abduction, even if the price of this acknowledgement is our thorough symbolic destitution as subjects of the diagram. This book will fulfil its purpose if it functions as an extended explanatory note to this invitation.

This page intentionally left blank

PART 1
Being Beside Itself:
An Austere Ontology of Freedom

This page intentionally left blank

Chapter 1

Unhappy Positivism: Is There a Foucauldian Freedom?

What is There to Liberate? The Liberal Critique of Foucault

To speak of a Foucauldian philosophy of freedom may appear controversial. After all, Foucault's work is frequently read as denying the very possibility of freedom, both empirically in its thesis on the 'carceral' society (1977b) and conceptually in its premonition of the 'death' of the very being called Man to whom freedom apparently refers (1970). Similarly, Foucault's *History of Sexuality* (1990a) convincingly derides the emancipatory discourses associated with 'sexual liberation' as complicit in the strategies of power they denounce and highlights the way in which 'liberation' functions as the seductive promise of the rationalities of government: 'The irony of this deployment [of sexuality] is in having us believe that our 'liberation' is in the balance.' (Foucault 1990a, 159) More generally, Foucault's philosophical approach is intensely critical with regard to the very assumptions that are conventionally held to be necessary for any meaningful vision of freedom, subverting both the essentialist conception of the subject and the teleological vision of the progressive emancipation of humanity. In the Foucauldian approach, the promise of freedom is therefore treated with a strong degree of suspicion – a gesture that conventional theories of freedom return to Foucauldian studies, frequently disqualifying them from the discourse on freedom as such. At best, the Foucauldian approach is accepted as a narrowly critical project, exposing the falsity of existing freedoms and designs for liberation, but incapable of advancing its own affirmation of freedom. Nonetheless, the argument of this book is that a 'certain kind' of freedom that requires neither a concept of the anterior subject nor a teleology of liberation is the central ontological presupposition of Foucault's philosophy that animates its unrelenting critique of the present state of our unfreedom. Prior to elaborating this notion of freedom in detail let us briefly consider three types of answers to the question of what (or whether there) is a 'Foucauldian freedom'. A detailed consideration of the industry of commentary on Foucault's work is both out of scope of this study and of no interest to us, as we merely seek to outline three broad and diverse groupings within this plethoric discourse. We shall begin with the liberal critique that entirely disqualifies Foucault from the discourse on freedom, consider the currently influential account of freedom in the Foucauldian studies of governmentality and conclude with the group of readings that highlight a more radical affirmation of freedom in Foucault's thought that will be our point of departure in this study.

The liberal commentary on Foucault's work denies the very existence or the possibility of a concept of freedom in his philosophical approach. A number of

eminent critics, including Jurgen Habermas (1995), Charles Taylor (1986), Michael Walzer (1986) and Richard Rorty (1992), read Foucault primarily as a theorist of confinement, both literal, as in the case of the disconcerting thesis of *Discipline and Punish* (1977b) on the ubiquity of the 'carceral archipelago' in the modern society, and figurative, as in the case of the dependence of human self-expression in language on the 'order of discourse' (1981). Irrespectively of whether Foucault's theses on confinement are viewed as legitimate, exaggerated or outright false, these authors deny the possibility of a Foucauldian affirmation of freedom that would not slip into a contradiction with his theses on the ubiquity of power relations. According to Paul Patton (1995, 1998), this genre of criticism proceeds from the postulation of a diametrical opposition between freedom and power, whereby the latter is always an infringement of the former and therefore the former can be achieved only through a 'liberation' from the latter. Foucault's conception of a productive rather than repressive power and his understanding of subjectivity as a construct of that power appear to make meaningless both the notions of 'repression' and 'liberation': if power does not repress, one can not liberate oneself from it. Yet, if liberation is disqualified, so, according to the critics, is the very notion of freedom, which must presuppose an anterior subject repressed by power in order to be intelligible at all (Taylor 1986, 90). 'Since the very concept of a self-constituting subjectivity is anathema to Foucault, the notion of human emancipation becomes nonsensical.' (Wolin 1994, 263) Foucault's anti-essentialism with regard to subjectivity and his radical constructivism with regard to power are thus held to disqualify Foucault from any discourse on freedom. From this perspective, his later writings on Ancient Greek techniques of self-fashioning and discussions of freedom in a number of interviews (see e.g. Foucault 1990b, 1990c, 1982, 1988a) are only accepted as implicit admissions of past misconceptions, a yet another discontinuity in Foucault's thought.

When Foucault's critics do notice the radical affirmation of freedom in his earlier texts (e.g. 1977a, 1977c, 1987), it is usually presented as restricted to the narrow domain of aesthetics and often disqualified on normative grounds as a dangerous and 'immoral' 'aesthetic decisionism', 'rhetorically inflated and drained of moral distinctions' (Walzer 1986, 53. See also Taylor 1986, 99; Megill 1985, chapter 6). Indeed, the lack of these 'distinctions', i.e. Foucault's persistent and consistent refusal to articulate a positive ethical programme, in the context of which power relations could be condemned and freedom affirmed, results in accusations of anarchism and nihilism:

> When Foucault is an anarchist, he is a moral as well as a political anarchist. For him morality and politics go together. […] To abolish power systems is to abolish both moral and scientific categories: away with them all! But what will be left? Foucault does not believe, as earlier anarchists did, that the free human subject is a *subject of certain sort, naturally good, warmly sociable, kind and loving*. Rather, there is for him no such thing as a free human subject, no natural man or woman. Men and women are always social creations, the products of codes and disciplines. And so Foucault's radical abolitionism, if it is serious, is not anarchist so much as *nihilist*. For, on his own arguments, either *there will be nothing left at all*, nothing visibly human; or new codes and disciplines will be produced, and Foucault gives us *no reason to expect that these will be any better* than the

ones we now live with. Nor, for that matter, does he give us *any way of knowing what 'better' might mean*. (Walzer 1986, 61. Emphasis added.)

We shall return to the question of Foucault's 'nihilism' in more detail below (see also Sawicki 1994, Veyne 1992, Critchley 1997). At this point, let us merely note that the 'exclusion' of Foucault from the discourse on freedom rests on his critics' *demand* for a number of presuppositions that are allegedly necessary to ground a meaningful concept of freedom. Firstly, freedom is held to be a necessary *property* of a self-actualising subject, ontologically prior to power relations and *for this reason* justified in his resistance to it. For liberal critics, the value of freedom is conditioned by a prior assertion of the conception of power as negative, restrictive or prohibitive with regard to the antecedent subject, who possesses a sufficient degree of positivity to articulate substantive principles, in the name of which power could be condemned and freedom affirmed. In other words, subjective identity, that Foucault considers an artefact of power relations, is, particularly in Charles Taylor's account (1986, 95–7), presented as an ontological precondition for freedom. In a good example of the incommensurability of different paradigms, Foucault is required to posit as a ground of freedom that which in his account is precisely antagonistic to freedom. By the same token, such critics as Taylor (1986), Walzer (1986) and Rorty (1992) accuse Foucault of the lack of any 'positive evaluation of a liberal state' (Walzer 1986, 62) as a guarantor of freedom, while it is precisely the forms of subjectivity installed by this type of state that have been the subject of Foucault's criticism.

Secondly, what is demanded of Foucault is a set of universal and normative (rather than particular and aesthetic) criteria, in terms of which the question of 'better' codes and disciplines could be posed. As Nancy Fraser (1995, 147) claims, 'what Foucault needs, and needs desperately, are normative criteria for distinguishing acceptable from unacceptable forms of power' (and consequently of resistance) to avoid slipping into the nihilist 'wholesale rejection of modernity'. As Foucault is taken to reject 'humanism', he is required to offer 'some alternative, posthumanist ethical paradigm capable of identifying objectionable features of a fully realised autonomous society' (Fraser 1994b, 185). In short, the only form a discourse on freedom can take is that of a *paradigmatic positivity,* an alternative to the present disciplinary and confessional society, and thus located on the same ontological plane. In this aspect of criticism, Foucault's critics resort to the discourse of the 'perfect order' that we have introduced above: Foucault's discourse on freedom is held to be incoherent or outright unintelligible, insofar as it resists the identification of freedom with a certain form of social order. What is at stake is not merely Foucault's lack of enthusiasm about the 'liberal state', which could always be ignored as a purely political divergence, but, far more seriously, the absence of 'positive evaluation' of *any* form of state as a necessary container for practices of freedom.

If Foucault's discourse were merely a reflection of his commitment to some positive alternative to liberalism (e.g. socialism or conservatism), the debate between Foucault and his critics might have at least unfolded on the same level of normative political philosophy and, however interminable and fruitless, would have a comforting familiarity as belonging to the century-old tradition of social criticism. Instead, Foucault's intervention in the discourse of political philosophy is so disconcerting

precisely because, rather than provide a new perspective on the already-existing field of inquiry, it sought to reshape this field itself, by thoroughly reorienting political thought in a number of ways: from the problematic of transcendent sovereignty to the analysis of immanent power relations, from the critique of 'repression' to the study of productivity of power, and, most importantly for our study, from the grand thematic of 'liberation' to the analysis of concrete practices of freedom. All these reorientations are, however, effaced in the demand of Foucault's critics to return to the prior conventions of the discourse on freedom in order to be admitted into this field – a disciplinary action, if there ever was one. In other words, the order of the discourse on freedom established by Foucault's liberal critics offers a highly limited choice of two enunciative modalities: a 'positive evaluation' of what is basically a liberal modality of freedom (with its assumptions of subjective anteriority and interiority) or the elaboration of a positive alternative to 'liberal humanism' (which, of course, could then be dismissed as normatively unacceptable).

A more nuanced version of this dualism is offered by Richard Rorty's deployment of the public/private distinction in order to present Foucault as confused between the roles of a 'public liberal' ('trying to achieve the same political consequences which a good humanitarian bourgeois liberal would wish to achieve') and a 'knight of autonomy', preoccupied with a private quest for self-fashioning that had nothing to do with other people (Rorty 1992, 330). 'I wish that Foucault had been more willing to separate his two roles – more willing to separate his moral identity as a citizen from his search for autonomy. [...] We should not try to find a societal counterpart to the desire for autonomy.' (Ibid., 331) In terms of Rorty's own intellectual autobiography, Foucault is held to have embarked on an impossible and dangerous project to 'reconcile Trotsky and the orchids' (Rorty 1999, 7), the 'public' vision of social justice and solidarity and the 'private' quest for the beauty of existence, which resulted in what Rorty refers to dismissively as 'quasi-anarchism' (Rorty 1992, 331). Of course, Rorty's own solution to this problem has been to abandon all attempts at such reconciliation of the universal and the idiosyncratic (as well as abandon Trotsky entirely) and rather posit a constitutive distinction between the liberal social order, which is held to deserve loyalty and valorisation, and private projects of self-fashioning, which this order protects without intervening in them (see Rorty 1999. Cf. Dooley 1999; Mouffe 2000a). For Rorty, then, Foucault's idiosyncratic private quest for freedom is in principle possible to *accommodate* within the liberal order as Rorty construes it: 'The point of a liberal society is not to invent or create anything, but simply to make it as easy as possible for people to achieve their widely different private ends without hurting each other.' (Rorty 1992, 331) Thus, in this version of a given set of alternatives in the discourse on freedom, a Foucauldian 'aesthetic decisionism' is allowed to flourish in the private realm on the condition that it is insulated from the 'liberal state' and the critique thereof. Whatever a 'Foucauldian freedom' might be, its locus is not in the domain of the political. In this manner, Rorty renders Foucault's affirmation of freedom to be epiphenomenal to the fundamental 'negative liberty', established by the 'liberal state', so that Foucault may then be accused of ignoring, or even seeking to dismantle, the conditions of possibility of the very practices that he advocates, which lie in the prior delimitation of the zone of private autonomy in liberal governmental practices.

Thus, the first answer to the question of a 'Foucauldian freedom' *disqualifies* Foucault from the discourse on freedom, or at least, as in Rorty's case, from the discourse on *political* freedom, on the grounds of his radically constructivist conception of power and his refusal to render freedom as an attribute of some form of social order. With regard to the question of freedom in the case of contemporary global liberal governance, this disqualification entails a highly restricted choice between the celebration of the liberation undergone by the governed in the process of their 'autonomisation' or 'empowerment' and, in the absence of such celebration, the demand to specify in positive terms the 'alternative' form of 'true' freedom. Thus, the liberation involved in the progress of contemporary neoliberal globalisation is either genuine (in which case the question of the loss of freedom need not arise) or a sham (in which case there is presupposed the option of a 'true' or 'deeper' liberation). The position of Foucault's liberal critics is therefore in principle incapable of grasping the stakes and the losses involved in the contemporary politics of the global promotion of a specifically liberal ideal of freedom. We must therefore go beyond liberal political philosophy in order to even pose the question that arises out of the concrete experiences of subjection, injustice and deprivation that accompany the triumphant march of neoliberal globalisation: 'How is it that there is so little liberty in liberalism?'

The Subject of the Diagram: Freedom in the Studies of Governmentality

The second type of answer to the question of a 'Foucauldian freedom' is given by the studies of governmentality that have become one of the most fruitful sites of the application of Foucault's thought. The project of an 'analytics of government' seeks to reconstitute ensembles of governmental practices in terms of the diagram of governmental rationality, an ordered space of political, epistemic and ethical instruments and effects of the disposition of human existence. From the perspective of governmentality the human being becomes both an object and a subject of knowledge and action by virtue of being enfolded into a particular diagram. This approach takes seriously Foucault's insistence on the productivity of power and, in a sharp contrast to conventional political philosophy, replaces 'eternal' questions of the foundations of freedom, the legitimacy of power and the right of resistance with concrete analyses of governmental productivity in its political, epistemic and ethical aspects. Thus, such authors as Mitchell Dean (1996a, 1999), Nikolas Rose (1990, 1996b), Barbara Cruikshank (1998, 1999) and Colin Gordon (1991) focus on freedom and autonomy as internal modalities of power relations within a governmental diagram, rather than extra-diagrammatic properties of the anterior subject. Freedom is therefore viewed as an immanent property of the diagram and consequently as a positivity whose content is historically variable, depending on the transformations of the diagrammatic structure. This approach has been particularly fruitful in the studies of liberal governmentality, whose programmatic rationality deploys freedom as both the end and the means of governmental practices.

The crucial contribution of the governmentality problematic is the rejection of the view of 'liberal society' proposed by Rorty: numerous empirical studies of

liberal government demonstrate precisely that a 'liberal society' (or, more concretely and correctly, a liberal diagram) *does* 'invent' and 'create' and, furthermore, that it creates particular kinds of subjective identity and prescribes particular 'practices of freedom'. In a crude summation, 'the [liberal] state is constituted by a promise: 'We will assist you to practice your freedom as long as you practice it our way.' (Dean 1998, 217) Contemporary analyses of neoliberal governmentality are particularly illuminating in their analysis of the linkage that this diagram establishes between freedom and the governmentally constructed pedagogical routines that specify the practice of freedom by providing authoritative templates for its 'proper' exercise: individuals are thereby 'bound into the language and evaluations of expertise at the very moment that they are assured of their freedom and autonomy' (Rose 1990, 203. See also Cruikshank 1999; Marinetto 2003; Brigg 2001).

This governmental activity of, in Ian Hacking's (2002) term, 'making up people' disturbs Rorty's version of the public/private distinction, in which the constitution of a plurality of idiosyncratic forms of subjectivity is relegated to the realm of individual existence, whose sanctity is guaranteed by the non-interfering state (cf. Weintraub 1997; Burchell 1991; Hindess 1996b). Instead, governmentality studies demonstrate the ways in which the 'private' quest for autonomy is increasingly mobilised by government for the achievement of its goals, whereby freedom paradoxically becomes a *duty*: 'The self is to be a subjective being, it is to aspire to autonomy, it is to strive for personal fulfilment in its earthly life, it is to interpret its reality and destiny as a matter of individual responsibility, it is to find meaning in existence by shaping its life through acts of choice.' (Rose 1996b, 151) The very desire for and enjoyment of freedom thus paradoxically become a governmental injunction. Slavoj Zizek (2006, 310) has phrased this injunction in terms of an ironic reversal of the Kantian ethical imperative: 'You must because you can!' Recast as a governmental 'grant' rather than a natural limit to government, the subject's freedom becomes an obligation, and, furthermore, an obligation to be *enjoyed* as a personal project of self-actualisation rather than simply a duty to be fulfilled. Moreover, the epistemic presupposition of a deeper, fundamental identity to be actualised in self-expression turns the practice of freedom into a hard labour of anxious self-scrutiny. One of titles of self-help manuals, cited by Nikolas Rose (1990, 242) in his brilliant study of the liberal government of subjectivity, urges the subject 'to be that self which one truly is'. It is at the moment of the presupposition of the existence of a 'true self' that is contrasted with one's 'empirical self' that the injunction to freedom becomes equivalent to the subjection to external expertise. The illumination of the possibility of 'mobilisation of freedom' for the purposes of government is the central contribution of the problematic of governmentality that allows a discourse on freedom to transcend the facile dualism between repression and emancipation.

The notion of freedom deployed by the studies of governmentality displaces the two demands of Foucault's liberal critics. Firstly, freedom is self-consciously posited as the *effect* of governmental practices and thus not anterior to power relations. 'Government increasingly impinges upon individuals in their very individuality, in their practical relations to themselves in the conduct of their lives; it concerns them at the very heart of themselves by making its rationality the condition of their active freedom.' (Burchell 1996, 30) However, as the analysts of governmentality

never fail to emphasise, the autonomy of the subject is not simply a sham, but the effect of an 'arduous, haphazard and contingent concatenation of problematisations, strategies of government and techniques of regulation' (Rose 1996a, 61. See also Lemke 2001).

Secondly, the self-conscious normative neutrality of these studies (see Rose and Miller 1995; O'Malley 1997; Dean 1999, chapter 1) entails the absence of any suggestions for an *alternative* diagram of governmentality. In the studies of governmentality, 'freedom' figures a positivity formed inside a liberal governmental diagram, which makes it an inappropriate locus of resistance to governmental practices but does not thereby make it a mere fiction (Rose 1996a, 61). Neither 'genuine' and 'authentic' nor merely 'hypocritical', the diagrammatic construct of freedom is a complex positivity formed in the order(ing) of the discourse of governmentality that excludes, rarefies and restricts the possibilities of its practice (see Foucault 1981). A multiplicity of alternative constructions of 'freedom' are possible within other diagrams that introduce a different regime of 'scarcity of affirmation' (ibid., 73). Yet, since 'freedom' remains an object internal to the diagram, it is logically impossible to adjudicate between these constructions, without fallaciously deploying a particular (e.g. liberal) modality of freedom as a universal normative criterion.

Nonetheless, the account of freedom offered by the studies of governmentality is not entirely satisfactory for two reasons. Firstly, as Mitchell Dean (2002a) has pointed out, the 'happy positivist', descriptive orientation of many studies of governmentality may make them (if only unwittingly) complacent about contemporary liberal 'governance through liberties'. While this descriptive neutrality may have initially contrasted favourably with the excessive 'revolutionary' and 'emancipatory' pathos of the post-World War II New Left, it has left governmentality studies with a rather anodyne image that has not gone unnoticed by its practitioners (see O'Malley 1997; Dean 2002a, 2002b; du Gay 2002; Hindess 2001). Indeed, if the governmental construction of autonomous subjectivity is 'all there is' to freedom, if freedom is cast as diagrammatic without remainder, then the critique of governmentality becomes rather hollow, similar to what Nancy Fraser (1994a, 12) described as the 'immanentist' style of Foucauldian critique: 'it offers no solutions of its own, but only an extremely keen nose for sniffing out hypocrisy, cant and self-deception.' In other words, if there is no remainder to the diagrammatic construct of autonomous subjectivity, there is little to criticise in any given diagram, other than its vacuous emancipatory pathos. Moreover, if the diagram in question itself displaces this pathos in an avowedly depoliticised and technocratic self-description, we end up with an uncanny paradox, whereby 'critical' analyses of governmentality replicate, word for word, the programmatic rationality of the diagram that they analyse.

Secondly, if no possibility for non-diagrammatic freedom is allowed for, the objections of Foucault's critics reappear with full force, though in a new light: what is it exactly that is 'wrong' with *any kind* of governmental subjectification *at all*? Why should not human beings be subjectified in terms of some positive project, if in this process they have nothing to lose and much to gain in terms of a stable and secure identity? The studies in governmentality are clearly marked by a critical orientation, unravelling the liberal discourses of freedom as a form of subjection, 'a subjection that is all the more profound because it appears to emanate from our

autonomous quest for ourselves, it appears as a matter of our freedom' (Rose in Cruikshank 1996, 235. See also Brigg 2001; Rankin 2001; Cooke and Kothari 2001; Bryant 2002). Yet, in order to fully appreciate the cruel ironies of the 'liberal liberation', we need to have at least some idea of how 'our autonomous quest for ourselves' might end differently, some notion of a freedom that is not simultaneously its own antonym. If freedom were simply a historically contingent attribute of various diagrams of social order, then there would be no possibility to advocate resistance to governmentality in the name of freedom, since every diagram would operate with its own construction of freedom, between which one could not adjudicate. What appears lacking in the studies of governmentality is a conception of freedom that would be heterogeneous to the deployment of freedom as an instrument of *any* kind of governmental rationality.

The analytics of government must therefore move beyond the strictly diagnostic dimension towards a properly critical dimension that need not be normative-foundationalist but rather, in Foucault's words, must pose 'a challenge directed to what is' (Foucault 1991c, 84). The critical project of the problematic of governmentality depends on its responding to the question of 'what is lost in the governmental subjectification?' without invoking the decidedly un-Foucauldian assumptions about the essential subject and universal normative principles. In other words, the task is to offer a notion of freedom that is non-diagrammatic and hence irreducible to a positivity and impossible to phrase in the language of 'alternatives'. On the other hand, this notion of freedom must be divorced from any notion of authentic subjectivity that precedes governmental practices. To sum up, the critical purchase of the studies of governmentality depends on their contribution to what Foucault (1984f, 46) called the 'undefined work of freedom', i.e. the affirmation of freedom that resists the impulse for its specification. It is already clear that what is at stake in this affirmation is an understanding of freedom that has very little to do with liberalism.

Concrete Freedom: The Resistance of a Living Being

The third response to the question of a Foucauldian freedom, drawing primarily on Foucault's writings on art, transgression and 'aesthetics of existence', attempts precisely this task of dissociating freedom from the positivity of the diagram. Such authors as Gilles Deleuze (1988), James Bernauer (1990), Jon Simons (1995), John Rajchman (1985), Paul Patton (1995) and Thomas Dumm (1996) argue not merely for the possibility of a Foucauldian discourse on freedom, but for the *centrality* of freedom to Foucault's historical ontology. Rajchman distinguishes between two notions of freedom at work in Foucault's discourse. Foucault's nominalist histories of e.g. madness, medicine or sexuality disentangle the processes of formation of what Rajchman refers to as 'nominal' freedoms that in our terminology are discursively constituted, positive properties of a diagrammatically specified identity. According to Rajchman, exposing the constituted character of such freedoms serves to enhance one's 'real freedom', which is understood as a practice rather than a final state, a practice that consists in one's 'revolt' against the instituted identity.

For every instituted conception of freedom we apply a nominalist reversal and attempt to determine the larger practice within which it figures; that practice is then what involves our 'real' freedom, something asocial, which cannot be instituted or guaranteed. Thus our real freedom does not consist either in our telling true stories and finding our place within some tradition or ethical code, in completely determining our actions in accordance with universal principles or in accepting our limitations in authentic self-relation. [...] Our real freedom is found in dissolving or changing the polities that embody our nature, and as such it is asocial or anarchical. No society or polity could be based on it, since it lies precisely in the possibility of constant change. Our real freedom is thus political, though it is never finalisable, legislatable or rooted in our nature. (Rajchman 1985, 122–23)

In this approach, a 'real' freedom or, in Foucault's own (and arguably less contentious) expression, 'concrete freedom' (Foucault 1988b, 36) is characterised by the following features. Firstly, and recalling Rorty's idea of a 'private' quest for autonomy, this freedom is 'asocial' and 'anarchical', irreducible to any social order but rather implicated in every project of its transformation. It is thus clear why it is impossible to satisfy the demand of Foucault's critics for a positive alternative to a liberal diagram of freedom. Whatever such alternative could be conjured, 'real' freedom would still relate to the project of its *transgression* rather than be fully actualised within its utopian diagram. Nonetheless, *pace* Rorty, this notion of freedom is explicitly *political* in the sense employed by philosophers as diverse as Carl Schmitt (1976) and Jacques Ranciere (1995), since it consists in the moment of radical openness and contestation and has the force of a constitutive decision that takes exception from the positivity of the diagram. Freedom is therefore an active practice of resistance rather than a retreat into the governmentally sanctioned private space. In Foucault's fortunate formulation, freedom is an '*art* [rather than a state] of *not being governed* quite so much' (Foucault in Chambers 2001, 116):

> *Liberty is a practice*. The liberty of men is never assured by the institutions and laws that are intended to serve it. This is why almost all of these laws and institutions are quite capable of being turned around. Not because they are ambiguous, but simply because *'liberty' is what must be exercised. The guarantee of freedom is freedom*. (Foucault in Gordon 1991, 47. Emphasis added.)

> One will know that freedom is alive not when the interests emerging in a society are allowed to express themselves, be represented and be pursued, not even when dissent and heresy are allowed to manifest themselves, but when contestation, unruliness, intractability are not yet abolished. (Pizzorno 1992, 207)

Incapable of being firmly established or guaranteed by any institutional structure of the political order, concrete freedom consists in a momentary act rather than a permanent state of affairs: 'It is occasion, spark, challenge. It is risk, it is not guaranteed, backed-up or assured: it always remains without an end.' (Rajchman 1985, 123) Concrete freedom is thus simultaneously political and extra-diagrammatic. Insofar as we understand the political as the constitutive outside of the social order rather than as a functionally differentiated subsystem within it (see Schmitt 1976; Laclau and Mouffe 1985; Lefort 1988; Ranciere 1995), we may suggest that concrete freedom is *political without being social*. In other words, it targets the totality of the

diagram, in which human existence is reduced to a positive social project, contesting not the already sedimented features of this project but rather the very process of this sedimentation, whereby the acts of power, implicated in the formation of any diagram, are effaced by their reinscription as instruments of liberation. In short, the affirmation of concrete freedom is driven by the abduction of human existence, necessarily presupposed in any establishment of a 'nominally' free social order.

Secondly, this notion of freedom is entirely divorced from any assumption of originary authenticity and the correlate projects of self-discovery or self-actualisation that are central to the epistemic regime of liberal government. As a number of studies have demonstrated, liberal governmental rationality synthesises the mobilisation of human desire for freedom with the specification of its content, so that one is incited to discover and liberate one's 'inner self' through following an externally devised model of e.g. an 'active citizen', an 'enterprising employee' or a 'caring mother' (see Rose 1990; Marinetto 2003; Triantafillou and Nielsen 2001; Rankin 2001). The concept of concrete freedom targets not merely these models of freedom, but the very desire for self-discovery that they respond to. In Foucault's phrase (1982, 216), 'the target nowadays is not to discover what we are but to refuse what we are.' Insofar as subjective interiority is always an effect of governmental practices of subjectification, freedom must consist in the *resistance* to 'the administrative inquisition which determines who one is' (Bernauer 1994, 258), 'a refusal to contract into an identity, a continual twisting loose from the historical forms of life by which [one] is always already shaped' (Caputo 1993, 255).

Yet, what is it that refuses, resists and twists loose, if not the anterior subject whom, according to Foucault's critics, Foucault must presuppose to make his discourse on freedom meaningful? It is crucial to emphasise that to posit the subject of resistance is not to endow it with any pre-political authentic identity. According to Nikolas Rose, resistance is rather located in the *gap* between one's actual existence and the positivity of identity that specifies it in discourse: 'human being – like all else – exceeds all attempts to think it.' (Rose 1996b, 35–6) Similarly, in Paul Patton's argument (1995, 359), Foucault needs only a minimal or, in our terms, *austere ontology* of human being as a 'material to which techniques [of subjectification] are applied and which resists [this application]'. The ontological precondition of freedom is not an anterior subjectivity but a sheer capacity to act, be acted upon and resist force. As we shall argue in detail below, a Foucauldian subject resists solely as a *living being.* 'It is not a question of advocating such resistance, of praising autonomy or blaming domination as respective exemplars of a good and evil for all, but simply of understanding why such resistance does occur. Foucault does not think that resistance to forms of domination requires justification. To the extent that it occurs, such resistance follows from the nature of particular human beings. It is an effect of human freedom.' (Patton 1998, 73. See also Patton 2000; Connolly 1998; Oksala 2005) The vitalist overtones of this understanding of freedom have been elaborated in Gilles Deleuze's reconstruction of Foucault's concept of biopower:

> Life becomes resistance to power when power takes life as its object. […] When power becomes biopower, resistance becomes the power of life, a vital power that cannot be contained within the paths of a particular diagram. Is not the force that comes from outside

a certain idea of Life, a certain vitalism, in which Foucault's thought culminates? Is not life the capacity to resist force? […] There is no telling what man might achieve 'as a living being', as a set of forces that resist. (Deleuze 1988, 92–3)

Although this notion of life as an ontological precondition of freedom appears to betray a residual naturalism in Foucault's otherwise strongly anti-essentialist approach, it is necessary to note the nuances in this conception of freedom. While Foucault (1990a, 157) has occasionally affirmed the apparently natural 'bodies and pleasures' as the locus of 'genuine' practices of freedom in opposition to the discourse of sexual liberation, it would be erroneous to conclude that this affirmation reintroduces the principle of originary authenticity with regard to some prediscursive primal matter (cf. Horowitz 1995; Oksala 2005, chapter 5). The subject of resistance for Foucault is not an anterior vital force *that* resists but that which emerges *in* the act of resistance to diagrammatic enfolding. Freedom therefore does not consist in letting the primal forces of life be but in their confrontation with that which threatens to enclose them within a discursive domain of positivity. Resistance is therefore not *protective* but rather *constitutive* of freedom as 'something one has and does *not* have, something one wants, something one conquers' (Nietzsche 1977, 271). For this reason, freedom can never be a foundation of any social order, since it exists and manifests itself solely in acts of resistance to the 'self-constituting practices' that this order prescribes and can never be 'a state-of-being within a society that would accord with our moral nature, noumenal or social-historical' (Rajchman 1994a, 193). Yet, on the other hand, freedom can never exist *apart* from the social order, since it is only activated in the practice of resistance to and the transgression of the identity constituted by the diagram. We may therefore sum up the third response to the question of freedom in Foucault's work as the advancement of the notion of concrete freedom, which *involves* the diagram without being reducible to its operations and is extra-diagrammatic not because it precedes the diagram but because it confronts it. To paraphrase Foucault, we may term this attitude to freedom 'unhappy positivism', a sense of disappointment in and dissatisfaction with any positive diagrammatic constitution of freedom that animates permanent resistance to governmental modes of subjectification.

It is this third reading of a 'Foucauldian freedom' that we shall proceed from in our argument in this book. At the same time, we shall also attempt to address the issues that remain contentious in this discourse. Firstly, the distinction between the nominal or diagrammatic freedom and a real or concrete freedom invites the question of the *ontological status* of the latter in relation to the diagram. While it is certainly plausible to posit life itself as the force that animates practices of freedom, this argument risks collapsing into a vitalist affirmation of the absolute transcendence of Life that unwittingly reintroduces the very originary subject that Foucault's historical ontology appeared to dismantle. Secondly, there arises a question of the relation of concrete freedom to the diverse forms of *identity politics*, with which Foucault's work is often aligned, particularly in the Anglo-American context of its reception. How is it possible to practice 'concrete freedom' through a struggle for recognition of a particular marginal or subjugated identity, if the very form of this identity is as 'nominal' as the freedoms afforded to us by any diagram? Finally, the

radical disjunction between 'nominal' and 'concrete' freedom brings in the question of whether 'concrete freedom' may be meaningfully practiced in the political field, which is after all suffused by positive norms, identities and institutions. What would a political affirmation of freedom look like in the context of contemporary biopolitical governance with its increasingly global reach? Is this affirmation of freedom exhausted by a critical stance towards the rationalities of power or may we conceive of practices of freedom as, in themselves, forms of *exercise of power* that frees human existence from its reduction to a diagrammatic project?

These questions guide the logic of our inquiry in the remainder of this book. The following chapter deals with the ontological status of concrete freedom, which has not attracted adequate attention in the existing studies. We shall elucidate a minimalist ontology of freedom in Foucault's work that precedes the historical ontology of forms of power, truth and ethics that his studies primarily focused on. On the basis of this argument, Chapter 3 engages with the relation of concrete freedom to identity politics and the very notion of identity, arguing that rather than being subsumable under the wide rubric of identity politics, Foucault's work posits a timely challenge to the emancipatory claims that remain tied to the notion of identity. Finally, the second part of the book is devoted to a detailed elaboration of the homology between the Foucauldian ontology of freedom and Carl Schmitt's political ontology of sovereignty that will permit us to politicise the concept of concrete freedom in terms of the exercise of sovereignty that reclaims one's existence from its diagrammatic abduction.

Transcendence within Immanence: Foucault's Metaphysics of Absence

'One Never Lives Elsewhere': The Diagram and its Outside

As we have shown above, Foucault's concrete freedom is neither a property of the subject (as in liberalism) nor of the diagram (as in governmentality studies), but rather emerges in a confrontation between them. This understanding raises complex questions about the ontological status of freedom in relation to the plane of diagrammatic constitution of positive subjectivity. Rejecting the positive notion of freedom as wholly diagrammatic without bringing back the pre-political subject of liberalism appears to validate the concerns of Foucault's critics. How can freedom be extra-diagrammatic if its subject is constituted within the diagram? What are the possibilities of practicing this kind of freedom inside the diagram, which is after all the site of our actual existence? Can one exist both inside and outside the diagram? Where does freedom come from and where does it take us?

Let us first address the question of the locus of concrete freedom in relation to the diagram of social order. Foucault's epistemological orientation that explicitly rejects the 'assumption of depth', characteristic, in distinct ways, of both structuralism and hermeneutics,[1] disqualifies any attempt to cast freedom as a 'deeper' stratum of minimal subjectivity that underlies diagrammatic constitution. As Hayden White remarks, 'Foucault's discourse is wilfully superficial […] it is all surface, and intended to be so' (White 1994, 48). Similarly, Maurice Blanchot (1987, 67) claims that Foucault was in search of a discourse 'all surface and shimmering, but bereft of mirages.' Foucault's critique seeks to establish not the 'ground' but the 'space' of constitution, resistance and potential transformation (White 1994, 50). According to Thomas Flynn (1991, 1999), Foucault's work is an exemplar of 'spatialising thought', in which spatial metaphors are used not merely for illustrative purposes but as modes of problem formulation. 'Working on the surface of things, Foucault displaces metaphysics with a topology of social practices, charting the limits, exclusions and specific conditions of existence of these practices in their actual occurrence.' (Flynn 1991, 175) With regard to freedom, we might venture that its spatialisation concerns the relation of the diagram and its exterior. There is no *underground* to be found in Foucault's thought, but rather a two-dimensional space that is nonetheless not fully positive, discursive and diagrammatic (cf. Deleuze 1988, 51). Thus, rather than search for a deeper stratum of free subjectivity that *precedes* governmental

---

1   For Foucault's rejection of the assumption of depth see also Megill 1985, 222–26; Blanchot 1987; Flynn 1991; Veyne 1997; White 1994; Deleuze 1988; Caputo 2000.

subjectification we ought to survey the surface of the diagrammatic plane to see whether there might be something that *escapes* its operations.

Gilles Deleuze's influential reconstruction of Foucault's thought isolates three elements of this surface: solidified 'grids' or *strata*, the discursive forms of enunciability and visibility that form the archive that archaeology addresses; *strategies*, or the non-stratified 'knots' of power relations disentangled by genealogy; and the *outside*, the space of what Deleuze refers to as 'savage' forces, not integrated into forms or strategies (Deleuze 1988, 120–122). If the 'happy positivist' criticism of governmentality studies exemplifies a movement from strata to strategies, demonstrating the conditioning of forms of knowledge by power relations, the thought of 'concrete freedom' marks the movement from the strategic space towards the outer limits of the diagram itself, i.e. it is 'anti-strategic' (Foucault in Bernauer 1990, 175). The outside is inhabited by the 'vital forces' that are literally unnameable since they are neither integrated into positive governmental strategies nor sedimented into identities within discursive forms (Deleuze 1988, 86). In Deleuze's account, it is from the void of the outside that the diagram itself emanates: the 'inside', all forms of diagrammatic interiority, positivity and identity, is merely 'an operation of the outside' (ibid., 97). This argument echoes Carl Schmitt's famous thesis (1985a, 12) that the sovereign decision that inaugurates a political order itself logically 'emanates from nothingness'. As we shall discuss in detail below, both Foucault and Schmitt therefore insist that no positive order could ever have emerged in and of itself, but rather necessarily engages its exteriority even as it delimits itself from it. It is precisely its unfounded origin as a 'fold of the outside' that every diagram seeks to disavow by attempting its own closure against the forces of the outside, which in relation to the diagrammatic stability are always the forces of resistance:

> It is from the outside that a force affects, or is affected, by others. The diagram, as the fixed form of a set of relations between forces never exhausts force, which can enter into other relations and compositions. […] In this way, the outside is always an opening to the future: nothing ends, since nothing has begun, but everything is transformed. In this sense, force displays potentiality with respect to the diagram containing it. […] Moreover, the final word on power is that resistance comes first, to the extent that power relations operate completely within the diagram, while resistances necessarily operate in a direct relation with the outside from which diagrams emerge. (Deleuze 1988, 89–90)

The outside is the negative space, from which resistance derives its forces and towards which the diagrammatic subject in question directs its 'force of flight'. We may now begin to appreciate the austerity and scarcity of Foucault's ontology (see May 2000; Hallward 2000; Rajan 2000): that which precedes and exceeds the positivity of the diagram is quite literally the void, whose only characteristic is its radical difference from *any* diagram, which in turn renders it the source of transcendence of all discourse, identity and governmentality. Yet, to posit transcendence in terms of absence is obviously the opposite of postulating, in a positivist manner, the absence of transcendence, which is equivalent to the subscription to the diagrammatic

assertion of self-immanence.[2] Instead, Foucault's austere ontology of freedom must be understood as affirming *transcendence within immanence*, the rupture of every self-enclosed system by the recuperation of the pure negativity from which it emerges and which continues to haunt it. It is thus not simply a question of resisting the self-immanentism of the diagram by asserting its openness towards transcendence, but of locating transcendence in this very openness (cf. Ojakangas 2004, 26). In the words of Jean-Luc Nancy, this transcendence 'no longer has any 'sacred' meaning, signifying precisely a resistance to immanence' (Nancy 1991, 35). The outside does not serve as a transcendental ground for articulating a concept of freedom; instead, on the boundary between the diagram and *its* outside there appears an opening, in which freedom is thinkable in its 'concrete' sense.

Although Deleuze's reconstruction of the outside as a space of *savage forces* may be read to unwittingly 'populate' this neutral space of brute alterity, it is important to recall that these forces only come into play on the boundary between the diagram and its outside. One never dwells on the outside and is therefore incapable to find out *what there is there*. In Deleuze's admission, to speak of savage forces is distinct from invoking 'savage experience', since the savage is 'that which does not enter relations or allows itself to be integrated [and] can't be absorbed into experience' (Deleuze 1988, 117). Thus, there is nothing to be said about the outside other than that 'there is' one, but this concept is nonetheless crucial for Foucault's ontology, functioning as a quasi-transcendental condition of possibility of practices of freedom. Given that every diagram comes into existence and expands its reach by enfolding the spaces exterior to it, the outside must ontologically precede any diagram, even as it can only be conceived as 'outside' against the background of an already established diagram. The significance of the outside for the affirmation of freedom lies precisely in its function of demonstrating that *the diagram is not all there is,* that it can never attain the self-immanence that it attests to.

Thus, this austere ontology must be conceived as primary to the 'historical ontologies' of *positive* regimes of truth, power and ethics that Foucault is most famous for, functioning as a horizon of intelligibility for the latter. In Foucault's own expression, his studies make 'the intelligible appear against the *background of emptiness* and deny its necessity' (Foucault 1996a, 312). In historical ontology the conditions of possibility of knowledge, power and ethics are revealed as themselves historical and thus 'never more general than the conditioned element, [gaining] their value from their particular historical status' (Deleuze 1988, 114). Yet, if Foucault's thought was exhausted by the description of historically discontinuous diagrams, then the question of freedom in his work would be restricted to the happy positivism of governmentality studies, which are largely content with illuminating the constitution of freedom as a positivity within specific orders. We could then speak ceaselessly on 'classical-liberal' or 'neo-liberal' freedom, but never broach the question of freedom *as such*, simply because a purely historicist criticism would leave no space,

---

2   Cf. Foucault 1977a, 32: 'The death of God does not restore us to a limited and positivistic world, but to a world exposed by the experience of its limits, made and unmade by that excess which transgresses it.'

in which anything could be posited 'as such', i.e. outside of its variable historical determinations.

However, the spatialisation of concrete freedom as a liminal experience of the outside reveals a metaphysical dimension in Foucault's philosophy that we have elsewhere termed 'ontological extremism' (Prozorov 2004b), which is strictly *ahistorical* and rather functions as the condition of possibility of historicity itself, insofar as time unfolds in various modes of historicisation only in the strategic and stratified space of the diagram.[3] Of course, this 'ahistoricity' refers not to the subject of freedom, who only exists within history, is shaped by the historical ontologies of truth, power and ethics, and resists them in historically contingent ways, but to the outside itself, which has no relation to temporality. In other words, 'ontology of freedom' and 'historical ontology' necessarily presuppose each other: human being is free precisely because all forms of knowledge, power and ethics that seek to envelop it are historical (and thus both transformative and transformable); and conversely, the ontology of these forms must be historical precisely because there is nothing prior to them than the savage forces of the outside. Thus, to affirm freedom is to resist the subsumption of human existence under any of its historical forms, including the form that it is expected to assume at the end of history (cf. Camus 2006, part 3). It is in this sense that Foucault's ontology may be said to postulate something like a 'human nature', with a caveat that the content of this 'nature' is entirely exhausted by the unnameable exteriority of the outside that exceeds every historically conditioned mode of subjectivity.

It must be emphasised that in contrast to a facile 'postmodernist' attitude, the attribution to Foucault of a certain metaphysical orientation has no derogatory connotations, but on the contrary dissociates his thought from a mere 'historicism'. Any philosophy that deserves to be taken seriously is necessarily metaphysical, even (or perhaps particularly) in its attempt to overcome metaphysics: a 'metaphysics of absence' that appears a fitting name for Foucault's ontology of freedom is by no means equivalent to an 'absence of metaphysics'. Ontologically prior to all forms of power relations, all regimes of truth and all positive identity, there *is* a barren space of living being, lacking any positivity or identity. Abducted by the diagram as the 'living material' of all forms of knowledge and all strategies of power, these 'savage forces' nonetheless remain *unsubsumed* under its positivity and thus form the necessary *excess* of the diagram, permanently testifying to the non-identity of being with its positive form. 'The diagram *stems* from the outside, but the outside does not *merge* with any diagram.' (Deleuze 1988, 89. Emphasis added.) This affirmation of ontological division, of the rupture of transcendence within immanence, permits

---

3	See e.g. Foucault 1970, chapter 7; 1989, 3–20 for the discussion of 'history' as a concept that is itself subject to the epistemological mutations that Foucault's 'historical' studies addressed. See also Han 2002 and Han-Pile 2005 for the criticism of the reading of Foucault's project as merely historical and the insistence on the (quasi-) transcendental dimension of his work. As Han-Pile (2005) brilliantly demonstrates, rather than simply being idiosyncratic historical studies, Foucault's works probe conditions of possibility of history itself as a 'mode of being' – a philosophical project that cannot be subsumed under the discipline of history, which itself becomes conditioned by a particular 'historical a priori'.

to understand the ineradicable presence of resistance as a feature of human being. Resistance is nothing other than the manifestation of being that is *beside itself* both in the sense of its metonymic spatialisation at the exterior limit of the diagram and in the sense of a furious refusal of human being to be exhausted by the positivity of the diagrammatic identity.[4] The literal sense of this formula indicates the precise locus, in which the temper, indicated by its metaphorical sense, becomes possible and meaningful in the absence of any invocation of anterior subjectivity or transcendental normative criteria. Practices of freedom may take place, since no positive project, to which human existence is reduced in its diagrammatic abduction, may never entirely efface its own dependence on the negativity of the outside from which it stems. Any actually occurring resistance is the *ontic* form of the *ontological negativity* that remains unsubsumed under the diagram of subjectification and continues to animate the subject's 'force of flight'. It is impossible to isolate a transhistorical kernel of the subject, if by isolation we mean the identification of something minimally positive; instead, it is only by virtue of actually occuring historical struggles that we can infer this ontological negativity that is the outside of history (cf. Allen 2000; Nigro 2005; McGushin 2005).

At the same time, Foucault's 'austere ontology' permits us to understand why the transgression of limits does not consist in the leap out of the diagram into the outside, which, of course, is a space impossible to inhabit (cf. Foucault 1987, 1997). There is nothing on the outside that could be valorised and presented as an 'alternative' to diagrammatic positivities. The very language of 'alternatives' that countless critics sought to impose on Foucault is diagrammatised from the outset by the subsumption of the brute alterity of the outside under distinct positive forms, so that a discourse on freedom is confined to the discussion of relative benefits of different diagrams. In contrast, the practices of concrete freedom have nothing to do with the desire for 'another diagram', but are rather entirely contained in passage to the exterior limit of the diagram in question: 'transgression has its entire space in the line that it crosses.' (Foucault 1977a, 34)

It is this transgressive engagement with limits that, according to such authors as Jon Simons (1995) and James Bernauer (1990), constitutes the ethical drive of Foucault's work. In Simons's argument (1995, 86–7), that makes use of Milan Kundera's distinction between weight and lightness of being, Foucault proceeds from the unbearable gravity of the reduction of existence to a positivity and advocates as a strategy of relief an 'ethics of permanent resistance' against the modes of subjectification instituted by the diagram: 'Our fight is our freedom, our struggle is our art, and our resistance is our existence.' By the same token, Bernauer

---

4   In its literal sense, the formula 'beside oneself' has been deployed by Giorgio Agamben (1993b, 2002) in his consideration of the 'example' or 'paradigm' as the manifestation of a singularity among others that nonetheless stands for all and each of them. For Agamben, the example is neither particular nor universal, neither individual nor generic, but rather a singular object that presents itself as such, in its pure linguistic 'being-called': 'The proper place of the example is always beside itself, in the empty place in which its undefinable and unforgettable life unfolds. This life is purely linguistic life.' (Agamben 1993b, 9) On the basis of this ontology of language, Agamben builds his vision of the community of free beings that we shall critically engage with in Part 2 of this book.

(1990, 20) argues that what is at stake in Foucault's entire project is the possibility to 'dispossess oneself of the routines of thought and action that eventually become one's identity'. This type of 'ecstatic thinking', reminiscent of apophatic or negative theology (Foucault 1987, 16–17), may be summed up as a 'nonpositive affirmation' (Foucault 1977a, 36) of life in the face of the limits of diagrammatic subjectification. 'This breath of life or force of resistance, this Foucauldian spirituality, bears witness to the capacity for an ecstatic transcendence of any history that asserts its necessity.' (Bernauer 1990, 180) Yet, it is crucial to recall that, having its entire space in the crossing of the limit, transgression is a strictly *nonpositive* form of affirmation, i.e. it marks the existence of the outside without leaping into it. If the space of transgression is exhausted by the line that it crosses, then one may concur with Jacques Derrida (1981, 12) that 'one is never installed within transgression, one never lives elsewhere.' There are no 'other places', alternative to the diagram, that one could reach via transgression: transgression should therefore be thought in our terms of a rupture of transcendence *within* immanence, which enhances the possibilities of 'metonymic' being beside one's diagrammatic identity without ever specifying them in positive terms. Thus, as we shall discuss in detail below, freedom consists in the *possibility of being otherwise* rather than in the *project of becoming someone else*.

> Transgression does not seek to oppose one thing to another, nor does it achieve its purpose through mockery or by upsetting the solidity of foundations. […] Transgression contains nothing negative but affirms limited being – affirms the limitlessness into which it leaps as it opens this zone of existence for the first time. But correspondingly, this affirmation contains nothing positive: no content can bind it, since, by definition, no limit can possibly restrict it. Perhaps it is simply an affirmation of division, but only insofar as division is not understood to mean a cutting gesture, or the establishment of a separation or the measuring of a distance, only retaining that in it which may designate the existence of difference. (Foucault 1977a, 35–6)

Furthermore, and *pace* the self-gratifying liberationist discourses and practices of the 1960s that have been complicit in the formation of the contemporary neoliberal regime of 'self-actualisation' (see Dean 1998; Rose 2000; Stenson 1998), there may never be a 'transgressive' politics, identity or lifestyle that one could specify in positive terms. Transgression is only meaningful as an engagement with a *concrete* limit and exhausts itself in trespassing it. For this reason, a 'transgressive lifestyle' can only indicate a pseudo-transgression, a complacent posture of confronting the limit that does not actually exist – witness the degeneration of 'transgressive' forms of art during the late twentieth century, when cultural censorship in most liberal-capitalist societies has all but evaporated. Any transgression worthy of the name may never be sedimented into a positive form, as it always remains contingent upon the presence of a concrete limit for a concrete subject, so that any given practice may or may not be transgressive for different subjects in different contexts.[5] A transgressive

---

5   From this perspective, it is logically impossible to make transgression one's habit, a 'second nature', as the very point of a transgressive practice consists in transcending one's 'nature', refusing what one is. This accounts for the problematic status of 'transgressive art'

identity is therefore a logical impossibility, as what is at stake is ultimately a transgression of *our own* limits and thus of our own identity. Thus, for Foucault, transgression has identity and lifestyle as its *objects* not as its *forms*. 'Transgression is not a site beyond limits but a non-space devoid of positive content. […] There are only acts and moments of transgression rather than firm grounds and secure sites.' (Simons 2000, 52–3) The very presupposition of a 'positivisation' of transgression points to the irreducibility of freedom to any form of a social or political order: conceived as a 'secure site' with 'firm grounds' transgression would immediately form *its own* diagram that would invariably call forth new transgressive practices of 'concrete freedom'. The fate of all 'revolutionary states' in modern history testifies to the impossibility of maintaining the affirmative negativity of transgression within the positive diagram of order.

> Resistance functions as the 'unsaid' of power, which, however, as soon as it becomes articulated or 'said', changes sides and itself assumes the status of power. It seems that resistance fails precisely at the very moment when it becomes power, instantaneously calling up and effecting its own shadow resistance. (Ziarek 1998, 173)

Indeed, as we have suggested in the Introduction, it is doubtful whether transgressive practices of freedom are even subject to a *discourse* about them: 'there is nothing to be said about freedom, except that within its space we construct our ethics and our lives.' (Hacking 1995, 26) Furthermore, were the free forces of the outside to be *named* and *identified*, they would lose their resistant qualities and end up recuperated by the diagram:

> What the individual should be is none of Foucault's business. More importantly, the very business of coming up with normative ideas of what the individual should be, and of developing administrative practices and professional competences to see to it that such individuals are in fact produced, is precisely the problem, not the solution, it is precisely what these struggles are against. (Caputo 1993, 250)

Nonetheless, if transgressive resistance to diagrammatic constitution *does not* liberate the subject in its authenticity and take one beyond the limit into the bliss of 'better places' or even point out a lifestyle to opt for, what *does* it do?

The effect of the rupture of the transcendence of freedom within the immanence of the diagram is not the establishment of 'other places' beyond the diagram but rather the transformation of the diagrammatic order itself into a disorderly space that Foucault called a *heterotopia*. All diagrams are paradigmatic of a *utopian* construction of space that presupposes and effects a fully ordered domain, transparent to the 'unimpeded empire of the [governmental] gaze' (Foucault 1976, 39), since its inhabitants are fully exhausted in their identity by the governmental work of constitution. 'Utopias afford consolation: although they have no real locality, there is nevertheless a fantastic untroubled region, in which they are able to unfold, […] where

---

or any other practice that appropriates transgression as the predicate of its identity – logically, this appropriation would require that one's 'transgressivity' itself be transgressed. Thus, making transgression a form of identity results in a vacuous and ultimately pathetic spectacle of heroically confronting limits that no longer exist for the subjects in question.

life is easy even if the road to [it] is chimerical.' (Foucault 1970, xvii) According to Foucault, utopias are inherently *discursive*, having the structure of a *fabula,* making it possible to speak interminably and prolifically about what positive form the order of being should take. In contrast to this utopian pathos, Foucault presents the notion of heterotopia as a 'fundamental disorder' that 'silently questions the space in which we live' (Flynn 1991, 169), not an 'other space' outside the utopian diagrammatic construct, but rather a (non-)space established in the relation between the diagram and its outside, the order and its transgression, the positivity and the void. In this relation, the diagram is revealed as a contingent form of utopian ordering amid the generalised disorder of the outside which surrounds it and begins to be perceived as a container and a limit to freedom rather than its possible site.

> There is a worse kind of disorder than that of the incongruous […] the disorder in which fragments of a large number of possible orders glitter separately in the dimension of the heteroclite: things are laid, placed, arranged in sites so very different from one another that it is impossible to find a place of residence for them. […] Heterotopias are disturbing, probably because they secretly undermine language, because they make it impossible to name this and that […] because they destroy syntax in advance. […] Heterotopias desiccate speech, stop words in their tracks, contest the very possibility of grammar at its source, they dissolve our myths and sterilise the lyricism of our sentences. (Foucault 1970, xvii)

The heterotopia is a space, in which words and things are out of joint, in which discourse is pressed against its limits and the meaningful and transparent diagrammatic order is revealed as merely an illusory attempt of evading the brute meaninglessness of the outside. 'The heterotopia shows the constant impossibility of closure that follows from the rise of an open and infinite space and hence the terms through which we might learn how to resist the utopian. […] The heterotopia is distinguished from other spaces in that it is the very expression of transgression.' (Dumm 1996, 44) If the positivity of the utopian diagrammatic space itself is identified as a 'problem', then the salutary effect of the thought on freedom is not the formation of new spaces endowed with forms of knowledge, discourses of 'liberation' and clear-cut criteria of normative acceptability, but rather that very sense of 'paralysis' that Foucault's critics considered his thought to elicit (Foucault 1991c, 82–5), a paralysis that 'brings about that certain phrases can no longer be spoken so lightly, certain acts no longer, or at least no longer so unhesitantly, performed' (ibid., 83).

Thus, the practice of concrete freedom does not consist in breaking out of the diagram into a transcendental site of 'real freedom', but in inhabiting the diagrammatic space as a heterotopia, i.e. locating oneself in proximity to the void at its limit and thereby *externalising* its effects, 'refusing what one is' in diagrammatic terms. In this sense, a Foucauldian concrete freedom is simultaneously scarce and ever-present. On the one hand, it is a practice that is necessarily momentary, its constitutive features lost at the very moment when it apparently succeeds by finding its positive expression. On the other hand, it is a possibility that always remains open, irrespectively of the positive form of order, away from which its force of flight is directed. 'We can see the effects of [transgressions] everywhere we choose to look, but the question for us is whether we will so choose.' (Dumm 1996, 46)

Thus, it becomes possible to appreciate Foucault's own claim (1988h, 10) that his works, in addition to explicating the subjection involved in the diagrammatic constitution of 'free subjects', *also* 'show people that they are much freer than they feel'. Concrete freedom no longer appears as something a certain governmental diagram can *guarantee* through its positive intervention or a commitment to non-intervention but rather as a result of the ontological impossibility for the diagram to achieve the degree of closure and stability that it attests to. The subject of freedom is precisely that which renders impossible the full coincidence of the individual with its diagrammatic positive identity, that unsubsumable remainder, which functions as a 'bone in the throat' of every diagram. In this manner the proverbial 'free subject' makes a forceful comeback in Foucault's work, but not at all as a result of abandoning earlier conceptions, but as their *culmination*: 'Foucault's fundamental idea is that of a dimension of subjectivity *derived* from power and knowledge without being *dependent* on them.' (Deleuze 1988, 101. See also Allen 2000, Connolly 1998; McGushin 2005)

Two (More) Concepts of Liberty: Towards a 'Properly' Negative Freedom

Our understanding of 'concrete freedom' in terms of transcendence within immanence, whereby the diagrammatic subject is metonymically displaced beside itself, has emphasised the irreducibility of freedom to any positive determination of human being. In this section, we shall elaborate the fundamental 'negativity' of this ontology of freedom through its comparison with the influential account of two concepts of liberty offered by Isaiah Berlin. Berlin has famously distinguished between negative and positive liberty as responses to two distinct political questions. The concept of positive responds to the question of 'what, or who is the source of control or interference that can determine someone to do or be this rather than that?' (Berlin 2002: 169) Berlin's key insight is the association of this notion of freedom with the tendency to split the individual into 'higher' and 'lower', rational and empirical selves and subject the latter to the former. Throughout history, this approach has posited as the 'rational' ideal a certain version of a 'truer' or 'higher' freedom, which empirical individuals must be indoctrinated into in order to fully appreciate and be able to practise it. 'Once I take this view, I am in a position to ignore the actual wishes of men and societies, to bully, oppress, torture them in the name, and on behalf of their 'real' selves, in the secure knowledge that whatever is the true goal of man (happiness, performance of duty, wisdom, a just society, self-fulfilment) must be identical with his freedom – the free choice of his 'true', albeit often submerged and inarticulate, self.' (Ibid., 180)

Berlin's critique of this aspect of the discourse on positive freedom parallels Foucault's deconstruction of subjectivity as an effect of subjection to a certain regime of power-knowledge: 'Enough manipulation of the definition of man, and freedom can be made to mean whatever the manipulator wishes.' (Ibid., 181) The specific object of Berlin's criticism is the notion of self-realisation, which Foucauldian studies of governmentality posit as the constitutive principle of contemporary liberal government (Rose 1998; Cruikshank 1999). The principle of self-realisation is viewed

by Berlin as an injunction to a 'total self-identification *with a specific principle or ideal* in order to attain [freedom]' (Berlin 2002, 181). At the very moment freedom is linked with the notion of truth, there opens an infinite possibility for pedagogical technologies of indoctrination that promise to guide the empirical individual to the realisation of his true or higher self. 'To force empirical selves into the right pattern is no tyranny but liberation. […] Liberty, so far from being incompatible with authority, becomes virtually identical with it. Clearly, [individuals] must be educated. For the uneducated are irrational, heteronomous, and need to be coerced. But the uneducated cannot be expected to understand or co-operate with the purposes of their educators.' (Ibid., 194–195) The very notion of 'true freedom' therefore permits the deployment of the pedagogical asymmetry that cancels out the immediate experience of freedom in the name of its 'true' acquisition in the practices of indoctrination.

> If the individual is ignorant, immature, uneducated, mentally crippled, denied adequate opportunities of health and development, he will not know how to choose. *Such a person will never know what it is he really wants.* If there are people who understand what human nature is and what it craves, and if they do for others, perhaps by some measure of control, *what these others would be doing for themselves* if they were wiser, better informed, maturer, more developed, are they curtailing their freedom? *They are interfering with people as they are, but only in order to enable them to do what they would do if they knew enough*, or were always at their best, instead of yielding to irrational motives, or behaving childishly, or allowing the animal side of their nature the upper hand. Is this then interference at all? […] Surely not. Teachers and parents are *bringing out their submerged or real selves*, and catering to their needs as against the transient demands of *the more superficial self,* which greater maturity will slough off like a skin. *If you substitute for parents a Church, or a Party or a State, you get a theory on which much modern authority is based*. (Ibid., 284. Emphasis added.)

This thesis parallels Carl Schmitt's seminal critique of the 'educational theory' involved in the legitimisation of autocratic rule in self-proclaimed liberal democracies: 'The people can be brought to recognise and express their own will correctly through the right education. This means nothing else that the educator identifies his will at least provisionally with that of the people, not to mention that the content of education that the pupil will receive is also decided by the educator. The consequence of this educational theory is a dictatorship that suspends democracy in the name of a true democracy that is still to be created.' (Schmitt 1985b, 28) Similarly, Berlin notes the tendency in the political thought from the nineteenth century onwards to deploy 'positive freedom' as the legitimation for oppressive and even tyrannical practices of rule: 'What had begun as a doctrine of freedom turned into a doctrine of authority and, at times, of oppression, and became the favoured weapon of despotism.' (Berlin 2002, 37) Discourses of positive freedom are therefore inherently marked by what we have termed the illusion of a perfect order, whereby freedom as an existential condition of human being is supplanted by its attribution to a form of social order, so that a 'free society' takes upon itself the task of disciplining or eradicating dissent, all in the cause of 'true freedom'.

For Berlin the linkage between freedom and truth necessarily invokes the claim to possess a 'final solution' (ibid., 213) to the question of freedom, the belief in the

possibility of achieving total harmony and the complete fulfilment of all human ideals through the construction of a utopian diagram. More recently, John Caputo (2000, chapter 1) has discussed the same tendency in his critique of the 'hermeneutics of the Secret' with its self-gratifying belief that one has 'surpassed the limits of offering a mere mortal interpretation' and instead has uncovered the locus of the truth of human being, and consequently the pathway to real freedom, which the 'poor existing individuals' must tread to realise their inner truth. This position is well illustrated by the following statement of Michael Walzer (1986, 67), articulated in a harsh critique of Foucault's 'nihilism': 'we need men and women who tell us when state power is corrupted or systematically misused, who cry out that something is rotten, and who reiterate the regulative principles with which we might set things right.' The rather odd proposition that one does not know that 'something is rotten' before some 'men and women', infinitely more astute than ourselves, kindly enlighten us on this matter betrays a most extreme sense of self-certitude, which is nonetheless operative at the most mundane sites of governmentality, from 'self-help' literature to international 'policy advice' programmes.

Berlin's solution to the problems inherent in every conception of positive freedom is the strong affirmation of pluralism and the contingency of all foundational principles that takes us away from utopian designs for a perfect order, in which freedom would be ensured, towards the recognition of the necessity of a degree of imperfection, of cracks and gaps within the diagram, for the survival of freedom.

> Since no solution can be guaranteed against error, no disposition is final. And therefore a loose texture and toleration of a minimum of inefficiency, even a degree of indulgence in idle talk, idle curiosity, aimless pursuit of this and that without authorisation – conspicuous waste itself – allow more spontaneous, individual variation […] and will always be worth more than the neatest and most delicately fashioned imposed pattern. (Berlin 2002, 93)

Berlin rejects the possibility of the reconciliation of divergent values in any ideal form of the 'perfect order': 'Since some values may conflict intrinsically, the very notion that a pattern must in principle be discoverable in which they are all rendered harmonious is founded on a false a priori view of what the world is like.' (Ibid., 43) For all its best intentions, any discourse that sets as its goal the creation of an order, in which freedom would be guaranteed for all, necessarily presupposes its own vision of freedom to be 'true', elevating itself far above the empirical individuals who might well have radically divergent understandings of what *their* freedom consists in. 'Once such perfection has been reached, the need for choice between alternatives withers away. On this view choice, like the party system, or the right to vote against the nominees of the ruling party becomes obsolete in the perfect Platonic or theocratic or Jacobin or communist society, where any sign of the recrudescence of basic disagreement is a symptom of error and vice.' (Ibid., 44.) In this manner, the presupposition of the possibility of a perfect order necessarily implies the dispensability of freedom at the very moment of the triumph of its 'true' version.

Berlin's affirmation of pluralism, which accords with Foucault's claim for the 'indignity of speaking for others' (Foucault 1996b, 76), finds its conceptual

expression in the notion of 'negative liberty': 'What is the area within which the subject – a person or a group of persons – is or should be left to do or be what he is able to do or be, without interference by other persons? […] Political liberty in this sense is simply the area within which a man can act unobstructed by others.' (Berlin 2002, 169) The area of negative liberty is defined in terms of the principle of openness of possibilities, the 'roads' or 'doors', in Berlin's metaphors, that remain open to the subject's choice (ibid., 32, 41). Similarly to Foucault's affirmation of the possibility of being otherwise rather than the injunction to be someone else, Berlin (2002, 35) insists that 'the freedom of which I speak is opportunity for action rather than action itself.' Berlin is particularly critical of the tendency to 'positivise' freedom by equating it with concrete material and social conditions of its exercise: 'useless freedoms should be made usable, but they are not identical with the conditions indispensable for their utility.' (Ibid., 46) This distinction is crucial in the Foucauldian approach as well, insofar as the possibility of being otherwise, whose range is *ipso facto* infinite, is in no way restricted by the empirical absence of conditions that enable the actualisation of some of these possibilities, which may in any case be mutually exclusive. Conversely, the establishment of such positive conditions in governmental practices is frequently tied up with the reduction of possibilities of being otherwise, as e.g. the experience of Soviet socialism illustrates well (see Prozorov 2006a). Governmental interventions for the purposes of empowerment or social assistance may well provide the 'necessary' conditions for the exercise of freedom while withholding freedom itself in permanently traversing the boundary between the public and the private in these acts of endowment (see Dean 1999, 2002a; Lemke 2001; Hindess 1996b, 2001). Berlin's defence of negative liberty is thus an attempt to retain the gap between individual existence and the positive governmental ethos, the effacement of which substitutes for freedom *from* society a fully diagrammatised 'free society'.

At first glance, Berlin's notion of negative liberty as freedom *from* government recalls the features of the Foucauldian concrete freedom that unfolds at the exterior limit of the diagram as an experience of not being governed. However, negative liberty also carries an uncanny resemblance to the diagrammatic construct of liberal freedom. We may be able to specify the intricate relation between 'negative liberty' and 'concrete freedom' by addressing the way Berlin conceives of that space, area or domain within which negative liberty resides. The first feature of such space is its apparent *naturality*: 'What then must that minimum be? That which a man cannot give up without offending against the essence of his human nature.' (Berlin 2002, 173) Despite his recognition that this essence is a matter of 'infinite debate' (ibid.), Berlin refuses to conceive of the boundaries of negative liberty as contingent and artificial, (re)drawn in various ways in liberal governmental practices:

> There are frontiers, *not artificially drawn*, within which men should be inviolable, these frontiers being defined in terms so long and widely accepted that their observance has entered into the very conception of what it is to be a *normal human being*, and therefore, also of what it is to act *inhumanely* or *insanely*. […] The freedom of a society, or a class or a group, in this sense of freedom, is measured by the strength of these barriers, and the

number or the importance of the paths which they keep open for their members – if not for all, for at any rate a great number of them. (Ibid., 211. Emphasis added.)[6]

This fragment simultaneously posits openness, or the possibility of being otherwise, as the main value of negative liberty *and* effects a closure of this openness in deploying the logic of *normality* to stabilise a particular form of the public/private distinction. This 'absolute stand' (ibid., 210) appears to be not an alternative to but rather a *variation* on the theme of the 'final solution' associated with the idea of positive liberty. Berlin's gestures of naturalisation and normalisation permit to invoke as the sanctified *ground* of authentic freedom the contingent construction of a *space* of governmental non-intervention. 'As an empty neutrality, space operates as the ground upon which [Berlin's] argument concerning freedom is constructed, and as the product of the boundaries that produce it, space is the container for freedom, that which protects it as a possession of the boundaries created by its own exercise.' (Dumm 1996, 48) The area of negative liberty is therefore not an opening of the diagram onto its outside but a governmentally delimited and guaranteed space of possibilities that are *ipso facto* specified and restricted.

Berlin's advocacy of negative liberty corresponds to the effort of classical liberal governmentality to stabilise its construction of the domain of 'natural liberty' by recasting a domain governed by economic rationality as somehow 'self-governing' and therefore free.[7] The only 'negative' attribute of this concept concerns the negation of the artefactual status of the private space through the fortification of its boundaries with the help of essentialist rhetoric. Berlin's construct of negative liberty therefore ought to be considered a *'special case' of positive liberty*, its area being always already a *positive* space, constituted in the diagrammatic practice of installing the constitutive borderline between the public and the private and sanctified by the deployment of the 'final' principles of naturality and normality. While this effort may in principle guard against unlimited government, it also disables any understanding of the way, in which the natural and normal features of the subject are inculcated in governmental practices and subsequently used to sanctify these practices as being in accordance with the natural and the normal.

---

6   Only on one occasion does Berlin make a concession for the possibly artificial character of the constitutive boundary between the public and the private: '[What makes human beings human is the demand] to be accorded an area, *artificially carved out, if need be,* in which one is one's own master, a 'negative' area in which a man is not obliged to account for his activities to any man.' (Berlin 2002, 52) Yet, this admission is the exception that proves the rule: admitting the artificiality of the space of negative liberty entails the need to probe the question of its historical constitution in a multitude of contingent ways, displaces the pathos of the sanctity of this space and ultimately contradicts the construction of this space as 'negative'.

7   For the analysis of classical liberalism from the perspective of governmentality see Burchell 1991; Dean 1999; Hindess 1996b, and, more generally, Koselleck 1988, Weintraub 1997. We ought to emphasise that Berlin's concept belongs to the episteme of classical rather than advanced or neo-liberalism, which dispenses with naturalistic assumptions and adopts a self-consciously constructivist approach to the constitution of 'free subjects'. We have analysed neoliberal rationalities of subjectification extensively in Prozorov 2004a, 2004b.

The ideal of the normal enables its agents not to question the ground of their self-existence as political beings. Normalcy, coupled with the wall of privacy secured by the practices establishing the neutral space of negative liberty, enables all sorts of practical exercises of power that will shape and discipline selves into inviolable human beings. […] The proliferation of normalcy is a confinement of freedom enabled by the very evasion of the politics entailed in the construction of space as neutral. (Dumm 1996, 56)

In other words, what is lost in the valorisation of the liberal 'negative liberty' is the political character of the constitution of the liberal subject as natural and normal, that very 'manipulation of the definition of man', that Berlin criticised with regard to positive liberty. As numerous studies in liberal governmentality demonstrate, the following description by Berlin of 'paternalist' governments applies with full force to the liberal practices of 'autonomisation'[8]: 'All paternalist governments, however benevolent, cautious, disinterested and rational, have tended, in the end, to treat the majority of men as minors, or as being too often incurably foolish or irresponsible; or else as maturing too slowly as not to justify their liberation at any clearly foreseeable date (which in practice means at no definite time at all).' (Berlin 2002, 54) Even if the 'date of liberation' were to be specified, one ought to bear in mind that the subject thus liberated is 'free' only on the condition of its continuous invocation of the foundational principles of its subjection.

Insofar as we conceive of negative liberty as a classical liberal version of positive (i.e. diagrammatic, discursive and identitarian) freedom that exists on par with e.g. conservative or socialist constructs of 'true freedom', we may concur with Thomas Dumm's understanding of it as a 'heteronomously free space, that is a space that is only secondhandedly free, free in contrast and by virtue of its submission to external principles of governing legitimacy' (Dumm 1996, 60). Negative liberty is constituted by an *internal* division within the diagram that delineates a privileged zone of the normalised and naturalised mode of human existence, in which the force of the diagram no longer applies, or, more precisely, in which this force *is applied in not applying*. This formulation highlights the fundamental paradox of any positive conception of freedom, illuminated, if not properly accounted for, in the studies of governmentality: any condition of freedom that is established in acts of government remains fundamentally conditioned by these constitutive acts and it is only the latter acts themselves that could be justifiably called 'free'. Since one's freedom in a governmentally constructed private space is conditioned by one's enactment of its principles of naturality and normality, it would be more correct in this case to speak of devolution of authority rather than of freedom (cf. Dean 2002a; Rose 1998; Stenson 1998). Yet, on Berlin's own account, devolution is not the same as liberation, if only because it contains nothing negative, but is rather a mere reconfiguration of the diagrammatic space. The negativity of freedom is therefore immediately reappropriated by the diagram, as all practices of freedom are from the outset confined to the space, carved out within it. Berlin's two concepts of liberty may therefore be conceived as two versions of what may be termed diagrammatic

---

8   For the detailed discussion of the pedagogical technology of liberal governance see Prozorov 2004a; Rose 1996a, 1996b; Brigg 2001; Rankin 2001; Bryant 2002; Rimke 2000; Cruikshank 1999; Edwards 2002; Wilson 1999; Marinetto 2003.

freedom, 'negative liberty' being merely an idiosyncratic mode of the constitution of a positivity through an instantly recuperated intra-diagrammatic negation. Instead, the Foucauldian notion of concrete freedom appears to be a more fitting example of a 'properly negative' freedom, which unfolds in proximity to the outside and is therefore *non-diagrammatic*; which resists any positive specification and is therefore *non-discursive*; which affirms the irreducibility of human being to any determinate identity and is therefore *non-identitarian*. The affirmation of non-identity is arguably the most complex and controversial feature of concrete freedom, particularly given the frequent association of Foucault's political thought with various movements of 'identity politics' in the 1970s–80s. In the following chapter we shall discuss the possibility of moving beyond identity politics in the affirmation of the human potentiality for being otherwise.

This page intentionally left blank

Beyond Identity: The Meto-homonymy of Potential Being

S (S): 'A Happy Limbo of Non-Identity'

The 'nonpositive affirmation' of non-identity is arguably the most controversial feature of Foucault's thought on freedom that, furthermore, is rarely addressed in the commentary on Foucault's work (see Robinson 2003; Heiner 2003; Nigro 2005). In this chapter we shall address the two steps, in which this affirmation proceeds. Firstly, in his late writings on ethics and aesthetics of existence Foucault uncouples the ethico-epistemic nexus that defines the subject's identity in the Western culture. Secondly and consequently, identity, no longer conceived as an expression of subjective interiority, is externalised or bracketed off from one's existence as an externally designed instrument of subjection. As a result, the subject of freedom may affirm his or her being as irreducibly potential, no longer defined by the plenitude of positive predicates, but rather by a certain privation of actual presence that is expressed by Foucault's notions of 'anonymity' and 'infamy'. Let us now discuss these steps in more detail.

As we have argued in detail in our discussion of Berlin's two concepts of liberty, the very notion of positive freedom is made possible by articulating the desire for freedom with a project of discovering and actualising one's 'true' self. This link between freedom and truth, or knowledge more generally, is famously dissolved by Foucault's injunction to 'refuse what we are' or, in John Caputo's (1993) formulation, the admission of the fact of 'not knowing who we are'. Caputo's project of a 'cold' or 'devilish' hermeneutics that he associates with Foucault, seeks to affirm an 'anti-essentialist open-endedness, […] a happy minimalism about who we think we are' (Caputo 2000, 6) and thus displace the pathos of self-*discovery* and self-*realisation* by the practices of self-*fashioning* or self-*creation*, which require the experience of 'not knowing' to be worthy of the name. This disposition accords with our notion of 'being beside oneself': what is at stake here is neither the Christian morality of self-renunciation nor the New Age concern with self-discovery that Nietzsche (2003, § 202) has prophetically derided as a 'European Buddhism', but rather a passion for the ever-present possibility of being-otherwise, a passion that is infuriated at the reduction of human being to any identity and asserts the permanent excess of being to any of its forms. 'It is the philosophy for a practice in which what one is capable of being is not rooted in a prior knowledge of who one is. Its principle is freedom, but a freedom, which does not follow from any postulation of our nature or essence.' (Rajchman 1994a, 192) In the absence of any knowledge about who one is, freedom takes concrete shape in the cultivation of a *style* of existence, a sensibility that is

aesthetic rather than epistemic: 'What is required is an aesthetic attitude in which the cultivation of a style takes precedence over any curiosity about the true nature of the experience being stylised.' (White 1994, 75)

This attitude is best elucidated with the help of Foucault's discussion of Ancient Greek erotics. While the pre-Socratic erotic is taken by Foucault to problematise the 'use of pleasures' in terms of activity and passivity, self-restraint and moderation, reciprocity and honour, the Platonic erotic shifts the object of problematisation from the practical questions of amorous behaviour or 'conduct in love' towards 'love in its very being', thus posing for the first time the vexing question of the nature of 'true love' (Foucault 1990b, 233, 236–37). 'As soon as one undertakes to speak of love in a discourse that aims to define its nature instead of praising that which one loves' (ibid., 237), the very object of discourse is displaced from the erotic to the epistemic space. In Platonic erotics the epistemic anxiety about the nature of 'true love' is resolved through recasting love itself as the 'love of truth': 'beyond the appearances of the object, love is a relation to truth.' (Ibid., 239) In this displacement love became subjected to metaphysics and metaphysics was in turn eroticised, paving the way for the 'deployment of sexuality' with its curious penchant for the auto-affective discourse about pleasure. By the same token, the plethoric yet repetitive discourse on 'true freedom' inevitably threatens the loss of its object, the practice of freedom suffocated under the weight of enunciations that put it before the epistemic tribunal. To avoid this consumption of freedom in discourse, freedom ought to be conceived as singular and supplementary in relation to all positive modes of knowledge.

To speak of the singularity of freedom is also to displace the question of normative or 'ethical' criteria for its practices. The singular is always in excess of the regular and is therefore literally *unprecedented*, an event to which no normative principle may apply: 'Ethics ends where singularity begins, which means where existence begins, since singulars are the sole existents. […] When things get difficult and the way is blocked, ethics is nowhere to be found. Just when we need ethics the most, we find that ethics has tipped its hat, politely made its excuses, and quietly slipped out the back door, leaving us poor existing individuals to face the worst.' (Caputo 2000, 190) Despite the dangers and discomfort involved in dispensing with moral principles at the opening onto the outside, this dangerous experience defines the very experience of freedom as irreducible to the application of the rule, the approximation of the normative ideal or the concretisation of an ethical schema. At the moment of the transgression of the limits of the diagram 'we always proceed in the blind' (Caputo 2000, 181), with nothing other than Schmitt's 'nothingness' (1985a) or Derrida's 'ordeal of the undecidable' (1992b) to guide us in our decision (cf. Prozorov 2007b). Any free decision that has its locus in the opening to the indeterminate outside could only be 'determined beyond knowledge, beyond all presentation, all concepts' (Derrida 1999a, 115), which all belong squarely to the realm of the diagram.

Rather than unwittingly justifying or celebrating whatever Foucault's critics mean by 'nihilism', this stance enables the ethical practice of freedom that Foucault conceives of in terms of 'aesthetics of existence' (1990b, 25–32) that takes its point

of departure from the absence of a moral code or a general normative schema.[1] The Foucauldian aesthetics of existence does not attempt to recover the underlying truth of one's subjectivity in a 'hermeneutics of the self', but rather focuses on active self-fashioning, 'those intentional and voluntary actions by which men […] seek to transform themselves, to change themselves in their singular being, and to make their life into an oeuvre that carries certain aesthetic values and meets certain stylistic criteria' (Foucault 1990b, 10).

While a detailed discussion of Foucault's aesthetic reconstruction of the domain of ethics is beyond the scope of this book (see Prozorov 2007b), its crucial importance for our present purposes is that it serves to uncouple the diagrammatic ethico-epistemic axis: 'It is not at all necessary to relate ethical problems to scientific knowledge.' (Foucault 1984b, 349) It must be emphasised that in the 'aestheticist' worldview that, according to Alan Megill (1985), characterises Foucault's work, art does not denote a functional sector contrasted with other domains of experience, but, in an interesting parallel to the Schmittian notion of 'the political', is rather a source of all experience (see Bennett 1996; Ziarek 1998; Simons 2000). Just like any practice acquires a political character, when it carries an intense constitutive force (Schmitt 1976, 76–8), any material, including one's everyday existence, can become enveloped in an aesthetic project of creating oneself as a 'work of art'. It is also important to note that, contrary to the criticism of Foucault's 'aestheticism' as elitist and narcissistic[2], self-creation as a work of art 'is to be taken in the sense of the Greeks for whom an artist was first of all an *artisan* and a work of art was first of all a *work*' (Veyne 1993, 7). To speak about making one's life a 'work of art' is therefore not to reduce life to art but rather to expand the space of possibilities inherent in human existence and resist the reduction of existence to any positive project. As a work of art that is permanently 'in progress', human existence exceeds all identification, always retaining the capacity to be other than what it is.

Far from being a vacuous valorisation of 'creativity' and 'self-expression', Foucault's ethics thoroughly de-glamorises self-fashioning as an 'undefined work of freedom', a dangerous and open-ended encounter with the outside, the 'folding' of the forces of outside inside the self, whereby the free subject is formed as 'the inside of the outside' (Deleuze 1988, 97, 118). Rather than being a narcissistic assertion of the originality of one's identity, self-fashioning finds its very condition of possibility in the non-identity of the outside, whereby interior zones are folded at the boundary between the diagram and its outside. In this peristaltic movement one's existence

---

1   For the discussion of Foucault's late work on ethics and aesthetics of existence see Connolly 1998; Huijer 1999; Allen 1998; Bernauer 1992; Rajchman 1992, 1994a, 1994b; Simons 1995, chapters 6–8; Bennett 1996. See also Deleuze 1988 for the reading that conceives of this problematic as the culmination of Foucault's thought, his 'discovery' of a 'place where a sense of serenity would be finally attained and life truly affirmed' (Deleuze 1988, 96).

2   See Wolin 1994 for a particularly malicious version of such criticism that claims that Foucault's position is indistinguishable from that of a 'narcissistic child' (1994, 257) and that the 'realisation' of his ethical project would bring about what Wolin refers to as 'a Hobbesian state of nature with a flair for style' (ibid., 262). See Bennett 1996, Connolly 1998 for discussion and response to this and other criticisms.

is endowed with a non-identical double or rather an infinite chain of doubles, since what is at stake is the permanently open possibility of *doubling* as such. In traditional linguistic terms, this movement of doubling is analogous to the creation of one's own *metonymic homonym*, an extradiagrammatic supplement that exists beside(s) one's diagrammatic identity.

What is highlighted in Foucault's ethics is not the introduction of new ethical principles but rather the relation to one's own existence that one establishes *in opposition* to any ethos of any diagram, insofar as diagrams are never lacking but rather always suffused with normative guidelines and regulative principles. Thus, our meto-homonymous being beside our diagrammatic selves is always already *antonymous* to the very principle of normativity, which requires that liberation be necessarily conceived as a meaningful project that redeems one's 'true' subjectivity. In this sense, Foucault's non-identitarian ethics of self-creation proceeds from what Simon Critchley, in his readings of Blanchot and Beckett, calls 'meaninglessness as an achievement', the understanding that it is the *plenitude* rather than the *absence* of meaning in the world that gives life its unbearable gravity:

> If meaninglessness were a fact, then the theological solution to this situation would make sense; it would be the very making of sense, the redemption of meaning in a meaningless world. [...] However, the situation would seem to be precisely the opposite: the world is overfull with meaning and we suffocate under the combined weight of the various narratives of redemption – whether they are religious, socioeconomic, political, aesthetic or philosophical. What passes for the ordinary is cluttered with illusory narratives of redemption that conceal the very extraordinariness of the ordinary and the nature of its decay under conditions of nihilism. [...] But what remains after we have been saved from salvation, redeemed from redemption? What remains? Nothing? Almost. (Critchley 1997, 179–80)

A Foucauldian version of this 'almost' is precisely the aesthetic stylisation of one's own existence that grants one's being a dimension of lightness, and thus freedom, in the face of the omnipresent gravity of the diagrammatic ordering of existence. In contrast to the normative foundationalism of Foucault's critics, which exemplifies what Nietzsche called 'incomplete nihilism', a deceptive invention (*Hinzulügnung*) of new foundations when existing ones are put in question (Nietzsche 2001, 39), Foucault's aesthetics of existence exemplifies an *active* response to nihilism, a 'pessimistic activism in the face of ultimate meaninglessness' (Flynn 1994, 313). This disposition, which we have termed 'existential decisionism' (Prozorov 2007b), exemplifies what Paul Veyne terms the 'fulfilment of nihilism', a commitment to a position that openly recognises the impossibility of its ethico-epistemic grounding but no longer requires such grounding to practice one's freedom: 'What remains is to live and to want what one wants without justifying oneself and saying that one is right.' (Veyne 1992, 343)

The principle of 'fulfilment of nihilism' points to the second step in the displacement of identity, the supplementation of the epistemic affirmation of 'not knowing who we are' with an ethical sensibility marked by the absence of any *concern with identity*, with discovering the inner truth of one's being; in short, the attitude of 'not caring who we are'. This attitude is already implicit in Caputo's

call for a '*happy* minimalism concerning who we are' but deserves to be explicated further to elucidate its contrast with a facile 'postmodern' attitude that conceives of identity as 'always in question', permanently in the process of contestation and reconstruction. Although definitely instrumental in our liberation from ascribed roles and pseudo-natural identities, this attitude is nonetheless entirely insufficient, if not outright misleading, for the thought on freedom, insofar as its destabilisation of identity may ultimately do nothing more than turn a formerly 'natural' attribute into an object of desire. The argument for the contingency of identity and its governmentally constituted character may disturb the epistemico-moral certitude with which one's identity is invoked, but it does not, in itself, displace the concern for identity, the desire for its 'discovery' and the anxiety about its 'authenticity'. A politics that remains animated by the desire for the articulation and recognition of identity is therefore inherently prone to a degeneration into a clash of increasingly rigid and exclusive positions. The actuality of one's existence is thereby sacrificed to the struggle in the name of what is essentially a conceptual reduction of being to a positivity and a political reduction of human being to an object of government.

Foucault has famously described the linkage between the passion for identity with governmental rationalities in his seminal analysis of the 'confessional technology' of subjectification. According to Foucault, the Christian practice of confession has been deployed in a secularised fashion at a variety of sites (most paradigmatically in psychoanalysis, but also in education, literature, intimate relations, etc.) as the primary 'technique of the self': 'Western man has become a confessing animal.' (Foucault 1990a, 59. See also Foucault 1988b, 1988d, 1988e; Bernauer 2005) What is crucial in this technology for our purposes is less the curious link it makes between sexual behaviour and the truth of one's being than the assumption it makes about this truth as residing within the depths of subjectivity, unbeknownst to the subject in question, always 'in hiding' and in need of extraction by hermeneutic experts. Thus, the path to the discovery and liberation of one's true self lies in active and voluntary participation in discourse, a verbal rendition of experience, which in itself is anticipated to liberate (cf. Giddens 1992).

> The obligation to confess is now relayed through so many different points, is so deeply ingrained in us that we longer perceive it as an effect of power that constrains us; on the contrary, it seems to us that truth, lodged in our most secret nature, 'demands' only to surface; that if it fails to do so, this is because a constraint holds it in place, the violence of a power weighs it down and it can finally be articulated only at a price of a kind of liberation. (Foucault 1990a, 60)

The crucial difference of confession from Foucault's more famous 'disciplinary technology' (1977b) is that, in contrast to the panoptic mechanisms of discipline, the confessional technology does not involve individuals as docile objects. Instead, it proceeds by an incitement to active discourse, which, with the help of experts with due hermeneutic capacity, will reveal the truth of their identity. '[T]he confession is a ritual that unfolds within a power relationship, for one does not confess without the presence of a partner, who is not simply an interlocutor, but the authority.' (Ibid., 61) This 'link between total obedience, knowledge of oneself and confession to someone else' (Foucault 1988d, 69) is at work in the most mundane sites of contemporary

governmentality, from the valorisation of 'creative self-expression' in education to corporate 'participatory management' programmes (see Prozorov 2004a, chapter 2). 'The individual [is] authenticated by the discourse of truth he was able or obliged to pronounce concerning himself. The truthful confession was inscribed at the heart of the procedures of individualisation by power.' (Foucault 1990a, 58) Furthermore, the very asymmetric relationship of confession becomes, for the newly autonomised and authenticated subject a source of gratification and fulfilment, 'the delight of having one's words interpreted, […] a pleasure of analysis' (Foucault 1990a, 71. See also Rose 1990, 257). Thus, the passion for the knowledge of 'who one is' is transformed into the injunction to enjoy one's subjection.

> [O]ne has to be completely taken in by this internal ruse of confession in order to believe that all these voices repeating the formidable injunction to tell what one is and what one does, what one recollects and what one has forgotten, what one is thinking and what one thinks he is not thinking – are speaking to us of freedom. (Ibid., 60)

The irony of the confessional technology is that its promise of the liberation of one's authentic identity is inevitably fulfilled through violent artifice that destroys the actual in the name of the purification of the 'real'. In accordance with Derrida's logic of supplementarity, the natural immediacy of authentic identity is always derived from artefactual mediation that forcefully installs the very forms of life, at whose authenticity one may then marvel (Derrida 1998, 157). The more passionate the quest for the authentic, the more violent the effort of its constitution and the more frustrating the manifest artificiality of the final outcome, one's rejoicing in authenticity marred by the fatigue from the work of technological supplementation: '[T]he presence that is thus delivered to us is a chimera. The enjoyment of the thing itself is undermined by frustration. The supplement is maddening because it consequently breaches both our pleasure and our virginity.' (Ibid., 154)

Contemporary studies in liberal governmentality provide vivid examples of this aporetic experience, whereby the passion for self-discovery is translated into a tedious pedagogy, in which one's desire for the natural and the authentic is mobilised in the most unnatural rituals of indoctrination. Perhaps, the best illustration of this aporia in our contemporary culture is the temporal extension and functional expansion of pedagogy, which becomes a process of 'lifelong learning', in which the subject must ceaselessly form, reform and transform itself under expert guidance (see Prozorov 2004a; Rose 1996a; Harrison 2000; Edwards 2002; Deacon 2002). The contemporary 'learning society' (Wain 1999; Wilson 1999; Nikoll and Edwards 2000) is a perfect illustration of the diagrammatic mobilisation of the passion for self-discovery, which finds in the 'constructed' character of identity nothing but the impetus for its infinite *re*-construction. 'Pedagogy illuminates perhaps most crudely the paradoxes of the supplement. How can nature ask for forces that it does not furnish? How is a child possible in general? […] Education will be regulated by this necessary evil – to supply what is lacking and to replace nature.' (Derrida 1998, 146) Yet, isn't it possible to exit this vicious circle of the construction of the authentic and the authentication of the constructed? Can we simultaneously affirm freedom and

abandon all positive specification with regard to its subject, *dispense with the very notion of identity* rather than merely point to its 'constructed' character?

In our view, the Foucauldian resistance to the diagrammatic constitution of subjectivity is furthest away from questioning or contesting identity, affirming a 'hybridity' of identities or their 'multiplicity', let alone opposing 'marginal' identities as authentic in opposition to the 'dominant' ones. All forms of 'identity politics' remain heterogeneous to the practice of concrete freedom, insofar as they are tied to the language of positivity, the assumption of authenticity and the articulation of freedom with knowledge. Foucault's famous call for the 'insurrection of subjugated knowledges' (1980e, 81) ought to be understood in his own minimalist terms, whereby the 'subjugated knowledges' in question are entirely exhausted by the knowledge of their subjugation and the cathartic dispossession of the subject from the diagrammatic knowledge of oneself. The effect of this knowledge is then not the anxiety about finding an authentic, local or marginal alternative to one's diagrammatically constituted identity but the displacement of the concern with identity as such, following Foucault's cryptic summation of his method (1977d, 185): 'What is the answer to the question? The problem. How is the problem resolved? By displacing the question.' The task is therefore to define non-identity otherwise than negatively or in terms of a binary opposition. To speak of non-identitarian freedom is not to oppose identity to 'pure difference' or affirm non-identity as an 'alternative' to identity. Neither is it to invoke the experience of a 'loss of identity', since, as a property of the diagram, identity is never one's own to possess or to lose. It is rather to *de-problematise* identity, admit to 'not knowing who we are' *and* to renounce all interest in such knowledge, shrugging one's shoulders indifferently in response to the question of one's identity. In Foucault's expression, it is to enter a 'happy limbo of non-identity' (Foucault in Dews 1995, 168) that renders one immune to the diagrammatic seduction of self-discovery and self-fulfilment.

In his *Coming Community* (1993b), Giorgio Agamben has provided a poignant illustration of what this 'happy limbo' might be like in his discussion of St. Thomas's meditations on the fate of children who die unbaptised, the inhabitants of limbo. Since these children have no fault other than the original sin, they cannot be consigned to hell and their only punishment is the 'perpetual lack of the vision of God' (Agamben 1993b, 4). However, since these children were not baptised and therefore lack any supernatural knowledge, implanted at baptism, they cannot *suffer* this lack, or even perceive it as such. Thus, Agamben argues, what was intended as punishment turns into a natural joy for the inhabitants of limbo: 'Irremediably lost, they persist without pain in divine abandon. God has not forgotten them, but rather they have always already forgotten God, and in the face of their forgetfulness, God's forgetting is impotent. Like letters with no addressee, these uprisen beings remain without a destination. Neither blessed like the elected, nor hopeless like the damned, they are infused with a joy with no outlet.' (Ibid., 5) Thus, the limbo paradoxically becomes the site of genuine human freedom, which is only accessible through an exodus from or abandonment by the positive order and the identities that it specifies, an experience that only resembles an utter catastrophe from an intra-diagrammatic perspective: 'These beings have left the world of guilt and justice behind them: the light that rains down on them is that irreparable light of the dawn following the

novissima dies of judgment. But the life that begins on earth after the last day is simply human life.' (Ibid., 6)

The inhabitants of Foucault's limbo of non-identity are similarly unaware of their privation. Insofar as one renounces the interest in the authenticity of one's identity and the techniques of its actualisation, the promise of diagrammatic liberation begins to be received with a mild and somewhat uncomprehending amusement. Isn't the very discourse on identity, in all its varieties, beguilingly strange in its promise to deliver to the subject the truth of his individuality by subjecting him to the knowledge that is entirely alien to him or, conversely, tirelessly teaching him what he is presupposed to already know? Isn't there something ludicrous in the effort to extract the truth of being from the depths of subjective interiority by filling these very depths with a plethora of discursive constructions? Isn't the very notion of identity little more than an amusing artefact, which stops being amusing when one's entire existence becomes subjected to it, when it brands and penetrates one's very being?

Against all misrecognised affinities, the Foucauldian subject of freedom is therefore entirely distinct from today's 'postmodern subjects', cosmopolitan 'frequent travellers' (Calhoun 2003), who are engaged in the play of multiple identities, permanently 'reinventing' themselves in accordance with both the imperatives of the market and New Age ethics, the latter being the perfect correlate of the former (see Zizek 2006, 383–4). What is at stake here is the opposition between *plenitude* and *lack*: while the 'postmodern' resistance to diagrammatic identity targets its restrictive character and finds the pathway to freedom in the multiplication and hybridisation of identities, the Foucauldian gesture is the exact opposite, i.e. the affirmation of one's fundamental *non-identity with oneself*, the ontological negativity that renders impossible even one identity, not to speak of their multiplicity. Yet, the relation between plenitude and lack is not a simple opposition: the ontological negativity of the subject is of course only a lack or a privation from an intra-diagrammatic perspective, as it points to the impossibility of closure, thus depriving the diagram of ontological consistency. In contrast, in the exteriority of the diagram, this 'lack' rather points to the plenitude of meto-homonymous 'being beside itself', an unnameable excess of being that can never be incorporated into any identity. From this dual affirmation of internal lack and external plenitude follows not the desire for the proliferation of identities, but the effacement of the desire for identity as such. The subject of freedom may thus be formalised as S (S), a being beside its own diagrammatic identity that it brackets off precisely by its minimal exteriority to it. At the same time, this formula reminds us that one may never dwell in the pure outside, dispensing with the diagram in its entirety. Instead, diagrammatic identity is not eliminated but, strictly speaking, bracketed off, 'retained' only in the sense of being *set aside*. This formula demonstrates that the subject of concrete freedom fashions itself through a homonymous difference from its own diagrammatic identity and a metonymic displacement from it, thereby emerging as one's own meto-homonymous double at the exterior limit of the diagram.

Infamous Life: The *Tabula Rasa* of Whatever Being

The formula of S (S) demonstrates that what is at stake in the affirmation of concrete freedom is not identity, however multiple, hybrid or fluid, but *potentiality*. The difference between the two notions is best illustrated with the help of Giorgio Agamben's reconstruction of the Aristotelian concept of potentiality. For Aristotle, something is potential not simply because it is capable of being, but, more importantly, because it has the capacity *not* to be (see Agamben 1993b, 35–8; 1998, 45–7; 1999, 249–50). In contrast to the 'material' or 'possible' potentiality of e.g. a child who cannot write but may potentially become a poet, 'perfect potentiality' is only accessible through the image of a poet, who already can write poetry but does not do so (Agamben 1999, 247). The passage of the potential into the actual must therefore remain entirely contingent for the distinction to have any force, otherwise the potential would simply merge with the actual as its future form. To be worthy of the name, potentiality must retain its potential for being impotential, for *not* passing into actuality. Thus, potentiality necessarily 'maintains itself in relation to its own privation, its own *steresis*, its own non-Being' (ibid., 182). For Agamben, it is precisely this 'experience of privation' that makes potentiality the 'root of freedom':

> To be potential is to be one's own lack, to be in relation to one's own incapacity. Beings that exist in the mode of potentiality are capable of their own impotentiality; and only in this way do they become potential. They *can* be because they are in relation to their own non-Being. […] Here it is possible to see how the root of freedom is to be found in the abyss of potentiality. To be free is not simply to have the power to do this or other thing, nor is it simply to have the power to refuse to do this or other thing. To be free is […] to be capable of one's own impotentiality, to be in relation to one's own privation. (Agamben 1999, 182–83. Emphasis original.)

This understanding of potentiality is analogous to our formula S (S) that designates the experience of being beside oneself. What does it mean to 'be in relation to one's own privation'? It is nothing other than to bracket off one's determinate identity, thereby suspending it in a state of (im)potentiality. It is thus the capacity to deprive oneself of one's actual identity yet maintain a relation of privation with it that makes freedom, the 'I can' of potentiality, possible. Any affirmation of concrete freedom is therefore necessarily a confrontation with the positivity of the diagram, which is inherently marked by what Agamben calls a 'deficit of existence', i.e. the reduction of human potentiality to an identity that appropriates its 'power-not-to-be as a substance' (Agamben 1993b, 43). For any diagram whatsoever, potentiality, 'which is the most proper mode of human existence, is a fault that must always be repressed' (ibid.), simply because no diagram could sustain itself in a state of utter contingency, in which its actual presence were nothing other than a setting aside of its potential not-to-be (Agamben 1999, 264). The diagrammatic abduction of human existence therefore proceeds by a reduction of what is *able to (not) be* to what actually *is*, and, furthermore, is *something* positive and definite.

This means that practices of freedom would be self-defeating, if they merely sought to translate a certain potential identity into actuality, as in this manner they

would cancel their own potentiality-not-to-be (Agamben 1998, 48). Similarly to Berlin's insistence on the distinction between freedom and the actual conditions of its use, the concept of potentiality emphasises the irreducibility of freedom to any positive practice or any determinate identity. While we have defined freedom in terms of the possibility of being otherwise, the 'otherwise' in this formula is the very opposite of a determinate 'something else', but is rather homonymous in relation to *any* positive identity. Thus, resistance in the name of identity involves freedom only to the extent that it abrogates it and remains in a deficit of existence. In contrast, concrete freedom is an affirmation of potentiality in both of its senses ('to be' and 'not to be') that establishes what Agamben calls a 'zone of indistinction' between actuality and potentiality. In this zone, actuality itself is revealed as nothing other than a potentiality that 'has exhausted all its impotentiality in bringing it wholly into the act as such', a potentiality in the second degree that *can not not-be* (Agamben 1999, 182). This 'zone, in which possibility and reality, potentiality and actuality, become indistinguishable' (Agamben 1993b, 55–6) leads to a coincidence of pure necessity, whereby one is what one is and none other, and pure contingency, whereby one may always be other than one is.

The subject of concrete freedom, 'being radically devoid of any representable identity' (Agamben 1993b, 86-7), may thus affirm its absolute singularity of being-thus simultaneously with affirming its ineradicable potential for being-otherwise, so that it is always simultaneously (none) other than it is. Being *its own* homonym and *its own* metonym, this subject may be said to resolve Hamlet's dilemma by affirming both being and not-being *at the same time*. The abandonment of the desire for identity does not in any way devalue the actual existence of the subject, nor does it issue a necessary injunction for the subject to be someone else, which would similarly jeopardise his potentiality not to be. On the contrary, it allows us to affirm the singularity of concrete existence simultaneously in the brute actuality of its being-such-as-it-is and in the infinite potentiality of being-otherwise. Against the diagrammatic injunction to a positively specified identity that one must enact to be endowed with subjectivity, we may then assert the singularity of the subject in its 'whatever being' (Agamben 1993b, 1–10), no longer tied to any determination of human being by historical-ontological diagrams.

One of Foucault's favoured modes of the affirmation of non-identitarian freedom of potential being against the diagrammatic abduction is the practice of *anonymity*. If governmental rationalities operate through the nomination and specification of a positive identity through a series of constitutive exclusions, rarefactions and restrictions (Foucault 1981), then the practices of freedom are enabled by withholding the knowledge of oneself, resisting the injunction to a 'confessional' self-expression, declining the incitement to active participation in the governmentally sanctioned discourse. Anonymity may then serve 'to encourage freedom by increasing the scope of actions not susceptible to official observation, records and interpretation' (Hooke 1994, 298). Reversing the clichéd opposition between the impersonal and anonymous modern existence and the authentic project of self-discovery and self-fulfilment, let us venture that it is a certain *de-specification of oneself*, a certain self-effacing impersonality that permits the practices of freedom that we have been discussing (see Heiner 2003; Robinson 2003; Huijer 1999). Foucault's own stance

and writing style are marked by this elusion of identity, as the following famous passage illustrates:

> What, do you imagine that I would take so much trouble and so much pleasure in writing, do you think that I would keep so persistently to my task, if I were not preparing – with a rather shaky hand – a labyrinth into which I can venture, in which I can move my discourse, opening up underground passages, forcing it to go far from itself, finding overhangs that reduce and reform its itinerary, in which I can lose myself and appear at last to eyes that I will never have to meet again. I am no doubt not the only one who writes in order to have no face. Do not ask who I am and do not ask me to remain the same: leave it to our bureaucrats and our police to see that our papers are in order. At least spare us their morality when we write. (Foucault 1989, 17)

This quest for anonymity, the unwillingness to be confined within even a 'self-chosen' identity, to be pinned down and constrained by what one allegedly *is,* is a strategy that need not be restricted to the domain of transgressive art or philosophical writing but can be generalised as a mode of 'nonpositive affirmation' of one's existence in the face of the diagrammatic subjection (see Foucault 1977c, 1987). To remain anonymous in the face of the diagram is to enact one's potentiality for being otherwise that is entirely heterogeneous to actually becoming someone else. Instead, a Foucauldian anonymity is closest to Agamben's notions of 'being-thus' or 'being-such', which have nothing to do with remaining in a positively determined mode of existence, but rather refer to the singularity of *whatever* being, which is irreducibly potential. It would certainly be a misunderstanding to read Agamben's affirmation of the 'irreparable' status of one's being-thus as an injunction to stick to a certain actual identity, to be thus and nothing other. Instead, in Agamben's formulation the anaphora 'thus' 'no longer refers back to any meaning or any referent, [being an] absolute thus that does not presuppose anything but is completely exposed' (Agamben 1993b, 93). From the diagrammatic perspective, the anonymous subject is that, whose 'being-thus' literally *can* be anything, can be otherwise in relation to any identity due to the possibility of the infinite proliferation of homonyms that destroys the ordering function of the name. Anonymity does not seek either to affirm any particular identitarian predicates against the diagram that attempts to efface them or to negate any of the predicates that the diagram attempts to install in the subject, but simply affirms itself as 'neither this nor that, neither thus nor thus, but *thus,* as it is, with all its predicates (all its predicates is not a predicate). […] Such a being would be a pure, singular and yet perfectly whatever existence.' (Ibid. Emphasis original.)

This affirmation of whatever being may be elaborated further with the help of Foucault's idiosyncratic notion of 'infamy' (Foucault 1979; Deleuze 1988, 145). In contrast to the prevalent meaning of infamy as notoriety, disgrace or ignominy, Foucault conceives of infamy as, literally, 'absence of fame', good or ill, a quality of not being known or being resistant to knowledge by authority. Foucault's 'infamous men' are those who find their anonymity violated by governmental intervention, 'insignificant, obscure, simple men, who are spotlighted only for a moment by police reports or complaints' (Deleuze 1988, 145). 'Infamous men' do not resist in the name of the emancipatory fulfilment of their identity but rather in the name of the excess of their being over the identity, imposed on them, the unnameable,

purely negative excess of the outside. The violence of identitarian governmentality is particularly noticeable in the case of these existences, 'momentarily dragged into the light and made to speak by their encounter or clash with power' (ibid., 82). Lacking any identity prior to such governmental 'enlightenment' and unwilling to assert an 'alternative' identity in the struggle for a 'better' diagram, 'infamous men' affirm nothing but 'an anonymous life that shows up only when it clashes with power, argues with it, exchanges 'brief and strident words' and then fades back into the night' (ibid., 95). Foucault's 'infamy' points to possibilities of being beyond identity, which are intrinsically available to 'whatever' subject in the zone of indistinction between actuality and potentiality, presence and absence, positivity and negativity. Indeed, the negative morphological structure of terms like 'ano-nymity' and 'in-famy' only points to the paradox of deploying positive linguistic terms to designate that which is in excess of all positivity. In fact, the practices designated by these terms negate nothing until they get caught up in the operations of the diagram, which itself negates the freedom of those engaged in them. Instead, anonymous or infamous subjects may be said to affirm, nonpositively to be sure, a life in excess of all positive determination, a 'life, for which living itself would be at stake in its own living' (Agamben 2000, 9. See also Agamben 1999, 160–75). In a similar formulation, Nikolas Rose (1999, 283) has succinctly summed up the Foucauldian ethical disposition: 'we should oppose all that which stands in the way of life being its own telos'.

The resistance of 'infamous men' does not affirm anything positive in their existence; in Agamben's terms, 'it writes nothing but its potentiality not to write' (Agamben 1993b, 37). If anything at all is affirmed in it, it is the very void which every diagram attempts to fill with its rationalities of subjectification that perceive the human being as a clean slate, amenable to governmental ordering. The subject of 'infamous life' founds its resistance on that very negativity, which from the diagrammatic perspective is a condition of both the legitimacy and the practical possibility of positive subjectification. Throughout history, the metaphor of a 'clean slate' has functioned as a mode of legitimation for constitutive governmental interventions that ventured to inscribe its rationalities on it, turning a clean slate into a positive form of being (see Prozorov 2004a, chapter 4). The concept of potentiality permits us to reverse this tendency and reappropriate this metaphor in the discourse of resistance to government in the name of concrete freedom.[3] The subject of whatever being is a clean slate that desires to *remain* a clean slate, that resists the inscriptions that it suffers. The clean slate is non-identitarian, i.e. it 'is itself not an actual intelligible', but it is 'nevertheless capable of being any intelligible whatsoever' (Agamben 1999, 73). The novelty of Foucault's account of diagrammatic subjectification in comparison with the discourses on alienation of e.g. Rousseau or Marx is that he entirely dispenses with any positive identification of the substance of human existence that is alienated. Something is certainly lost in the diagrammatic abduction of existence, but this 'something' is nothing positive, but

---

3   In Agamben's reconstruction of the Aristotelian logic of potentiality the clean slate or *tabula rasa,* a 'writing tablet, on which nothing is written' functions as an epitome of potentiality. See e.g. Agamben 1993, 36–7; 1999, 215–16, 250–51.

rather the infinite potentiality of human being, its capacity of 'being any intelligible whatsoever', its plenitude that every diagram contains in the deficit of existence.

We may then easily notice the redundancy of any claims to identity as means of resistance to the diagram: does not the greatest violence consist precisely in penetrating and filling the *empty space*, thereby thoroughly altering its character? Isn't diagrammatic ordering of existence 'delegitimised' sufficiently by the fact that governmental inscriptions are drawn on the 'clean slate'? What the notions of infamy and anonymity affirm is the presence in human existence of a certain radically undetermined element, a 'being beside itself' that is both actual and potential *at the same time* and thus resists any identification (see Agamben 1999, 75–6. Cf. Derrida 1996). The manifold manoeuvres of evading identity make possible what from a formal logical viewpoint appears unthinkable: being something other than one is in one and the same instance (Agamben 1999, 76, 261–65).[4] What we mean by this is the ever-present possibility of doubling one's existence at the limit of the diagram, of being one's own meto-homonym, both inside and outside the diagram, both within and beside oneself, both thus and otherwise.[5]

We may thus sum up the Foucauldian ontological conception of freedom in terms of potentiality for being otherwise that exceeds every historical determination of being through the constitution of an identity, the articulation of a discourse or the construction of a diagram. Non-diagrammatic, non-discursive and non-identitarian – it appears that the only characteristics of a Foucauldian concept of freedom are purely negative, begging the question of the attraction of such freedom. After all, the existence in proximity to the void, stripped of the security of identity and the governmental guarantees of the sanctity of the 'free space', resigns one to an insecure life in a state of utter symbolic destitution without offering as a reward or a consolation any teleology of a final liberation. With regard to this objection, we ought to note

---

4   Aristotle's logical principle of 'conditioned necessity' states that even if a being is entirely contingent, in the instance that it actually *is* it can't be otherwise. Contingency is thereby 'contained in a barrier that always necessarily inscribes its expression in the form of a past: something *could have been* otherwise than it is' (Agamben 1999, 75). As we shall discuss in more detail below, Agamben's philosophical project may be said to consist in the attempt to call this principle in question, 'to attest to the very existence of potentiality, the actuality of contingency', to give an affirmative answer to the question: 'Is it possible to attempt to say what seems impossible to say: that something *is* other than it is?' (Ibid., 76)

5   The relation between 'thus' and 'otherwise' remains ambiguous in Agamben's writings. Although Agamben at one point claims that 'thus means not otherwise' (Agamben 1993b, 92), his own emphasis on the indistinction between necessity and contingency in being-thus (ibid., 38–9) entails that this strict opposition no longer holds, as the two terms appear increasingly indistinct in their 'whatever' character of being. As we shall argue in more detail below, Agamben's preference of 'thus' over 'otherwise' has to do with his somewhat paradoxical insistence on excluding from the realm of potentiality any aspect of will and thereby conceiving of potential being as absolutely passive (cf. Franchi 2004). This criterion is fulfilled in thinking potential being as always already dwelling in its 'thus', rather than as preceded by a decision to *enter* this mode of being, which must logically be a decision on being otherwise. We shall discuss the significance of the decision to practices of freedom in detail in Chapter 4.

that in our account freedom figures as a practice among others, that, moreover, owes its existence to its non-necessity, the possibility to renounce and exchange it for such undoubtedly attractive values as belonging, security or community. Moreover, given that historically only a free subject could be the subject of exchange, freedom functions as the ontological condition of possibility of the attainment of all these aspirations. Yet, this possibility does not justify the identification of freedom with any of these values, 'so reformulating the definition of freedom that it is always represented as something good without qualification' (Berlin 2002, 49). We must therefore concur with Berlin's insistence on the need to break with the tendency to equate freedom with happiness or the 'good life': 'Everything is what it is: liberty is liberty, not equality or fairness or justice or culture or human happiness or a quiet conscience.' (Ibid., 172) It is therefore entirely unwarranted to demand of the practices of freedom the fulfilment of any of these desires – insofar as our aspirations necessarily involve other beings, our attainment of these aspirations logically cannot be determined solely by our free pursuit of them. Moreover, our desires may well be mutually exclusive, so that some pathways of being-otherwise would be foreclosed by the choice of other such pathways. Besides, understanding freedom in terms of potentiality must also presuppose the possibility of *not* pursuing any such pathway at all. Passivity, impasse and frustration are thus necessarily inscribed in the very concept of freedom as the possible effects of its practice. Freedom is therefore not a guarantee for the fulfilment of any desire but rather the condition of possibility of its pursuit.

Summing up our reconstruction of the Foucauldian ontology of freedom, we must conclude that its singular achievement consists in simultaneously thinking freedom ontologically as an ever-present potentiality of human being and positing this ontology outside the confines of a 'perfect order', in which everyone's freedom would be fully actualised. Foucault refers to the latter disposition as *transcendental narcissism* (1989, 203)*, according to which one's freedom, happiness or any other value require a validation of their transcendental status to be worthwhile. Transcendental narcissism finds empirical individuality insufficient and supplements it with the construction of chimerical entities, onto which one projects one's vision of 'true freedom', in whose image the *world* (rather than merely one's own self) must be re-ordered. However, in Foucault's ontology a 'free world' is a manifest impossibility, unthinkable even as a utopia. It is not by changing the world, i.e. transforming the positive forms of truth, power and ethics that govern our being in the world, that man becomes free; on the contrary, man is from the outset fundamentally free, because the ontology of these forms is historical and our being in the world may therefore never be reduced to these positivities.

In Foucault's ontology of freedom, transcendental narcissism is disabled by demonstrating that there is nothing transcendental about our truth, power and ethics and, moreover, that there is nothing about them that is, in a strict sense, *ours*. The externalisation of the epistemic-political-ethical regime of the diagram, achieved by the painstaking labour of Foucault's archaeologies and genealogies, opens a clearing, in which human freedom is finally visible and articulable as the permanent excess of all historical-ontological enfolding of human existence. This affirmation is evidently furthest away from any positive project of transformation, however global

and radical, but rather concerns enhancing the possibilities of living *in* but *in excess* of the diagram. In Thomas Dumm's terms, the task of concrete freedom proceeds from dispensing with Marx's Eleventh Thesis on Feuerbach: '[T]he philosophers have transformed the world in various ways, to make it unrecognisable, and for too many of us, unlivable. The point is not to change the world but to live in it.' (Dumm 1994, 332)

From this perspective, the significance of Foucault's ontology of freedom consists in illuminating the radical heterogeneity of freedom to any diagram of order, liberal or socialist, real or utopian, emancipatory or repressive. For all their differences, all diagrams, from the most hideous tyranny to the least plausible utopia are equally heterogeneous to freedom, although the degree of its suppression and the possibilities of its practice that remain open will certainly vary considerably. In Foucault's phrase, 'Whatever scenario one takes a power relation would be established and the question would still remain how to limit its effects.' (Foucault 1988g, 168. See also Foucault 1988b) The negativity of this notion of freedom is evident in its lack of any recourse to the language of rights, its scepticism with regard to the governmentally sanctioned 'civil liberties', its evasion of all normative ideals that are perceived as unwarranted containers to the practice of freedom. Yet, it would be incorrect to dismiss this freedom as a mere antonym of power. Indeed, the very notion of *potentiality* logically and etymologically presupposes the *power* of a human being to be and not to be, to be thus and otherwise. In the second part of this book we shall posit 'concrete freedom' as in itself a form of exercise of power, the sovereign 'power of life' that ruptures the immanence of every diagram. Before delving into the discussion of the relation between freedom and sovereignty, let us introduce in the following interlude the literary figure that for us epitomises the Foucauldian practice of freedom, J.M. Coetzee's Michael K.

This page intentionally left blank

'To Be Out of the Camps': Michael K and The Power of Pure Refusal

The first part of this book has dealt with freedom as an ontological question, establishing the locus of concrete freedom at the opening of the diagram onto the outside that ruptures its self-immanence and allows for the externalisation of its historical-ontological forms of subjectification, which liberates the potentiality of human being from its containment within an identitarian deficit of existence. The second part of our study will pose the question of freedom as a political practice of resistance to the biopolitical rationalities of contemporary global governance. Yet, prior to the development of political strategies on the basis of the Foucauldian ontology of freedom, we ought to pause and consider concrete freedom as a practice. The complicated philosophical argument of previous chapters is likely to elicit a sense of scepticism about any practical manifestations of concrete freedom. It may well be that we are all 'freer than we feel' in the ontological sense, but what would it mean to affirm this surplus of freedom in practice? How does one actually get beside oneself and where does one go from there? Will we even know freedom when we see it, and, if so, how? A concrete example of concrete freedom would certainly be desirable, certainly not as a 'model' of freedom, which would be a contradiction in terms, but as a demonstration of its possibility.

In this interlude we shall illustrate the philosophical theses of previous chapters through a reading of J.M. Coetzee's novel *The Life and Times of Michael K* (1985), whose protagonist exemplifies, in a poignantly hyperbolic manner, the Foucauldian practice of freedom. Throughout the novel Michael K traverses the harrowing landscapes of the civil war-torn South Africa without identification papers, is repeatedly detained in and successfully escapes from the 'camps' set up by the warring parties for the purposes of the containment of the 'non-combatant' population. In recent years, Giorgio Agamben has raised a great deal of controversy by deploying the figure of the Nazi concentration camp as the paradigm of the biopolitical space of 'modernity', 'a materialisation of the state of exception' (Agamben 1998, 174), in which human existence is confined as 'bare life' at the mercy of the sovereign. While we shall critically address Agamben's conflation of sovereignty and biopolitics in the following chapters, let us note at this stage that his model of the camp as the *nomos* of modern politics is the most extreme version of what we have referred to as the diagrammatic abduction of human existence. Yet, while hyperbolic examples may in principle be fruitful for grasping the paradigmatic structure of an event or a phenomenon, this is arguably not the case here. The Nazi camps certainly captured human existence but only for the purpose of its effacement rather than its positive transformation in accordance with a diagrammatic project. In terms of Foucault's

distinction between sovereign and biopolitical power that we shall discuss in detail in Chapter 5, the concentration camp is certainly marked by the primacy of the former, albeit on the basis of the organisational capacities of the latter. Thus, for all its 'totalitarian' character, the power of Nazism was limited, or rather, its locus was the absolute limit itself, the boundary separating life and death.

As a site of the absolute abduction of existence, in which human being is reduced to the existential minimum and this minimum is in turn placed in total peril, Agamben's camp is in many ways the opposite of the diagram, which serves not to deprive life of its form, but on the contrary to *form* beings, endowed with a positive identity. While the diagram is a site for the production of ordered existence, Agamben's camp is a site of its destruction – hence the frequent criticism of Agamben's universalisation of the model of camp as rather implausible (see Connolly 2004). Indeed, the constitutive feature of the concentration camp is its manifest non-universality, proven by the manifest presence of an exterior space that is *not* a zone of absolute annihilation. It is then merely logical that Agamben's camps are something that one would wish to escape at any cost, provided that any possibility of flight remains, since whatever there is on the outside is by definition less life-threatening. What makes Agamben's disconcerting metaphor of the camp as the nomos of modern politics paradoxically and perversely consoling is that it allows us to give overly simple answers to the questions of freedom and resistance. Obviously, freedom lies outside the camp and resistance must take the form of flight, whose possibility may be minimal but whose necessity is predetermined: the inhabitant of the camp definitely has nothing to lose, since inside the camp his life is permanently in absolute peril. Coetzee's camps are, however, far more complex metaphors for contemporary political existence that bring in disconcerting questions about voluntary servitude and the infinite risk of freedom.

In contrast to Agamben, Coetzee's 'camps' are diagrammatic spaces, in which 'bare life' is to be transformed into 'good life', spaces of order, positivity and identity, beyond which, on the *outside*, lies the disorderly space of civil war, in which the exception is the rule and life is indeed reduced to a fragile physical existence. This configuration dissociates the linkage between sovereign power and bare life that is crucial for Agamben's image of the camp: something like a bare life, a life beyond all positivity, all identity and all government survives precisely in the exterior, where the subjection to the sovereign is manifestly absent. In contrast, Coetzee's camps do not reduce existence to a bare minimum but rather complement it with order and security lacking on the outside. When Michael K finds himself in one of the camps, he is discreetly advised against an escape attempt by an inhabitant of the camp, who explicitly distinguishes it from a prison and asserts his voluntary choice for the security of the diagram over the risks of free existence on the outside.

> 'This isn't a prison', said the man. Didn't you hear the policeman tell you it isn't a prison? This is Jakkalsdrif. This is a camp. Don't you know what a camp is? A camp is for people without jobs. [...] They put all the people like that together in a camp so that they won't have to beg anymore. You say why I don't run away. But why should people with nowhere to go run away from the nice life we've got here? From soft beds like this and free wood and a man at the gate with a gun to stop the thieves from coming in the night to steal your

money? […] Where do you want to go anyway?' He dropped his voice. 'You want to go to the mountains?' (Coetzee 1985, 86)

Eventually, Michael K does indeed end up in the mountains, at an abandoned farmhouse, subsisting on insects and roots before discovering pumpkin seeds and growing his own pumpkins. Despite deprivation and exhaustion that he underwent in this solitary period, Michael 'felt a deep joy in his physical being. His step was so light that he barely touched the earth. It seemed possible to fly; it seemed possible to be both body and spirit.' (Ibid., 102) The force of Michael K's flight from the camps is animated by the desire for freedom in its 'concrete' sense of the lightness of being outside the diagram of the camp, a lightness that may be 'unbearable' in the most direct, physical sense of starvation, but is at the same time the source of physical joy. This desire for freedom is not accessible in terms of ideas or beliefs – it is not that Michael K opposes the 'ideology' of the camps or advocates a dissident conception of social order. Nor is his placement in the camp intended as a form of punishment or repression for 'inappropriate' behaviour. The only thing about Michael K that is inappropriate from the standpoint of the authorities of the camps is his being outside them, which is simultaneously his only desire. In Deleuze's terms, Michael K's flight is directed towards the line of the outside, '[a] terrible line that shuffles all the diagrams, above the very raging storms. But however terrible this line may be, it is a line of life, that can no longer be gauged by relations between forces, one that carries man beyond terror, where one can live and indeed where Life exists par excellence.' (Deleuze 1988, 122)

It is important to emphasise that Michael K's practice of freedom cannot be rendered in the teleological terms of a project: he did not flee the camp *in order to* live in solitude in an abandoned farmhouse and it is not clear whether he actually *seeks* solitude. The very figure of Michael K seems to epitomise non-identity: purposefully nondescript, never resorting to inner monologue, apparently not prone to reflection at all, Michael is indeed insignificant, obscure and simple, as Foucault's 'infamous men' tend to be. In his encounters with others he actively resists the 'confessional' incitement to narrate his existence to a compassionate audience excited about his 'authenticity': 'Everywhere I go there are people waiting to exercise their forms of charity on me. […] They want me to open my heart and tell them the story of a life lived in cages.' (Coetzee 1985, 181) When arrested and taken away to yet another camp, Michael K practically refuses to speak at all, which results in his 'identification' by camp authorities as 'Michaels', an identity bestowed by administrative mistake. This erroneous identity is the only knowledge the camp doctor is able to extract from Michael K despite his incitement to discourse that echoes Foucault's analysis of the confessional technology:

We brought you here to talk, Michaels. […] You see how easy it is to talk, now talk. Listen to me, listen how easily I fill this room with words. […] Give yourself some substance, man, otherwise you are going to slide through life absolutely unnoticed. You will be a digit in the units column at the end of the war when they do the big subtraction sum to calculate the difference, nothing more. You don't want to be simply one of the perished, do you? You want to live, don't you? Well then, talk, make your voice heard, tell your story! We are listening! Where else in the world are you going to find two polite civilised

gentlemen ready to listen to your story all day and all night, if need be, and take notes too? (Ibid., 140)

Although Michael K clearly has a desire to live, he refuses to confuse life with discourse (cf. Foucault 1989, 211), is disinclined to give himself substance through telling his life story and does not seem to mind 'sliding through life unnoticed'. Furthermore, since his life appears to consist solely in a series of confinements and escapes, he does not seem to have a story to tell, a self to 'express' or 'fulfil'. There is, in Michael K, *nothing to confess*. In the initial opinion of his doctor, 'he is a simpleton, and not even an interesting simpleton […] There is nothing there, no story of the slightest interest to rational people.' (Coetzee 1985, 141–42) His desires appear exhausted by the desire for freedom, not a freedom to pursue one's desires but merely a state of being 'out of the camps', a bare life of freedom that, in contrast to Agamben's thesis, no longer appears caught up in the sovereign ban that exposes it to death but rather *is* an act of exception that exposes *itself* to death in the flight from the camps. The following passage vividly asserts the possibility, *pace* Foucault's critics, of this desire for freedom that has nothing to liberate and is protective of nothing but its status of an infinite potentiality that, as we recall, must not pass into actuality to remain potential.

> I was mute and stupid in the beginning, I will be mute and stupid at the end. There is nothing to be ashamed of in being simple. They were locking up simpletons before they locked up anyone else. Now they have camps for children whose parents run away, camps for people who kick and foam at the mouth, camps for people with big heads and people with little heads, camps for people with no visible means of support, camps for people they find living in storm-water drains, camps for street girls, camps for people who can't add two and two, camps for people who forget their papers at home, camps for people who live in the mountains and blow up bridges in the night. *Perhaps the truth is that it is enough to be out of the camps, out of all the camps at the same time.* Perhaps that is enough of an achievement, for the time being. How many people are there left who are neither locked up nor standing guard at the gate? I have escaped the camps; perhaps if I lie low, I will escape the charity too. (Coetzee 1985, 182. Emphasis added.)

The purity of Michael K's refusal of the camps aligns this figure with another literary character, which Agamben uses as a privileged example of his philosophico-political stance, Hermann Melville's (1986) Bartleby the Scrivener,[1] who famously refuses all requests and demands of his superiors with a blank formula 'I would prefer not to', foregoing any explanation of this refusal. For Agamben, Bartleby appears as an exemplar of a purely whatever being, devoid of any identity, so that his resistance, entirely indeterminate yet no less resolute for that, acquires an absolute and universal character. Bartleby resists simply as a living being and in this resistance he affirms that element of humanity which transcends all particular identities and ruptures all diagrams in the name of the potentialities consigned by them to the status of 'what

---

1   See Agamben 1999, 243–71; 1993b, 35–7. Bartleby has recently become a privileged figure in continental philosophy, being the object of commentaries by, among others, Agamben, Deleuze (1997), Derrida (1995), Hardt and Negri (2000) and Zizek (2006). See Deines 2006 for the detailed discussion of the divergent philosophical interpretations of Bartleby.

could have been': 'If Bartleby is a new messiah, he comes not, like Jesus, to redeem what was but to save what was not. […] Bartleby comes not to bring a new table of the Law, but, as in the Cabalistic speculations on the messianic kingdom, to fulfil the Torah by destroying it from top to bottom.' (Agamben 1999, 270) Nonetheless, Bartleby's resistance is singularly paradoxical in its absolute passivity: his refusal of authority is not accompanied by any attempt to escape its confinement, in which he eventually perishes. In Agamben's adaptation of the key formula of the philosophy of the Skeptics, Bartleby exists 'no more than' he does not, i.e. he inhabits a zone of indistinction and indifference between affirmation and negation, potentiality and actuality, and ultimately 'between Being and Nothing' (Agamben 1999, 256). Passing through life in a suspended existence, in the end Bartleby 'simply dies […] without being called by death' (Agamben 1991, 96. See also Agamben 1999, 271).

In this pure passivity, Bartleby remains a highly fortunate example of Agamben's idiosyncratic concept of potentiality. For Agamben, the thought of potentiality must be purged of all connotations of will and necessity that have obscured its meaning throughout the history of philosophy: '[P]otentiality is not will, and impotentiality is not necessity. [...] To believe that will has power over potentiality, that the passage to actuality is the result of a decision that puts an end to the ambiguity of potentiality (which is always potentiality to do and not to do) – this is the perpetual illusion of morality.' (Agamben 1999, 254) From this perspective, Bartleby is indeed 'potentiality made flesh' (Deines 2006), a figure that affirms potentiality beyond all will to be otherwise and his persistent being-thus as purely contingent beyond all necessity. Bartleby's refusal is thus an absolutely passive refusal, a refusal of nothing in particular or perhaps a refusal of all things particular that only seeks to remain in a suspended state of whatever being, whose own actuality is entirely without value. Bartleby does not *want* to stick to any determinate mode of being against the will of others to transform it, but merely remains suspended, for no reason, in an entirely contingent moment of his existence. It is noteworthy that there is no indication in Melville's text of any actual *decision* by Bartleby to cease performing his duties, which, for Agamben, entails that Bartleby never even preferred to prefer not to. Wanting nothing, but simply preferring not to, Bartleby appears a perfect example of Agamben's potentiality beyond all will and decision.[2]

In contrast to Bartleby, Michael K is not so much a figure of absolute passivity as of absolute negation and relentless exodus. Compared to the static image of Bartleby, who for no apparent reason is determined to *remain* at the office building after being dismissed by his boss, Michael K remains on the move throughout the novel,

---

2   Perhaps, an even better example of a purely passive potentiality would be Leonard Zelig, the protagonist of Woody Allen's film (*Zelig*, 1983). As a 'human chameleon', Zelig is endowed with a capacity to transform himself to resemble the people he is around. Nonetheless, this transformation occurs entirely against his will and in the narrative of the film is determined only by Zelig's childhood desire to be 'liked' by people around him. Lacking any identity of his own but capable of being absolutely anyone without wanting to be anyone in particular, Zelig is an epitome of potentiality beyond all will and decision. He is also a good example of Agamben's admittedly arcane idea of a being who *is* other than he is: as Zelig's identity is exhausted by a series of contingent transformations, his being-thus is entirely coterminous with his being-otherwise.

undertaking a series of escapes from the camps. While Bartleby always has an air of eery serenity about him, Michael K is evidently beside himself, when confined in the camps, permanently on the lookout for the possibilities of escape. Anticipating our argument in the second part of the book, we may suggest that the figure of Michael K serves as an epitome of the free subject insofar as he does not merely 'enter' a state of pure potentiality but actually *decides*, in a sovereign fashion[3], not to remain in the actual state of the camps, in which all potentiality is effaced. It is then precisely by virtue of the *will to potentiality* (which is not a reduction of the latter to the former) that he enacts his freedom 'to be out of all the camps at the same time'. In contrast, for Agamben, Bartleby's suspension in purely potential being appears to have occurred almost miraculously, without any subjective intervention in the form of decision. It is for this reason that we would hesitate to approach Agamben's interpretation of Bartleby as a discourse on freedom. Perhaps, the difference between Bartleby and Michael K is the difference between the ontological condition of potentiality and the practices of freedom that strive to attain it: *the practice of freedom consists in deciding on a 'preference not to'.*

In his absolute decision to be 'out of the camps' Michael K presents a far greater danger to the diagram of the camp than the rebels, with whom he was initially confused. The second part of the novel, narrated by the camp doctor, demonstrates how the very presence of Michael in the camp, his gestures of a quiet refusal of food, conversation and charity, bring inside the diagrammatic space the trace of the unfathomable exteriority that alone can reveal the violence that the camps exercise, *both* on those 'locked up' and the 'guards at the gates'. The doctor that treats Michael K, initially curious about and impatient with Michael's passive resistance, gradually begins to appreciate Michael's utter heterogeneity to the space of the camp and the force of his desire for freedom. It is in the presence of a figure like Michael K that the camp begins to be perceived as a zone of confinement and the dialogue with a 'polite civilised gentleman' as an interrogation. This brings us to a point that we consider a central dimension of Foucault's critique of power relations – his principled rejection of all 'rationalisations' and 'ratiocinations' with regard to power and resistance. In Paul Veyne's recollection, Foucault always remained perplexed by the desire for justifications or even foundations for political struggle, considering the people's will to resist or unwillingness to acquiesce a perfectly sufficient 'foundation' (Veyne 1993, 4). Combined with Foucault's famous characterisation of 'speaking for others' as an 'indignity', this understanding of political struggle disqualifies any authoritative judgement by external observers on whether actually occuring resistance is legitimate or not. Perhaps, the greatest indignity does indeed consist in taking upon oneself the right of prescribing when other people must comply and when they may be allowed to resist. Power relations become unacceptable not by virtue of any normative criterion but simply when(ever) they are not accepted.

---

3   One of Agamben's definitions of sovereignty is precisely the suspension of one's potentiality not to be: 'an act is sovereign when it realises itself by simply taking away its own potentiality not to be, letting itself be, giving itself to itself.' (1998, 46) We shall return to this conception of sovereignty and its relevance to Agamben's discourse on freedom in Chapter 5.

It is this radical non-acceptance by Michael K of his confinement in the camp that gradually reveals to his doctor the full extent of violence inherent in the care and charity that the camp offers. In a deranged last appeal to Michael K to yield to this care the doctor also unwittingly affirms the ontological primacy of Michael's bare life of freedom to every historical form of ordering human existence, to every 'classification' and 'doctrine':

> Listen to me, Michaels. I am the only one who can save you. I am the only one who sees you for the original soul that you are. I am the only one who cares for you. I alone see you as neither a soft case for a soft camp, nor a hard case for a hard camp but a human soul above and beneath classification, a soul blessedly untouched by doctrine, untouched by history. […] Only you, following your idiot light, evading the peace and the war, skulking in the open where no one dreamed of looking, have managed to live in the old way, drifting through time, observing the seasons, no more trying to change the course of history than a grain of sand does. We ought to value you and celebrate you […] but that is not the way it is going to be. The truth is that you are going to perish in obscurity and be buried in a nameless hole in a corner of the racecourse […] and no one is going to remember you but me unless you yield and at last open your mouth. I appeal to you, Michaels: *yield*! (Coetzee 1985, 152. Emphasis original.)

In the end, Michael K does not yield but flees once more, but not without a trace. The trace he leaves is his force of flight, the passion of resistance so strong it stands as a monument to the impossibility of containing life within the diagram, a gesture not of condemnation of power (which still remains fascinated with it) but of a stubborn *indifference* to it. In contrast to Kafka's Joseph K, caught up, in fearful fascination, before the gaze of a transcendent and unfathomable sovereign power *indifferent to him*, Michael K's dispassionate transgression is marked by the indifference to the power, from which he twists loose and which, in contrast, gazes at him in frustrated fascination, attempts to seize, enclose and identify him, incites him to speak and desires to know him. The contrast between these two paradigmatic figures is crucial for understanding the specificity of the Foucauldian ontology of freedom. Kafka's works provide numerous examples of the capture of human existence by power. Joseph K finds himself caught up 'before the law', yet this capture is nothing other than an effect of his own immobilising fascination with power, his persistent desire to understand what this awesome force desires from him, what it accuses him of and what it intends to do with him. Similarly, the anonymous 'man from the country' in Kafka's 'Before the Law' spends years waiting at the open 'door of the Law' only to have his request to enter perpetually deferred by the doorkeeper. When, at the very end of his life, he asks the doorkeeper why no one else passed through the door of the Law during his many years of waiting, he is told that this door was destined for him alone and will now be closed. This parable provides a most poignant illustration of the subject's capture by a power entirely indifferent to him, a power that asks nothing of the subject and whose door is always already open. The force of this indifferent

power is therefore entirely owing to the subject's own immobilising fascination with its empty majesty.[4]

The story of Michael K effects a dramatic reversal in this relation between power and its subject. Unlike Kafka's characters, Michael K has no fascination with power whatsoever, knowing all too well the care and charity of the camps that await one after the entrance through the door of the Law. This stubborn indifference to power releases him from the a priori captivity that precedes any actual subjection, a captivity that we consent to at the very moment we pose the question of what power wants from us. In this reversal, it is Michael K, the elusive *object* of power, that assumes the limit locus of the sovereign *subject* of power, if only in relation to his own bare life. It is in this sense that Michael K emerges victorious in his contest with the camp, opening it up to its outside and leaving the clearing of freedom for others, most notably his doctor, to follow.

The force of Michael K's resistance is therefore contained in his 'heterotopic' disruption of the diagrammatic space and cannot be rendered in positive terms. At the end of the novel, in the imaginary dialogue with Michael, the anonymous doctor readily admits his failure to interpret the 'meaning' of his resistance. Characteristically, this sympathetic and probably correct interpretation remains unvalidated by Michael, who, as the doctor imagined, would break into a run so as to avoid hearing it. The following excerpt illustrates vividly the limits of any 'interpretation' of freedom, the failure of discourse to grasp the desire for freedom in its simultaneous austerity and plenitude:

> [F]rom the moment you arrived, Michaels, I could see that you did not belong in any camp. I was the only one who saw that you were more than you seemed to be. Slowly, as your persistent No, day after day, gathered weight, I began to feel that you were more than just another patient, another casualty of the war. […] Your stay in the camp was merely an allegory, if you know that word. It was an allegory – speaking at the highest level – of *how scandalously, how outrageously a meaning can take up residence in a system without becoming a term in it*. Did you not notice how, whenever I tried to pin you down, you slipped away? […] The garden for which you are presently heading is *nowhere and everywhere except in the camps*. It is another name for the only place where you belong,

---

4   This parable has been subjected to radically different interpretations by Jacques Derrida (1992a) and Giorgio Agamben (1999). For Derrida, the infinite deferral of access to the law exemplifies the ontological structure of sovereignty, which maintains itself through a permanent interruption of its own application, whereby the subject is always held 'before the law' that in turn remains in force without significance. The long wait of the 'man from the country' is thus a tragic non-event that only fortifies the law's pure force. In contrast, Agamben ventures a more affirmative reading of the parable, whereby this long wait before the open door of the law is a patient strategy for overcoming the law in its entirety (Agamben 1999, 172–74). The ending of the story, when the doorkeeper finally closes the door of the law, must, according to Agamben, be understood as demonstrating the ultimate success of the passive resistance to the temptations of the law, of the refusal to become the subject of (and subject to) the law. In this reading, the 'man from the country' is a messianic figure whose own existence is consumed in the consummation of history that is marked by the destruction of the law. See Mills 2004 for a more detailed discussion of these readings.

Michaels, where you do not feel homeless. It is off every map, no road leads to it that is merely a road, and only you know the way. (Coetzee 1985, 164–66. Emphasis added.)

'Residing within a system without becoming a term in it' – does not this formulation sum up our notion of concrete freedom as an affirmation of the excess of being over the diagram? After all, the success of Michael K's flight is a happy hyperbole, and one is never entirely 'out of the camps', never fully on the outside of the diagram. Although his passion of flight forms the ethos of concrete freedom, the actual practices of freedom are likely never to leave the camps all too far behind. What is exemplary is therefore Michael K's dwelling inside the diagrammatic space while resisting his own diagrammatisation, eluding his seizure by discourse and indifferently shrugging off the question of his identity. Michael K's infinite flight towards the outside epitomises the Foucauldian 'fulfilment of nihilism', leaving far behind the concerns of Nietzsche's 'incomplete nihilists' about the insecurity of life in the absence of any foundations of truth, power and ethics. Gilles Deleuze summed up the latter disposition with the help of Melville's metaphor of the 'central chamber': 'we follow the fissure in order to reach an interior of the world: as Melville says, we look for a central chamber, afraid that there will be no one there, and that man's soul will reveal nothing but an immense and terrifying void.' (Deleuze 1988, 121) In its affirmation of the austere ontology of freedom, the story of Michael K demonstrates that one need not fear to encounter the void where the truth of one's identity was sought. This void is merely an expanse of potentiality, a dangerous zone of indistinction that is nonetheless the only site of freedom. At the limit of the diagram yet never wholly out of it, one's concrete freedom is fashioned through folding the line of the outside and thus creating blind spots of non-identitarian potentiality within the diagram: 'The most distant point becomes interior, by being converted into the nearest: life within the folds. This is the central chamber, which one need no longer fear empty, since one fills it with oneself.' (ibid., 123) Paradoxically at first glance, it is only in proximity to the void of the outside that one can establish a sovereign relation to oneself. In the second part of the book we shall probe this convergence of freedom and sovereignty through a critical engagement with the work of Carl Schmitt and contemporary post-Foucauldian approaches of, among others, Giorgio Agamben and Antonio Negri that make sovereignty their all too easy target.

This page intentionally left blank

PART 2
Ecstatic Exodus:
The Return of the Sovereign Subject

This page intentionally left blank

Ontological Extremism: Foucault, Schmitt and Sovereign Freedom

The Other of Order: Sovereignty as a Transgressive Foundation

It might have appeared sufficiently controversial to argue that Foucault's philosophical project is marked by a radical affirmation of freedom as an ontological condition of human being. To claim that it also affirms the sovereign subject is certainly to push things a bit too far, given the conventional view that the sovereign subject, misleadingly traced back to Rene Descartes[1], is precisely the primary target of Foucault's 'post-structuralism' (see Allen 2000; McGushin 2005; Nigro 2005). Yet, a bit too far is exactly where we want to go in our exploration of the political implications of the Foucauldian ontology of freedom in this part of the book. As we shall argue in this chapter, a certain form of sovereign subjectivity is what necessarily remains after the labour of post-structuralist criticism and, moreover, makes meaningful its entire project. There is little doubt that the 'Cartesian' sovereign subject has been demoted from the throne of the foundational figure of Western modernity, decentred in various ways by Marx, Freud, Nietzsche and Saussure, dispersed into the systems that are beyond his grasp in different versions of structuralism and systems theory (see Zizek 1999). The final stage in this process of decentring has undoubtedly been the discourse of globalisation, which simultaneously promises to the subject universal recognition and ultimate reconciliation in the united world and renders this very subject epiphenomenal to global processes, flows and forces that are granted the status of objective reality, to which one must adapt one's existence (see Dillon 1995; Dean 2002b; Prozorov 2004b).

And yet, cast out from the *centre* of political ontology, the sovereign subject has arguably reasserted itself at its *limits* as a constitutive borderline concept. It is from this perspective that Carl Schmitt's philosophy of sovereignty may be appreciated in its full significance that clearly exceeds the domain of legal and even political theory. The main reason why Schmitt's philosophy remains so scandalous is arguably not Schmitt's dubious association with the Nazi regime in its early years (cf. McCormick 1997; Scheuerman 1999; Cristi 1998), but rather his radical subversion of the immanentist metaphysics that has dominated the political thought of late modernity (see Ojakangas 2004; Freund 1995; Ulmen 2001; Piccone and Ulmen 2002). In this chapter we shall discuss the affinities between the political ontologies of Schmitt and

---

1   Cf. Derrida 2005, 43–4 for an argument that the 'Cartesian subject' as the contemporary object of criticism has nothing to do with Descartes and is in principle unthinkable in the pre-Kantian philosophy.

Foucault in terms of *ontological extremism* (Prozorov 2004b, 2005), a metaphysical disposition that locates the conditions of possibility of order in the founding rupture of the exception. In Schmitt's approach this rupture takes the form of sovereign decision on the exception. In contrast, Foucault's work is often read as an outright denial of the theory of sovereignty in favour of the analysis of manifold forms of power relations immanent to the social realm. However, this understanding appears to be based on the confusion of *ontological* and *ontic* aspects of sovereignty. While Foucault's historical ontologies of power relations convincingly demonstrate the crisis of sovereignty in its ontic aspect, i.e. a shift from the transcendent power of the monarch to the immanent rationality of government, this crisis does not in itself challenge sovereignty as an ontological condition of possibility of order.

What is at stake in the approaches of both Schmitt and Foucault is the elucidation of the relation between the *constituted order* (politics or 'la politique' in Claude Lefort's (1988) terms) and its *constitutive principle* (the political or 'le politique'). Both Schmitt and Foucault view this relation as marked by a radical heterogeneity, whereby the constitutive principle is inherently transgressive of any positive, constituted form of order. As we have suggested in the previous chapters, for Foucault this constitutive principle is concrete freedom, which is ontologically prior to every diagram, but ontically accessible only in its resistance to the latter. For Schmitt, this principle is of course exemplified by the sovereign decision, which remains heterogeneous to the order that it institutes. Yet, rather than view the theoretical projects of Schmitt and Foucault in terms of an incommensurable opposition, we may rather suggest that the two approaches are permanently at work in a mutual deconstruction, the valorised concepts in one approach functioning as disavowed blind-spots in the other. It is in the interstice of the two projects of Foucault's poststructuralism and Schmitt's political realism that we may articulate the relation between the diagram and its sovereign foundation that will enable us to redefine freedom in terms of sovereignty.

Firstly, we must elucidate the ontological aspect of sovereignty in Schmitt's work that is all too frequently effaced by the reduction of this concept to a mere valorisation of absolute power. This reduction is almost amusingly fallacious not only because of ample textual evidence to the contrary but because it runs diametrically opposite to the ethos of Schmitt's writings that consists in the persistent affirmation of the political understood in terms of the ontological primacy of conflict (Freund 1995; Muller 1999; Norris 2000, Rasch 2000). The understanding of Schmitt as an 'absolute monarchist', tragically born two centuries after his time, is nonetheless not merely a reflection of ignorance but a convenient way to delegitimise what is probably the most astute philosophical critique of liberalism in the twentieth century. Schmitt's critique of liberal political theory takes as its prime focus the liberal urge to negate the political via the postulation of a universalist humanitarian ideology that seeks to neutralise conflict and antagonism by the deification of discussion at the expense of decision (Schmitt 1976, 69; 1985a, 55–65). This neutralisation is deemed by Schmitt to conceal the necessarily political character of liberalism itself. Paradoxically at first glance, the political is always present in the decision that designates something as non-political. 'Any decision about whether something is unpolitical is always a

political decision, irrespectively of who decides and what reasons are advanced.' (Schmitt 1985a, 2. See also Schmitt 1999)

The neutralisation of the political by designating oneself as a non-political (i.e. moral, aesthetic, technical) agency is, according to Schmitt, 'in actuality a typical, though unusually intensive way of pursing politics' (Schmitt 1976, 21). Speaking of the neutralisation of the political does not therefore mean that liberal depoliticisation may ever actually succeed: 'Liberalism has not killed the political, but merely killed understanding of the political and sincerity regarding the political.' (Strauss 1976, 82) It is the sincerity regarding the ineradicability of the political that Schmitt's philosophy seeks to reintroduce amid the widely perceived technologisation of politics in the early twentieth century (see McCormick 1997). However, the object of Schmitt's criticism is not technology per se, but a metaphysical orientation that governs its application without itself being anything technological, an orientation that we may term *immanentism*. Immanentism may be grasped as an attempt to efface every dimension of transcendence, exteriority and difference from human existence, i.e. to recast the social order as a closed universal self-propelling system without an outside. Immanentism posits the fantasy of a social order that *lacks nothing*, i.e. is characterised by unity, fullness, plenitude, completion, and is therefore logically unbound and unlimited (see Nancy 1991; Ranciere 2001; Lefort 1988). The connection between modern political thought and the philosophical or theological doctrines of immanence is a fundamental insight of Schmitt's *Political Theology* (1985a), which established a systematic correspondence between the rise of deistic theological doctrines, which banished the miracle and other acts of divine grace from the world, and the disavowal of sovereignty in legal positivism and liberal pluralist theory.

> The sovereign, who in the deistic view of the world, even if conceived as residing outside the world, had remained the engineer of the great machine, has been radically pushed aside. The machine now runs by itself. [...] Everything in the 19th century was increasingly governed by conceptions of immanence. All the identities that recur in the political ideas and in the state doctrines of the 19th century rest on such conceptions of immanence: the democratic thesis of the identity of the ruler and the ruled, the organic theory of the state with the identity of state and sovereignty. (Schmitt 1985a, 49–50)

Schmitt's critique may therefore be understood as aimed at restoring the transcendence of the political as a force of disruption of the illusion of the self-immanence of the social order. In this effort of restoring to the depoliticised order the intensity of constitutive force that conditions its emergence, Schmitt advocates his famous conception of sovereignty as a decision on exception (Schmitt 1985a, 3). For Schmitt it is the rupture of the exception, rather than the orderly periods of 'normal politics', that proves the existence of the norm. 'The exception is more interesting than the rule. The rule proves nothing; the exception proves everything: it confirms not only the rule but also its existence, which derives only from the exception. In the exception the power of real life breaks through the crust of a mechanism that has become torpid by repetition.' (Schmitt 1985a, 15) However, the force of the exception is not limited to its actual occasion but rather consists in its always-already being present within any diagram of order. As we shall discuss in more detail below, since

it is the exception that gives possibility to the emergence of the norm, any 'normal politics' is permanently contaminated by the exception, which logically must have engendered it. The sovereign decision is therefore not a momentary eruption within order but its permanently present 'constitutive outside'.

In Schmitt's approach, sovereignty is thus understood not as the *positivity* of the exercise of power, its scope or intensity, but as a negative operation of *transgression,* the capacity to suspend the normal functioning of order (Norris 2000; Rasch 2000; Prozorov 2005). It is in this aspect that Schmitt's theory of sovereignty is closest to the work of a French philosopher, whose overall ethico-political orientation might well be the exact opposite of Schmitt's – Georges Bataille. Evidently, Schmitt's (1986) critique of 'political romanticism' with its emphasis on subjective 'inner experience' that functions as an obstacle to any genuine political practice also applies to Bataille's thought of excess and negativity (see Ojakangas 2004, 28–9, 154–55). At the same time, the systematic structure of Schmitt's concept of sovereignty is strictly analogous to Bataille's, particularly in Derrida's classic interpretation (1972, 251–77). Of course, in contrast to Schmitt's affirmation of *both* the transgressive and the foundational aspects of sovereignty, Bataille may be read as valorising the absolute and unbound negativity of sovereignty as an 'unproductive expenditure' that 'has no other end but itself' (Bataille 1993, 382). For Schmitt, to expend without producing or to transgress without establishing would be an indicator of a purely narcissistic attitude of an (a)political romanticism that self-indulgently dreams of being entirely outside the 'system' it condemns. Indeed, as Derrida claims, Bataille's concept of sovereignty embraces all that in man which is 'irreducible to a project' (Derrida 1972, 265–67). At the same time, Schmitt's own decision on exception is similarly unproductive in relation to the order it displaces but also, and more importantly, in relation to the order that it institutes, since, for all its foundational character, it can never be articulated in the positive terms of the new order, being by definition *disorderly*. Despite its foundational status, Schmitt's sovereignty always remains radically heterogeneous to the positive project that it makes possible.

We may then redefine the sovereign as the *transgressor in relation to itself*. Sovereign is s/he who is simultaneously *inside* the space of order as the source of its constitutive principles and *outside* it as something that can not be subsumed under these principles, a surplus that in relation to the order in question is unfathomable, monstrous and obscene. Sovereignty thus exemplifies what Schmitt referred to as a 'concrete' or 'borderline' concept, the irreducible excess of any order that is nonetheless indispensable for its emergence: 'The concrete is that kind of instance or act which belongs to order, but can't be included in it.' (Ojakangas 2000, 67. See also Muller 1999; Freund 1995) The 'concreteness' of sovereignty consists in its simultaneous functioning as the source of law and the extra-legal excess that can never be subsumed under it: 'to produce law [sovereign power] need not be based on law.' (Schmitt 1985a, 13) Furthermore, logically sovereignty *cannot* be based on law, since the foundation cannot be founded on what it founds. The puzzle of the foundations of sovereignty is thus squarely resolved by Schmitt by pointing out that the decision, in which sovereignty consists, 'emanates from nothingness' (Schmitt 1985a, 32).

> [S]overeignty operates at the outermost sphere; it is here, at the borderline, that it establishes and violates limits. The question of the sovereign is the question of the limit. If sovereignty decides upon its own limits, its decision cannot be bound by those limits. The sovereign is the unlimited power that makes limits, or in other words, the ungrounded ground of the law. (Norris 2000, 8)

Thus, the conditions of possibility of order are contained in the founding decision that can not be subsumed under it. In this formulation, Schmitt's sovereign decision is recast in the Derridean manner as a *supplement* of the diagram. Derrida's notion of the supplement famously combined the two meanings of the term: the addition of a surplus, 'a plenitude enriching another plenitude', and the compensation for a certain internal lack, which 'insinuates itself in-the-place-of, […] fills the void' (Derrida 1998, 144). The supplement is therefore an external surplus that makes whole something that 'ought to lack nothing at all in itself' (ibid.), the condition of *possibility* of something and simultaneously the condition of *impossibility* of its completeness or closure. The consequence of this reading of sovereignty is the rejection of any claim to the self-immanence of order, of any possibility of a diagram without an outside. Any order is contaminated at its foundation by something heterogeneous to it yet essential to its emergence and continuing existence. Rather than having its positivity threatened by a variously construed exterior 'other', any diagram is always plagued by the *other within*.

> Any foundation is, necessarily, according to the logic of Schmitt's thought, an instance of resistance to the absolute immanence, insofar as the absolute immanence implies either a pure non-order (anarchism) or an order without meaning (nihilism). […] The absolute immanence is a system without an outside, without the other. But every foundation refers explicitly to the outside and the other which resists the absolutisation of immanence. However, the question is neither of an absolute exteriority nor of the absolute other – transcendence – but of an instance which opens up the absolute immanence, of a passage which is inside and outside at the same time, *transcendent and immanent at the same time*. (Ojakangas 2000, 68)

The situation of the 'other within' is, of course, unrelated to any 'empirical' otherness and may rather be understood in terms of Deleuze's notion of the outside that we have introduced above. As a space of pure negativity, the outside is 'other' to any form of order by its very nature, yet it may never be thought in terms of positivity, which would logically render it part of the diagram. Yet, to the extent that every diagram stems from the outside, which remains its external limit, the transcendence of the outside is always a transcendence *within* the immanence of the diagram. The sovereign decision may then be grasped as bringing the outside *back* into the diagram or, conversely, *opening* the diagram to the exteriority that surrounds it. In Derridean terms (1972, 265–70), the decision opens up the 'restricted economy' of any diagram to the 'general economy' of the play of the sovereign excess that surrounds it. The decision is always enacted within the diagram but, since it invokes the outside, remains in excess of it. The simultaneous immanence of the sovereign decision to the diagram and its radical heterogeneity to it entails that the relation of the sovereign to the diagram is in a strict sense that of freedom, a freedom from

all positive rules, norms and principles of the diagram that is a condition for the decision not to be a mere derivation. The specificity of sovereign decision may be grasped by Derrida's notion of undecidability (1992b, 1996), a radical abeyance of certainty traversed and (as we shall discuss in more detail below) effaced in the act of decision that institutes the certainty of new foundations.

> [D]ecision and responsibility worthy of the name should not be controlled by previous knowledge, it should not be programmed. When I make a decision, when I take responsibility, to some extent it must be *in the night*. Between the accumulation of knowledge and the moment I make a choice, I take a responsibility, I make a decision, there is an *infinite abyss because of the heterogeneity of those moments*. You have to go through the *ordeal of undecidability in order to decide*. Something must remain incalculable for a decision to be a decision. That is why it is an intervention which has – because it is not linked essentially to knowledge – something obscure, something even *mystical*. I have no objections to people who define this decision as something mystical. (Derrida 1999b, 281. Emphasis added.)

The paradox of sovereignty is thus the uncanny *identity of the foundational and the transgressive*. As a transgressive foundation, the concept of sovereignty is irreducible to the activity of supreme rule (constituted power) or even the act of rule-creation (constituent power), but rather consists in the irreducible gap between the constitutive and the constituted. In a strict sense, therefore, the sovereign is always its own meto-homonym, an exterior double of the internal subject of supreme authority, a transgressive twin of the founder. Thus, the structure of Schmitt's ontological concept of sovereignty is strictly analogous to Agamben's notion of potentiality: as a foundational transgression that remains inscribed in the existence of the diagram as its constitutive outside, sovereignty is nothing other than the potentiality for order not to be, its being capable of its own impotentiality.

We may thus offer another definition of sovereignty as the *obscene double of the diagram*. What grounds any positive system is the unsystematisable excess that escapes from it, that can not be expressed in its discourse in any other manner than a monstrous obscenity. As Derrida (1972, 254–57) notes in his discussion of Bataille, no positive system can ever sustain or survive the full extent of the play of sovereign negativity with its absolute expenditure that can never be dialectically *recuperated* by the system. Thus, in any diagram the transgressive foundation of sovereignty can only be present as a blind spot that is impossible to inscribe in its discourse without first stripping it of all its negative predicates. It is precisely for this reason that immanentist legal and political theories during Schmitt's lifetime and, even more so, today appear convinced that sovereignty must be simply banished from discourse as a 'false problem' – from a position within the immanent plane of order the sovereign excess of pure negativity is literally absurd.

Yet, this absurd character of sovereignty is not the effect of deconstructive criticism, but the manifestation of sovereign power in its full force, unfathomability being the necessary aspect of a properly transcendent character of power (cf. Bartelson 2001, 185–86). One therefore wonders whether e.g. Derrida's deconstruction of Schmitt's theory of sovereignty (1996, 2005), which elucidates its fundamental aporias, contains anything that is not already present in Schmitt's work and whether the

unravelling of these aporias is sufficient to somehow 'debunk' Schmitt. Ironically, the 'anti-foundationalist' critique of sovereignty finds itself entirely disarmed at the (at first glance successful) endpoint of its endeavour. In its apt dismantlement of the chimerical 'foundations' of sovereignty, this critique has nothing to fall back on other than its unfounded yet foundational force, which, moreover, is thoroughly immune to anti-foundationalist criticism, logically incapable of being founded since it is itself that which founds. There is something amusingly incongruent in the critical discourse, when, having 'unravelled' sovereignty as the obscene excess of the positive order, it seeks to banish it from this positivity – isn't sovereignty always already *outside* it in an ontological sense? It appears that whatever pathway the critique of sovereignty takes, it is bound to find Schmitt beckoning at its end.

We may then speak of a certain 'inescapability' of a Schmittian conceptual logic of the primacy of sovereign exception to any constituted order. Any diagram is constituted by that which transgresses it, an infrastructurally necessary supplement that does not obey its foundational principles but, from its internal perspective, remains a blind spot within it, impossible to pin down and identify in any positive terms. This is the reason for the ultimate undefinability of sovereignty that has nothing to do with a promiscuous postmodernist playfulness (cf. Bartelson 1995). Rather, sovereignty can not be defined simply because it is itself that which defines the positivity of order while eluding subsumption under its own definition. By the same token, this concept is undeconstructible since it is its function to deconstruct, to render dubious any assurance of presence or self-immanence. The order of the sovereign supplement is thus not identitarian but existential: sovereignty *isn't anything*, it simply *is.*

Finally, and most controversially, one might suggest that this concept is in the strict sense a-historical, or, in the Derridean sense, unfolding in an 'atemporal temporality' (Derrida 1995, 92), that must be understood as a rupture in history, a break with the past and an opening onto a contingent future, a puncture that makes history possible. As a transgressive foundation, sovereignty marks the moment of the reduction of all meaning, suspending both the history of meaning and the meaning of history (Derrida 1972, 270–73). The constitutive transgression of sovereignty unfolds in the irreducible caesura between the *time of dispensation* (with the old order) and the *time of inauguration* (of the new one). Being nothing other than the marking of this caesura, sovereignty appears to be a non-historical condition of all historicity: 'Sovereignty is ahistorical; it is the contract contracted with a history that retracts in the instantaneous event of the deciding exception, an event that is without any temporal or historical thickness.' (Derrida 2005, 101) One may therefore wholeheartedly accept the criticism of Schmitt's decisionism (or for that matter Derridean deconstruction) as ahistorical, if only in the sense of their recognition of the extemporal, quasi-transcendental element that conditions historicity itself by creating an opening for its unfolding. Schmitt's concept of sovereignty occupies the same ontological position as Foucault's 'concrete freedom': both concepts refer to that force of being that must be there prior to all historical orders and that continues to exist in excess of these orders. Isn't sovereignty then understandable as a certain freedom from history that nonetheless sets history itself into motion?

Appearance and Occultation: How the Diagram Becomes (Im)possible

Let us now probe the question of the relation of the sovereign supplement to the constituted diagram. If sovereignty is the foundational transgression of every diagram, what happens to it, once the diagram is already established? Evidently, any diagram would be severely disabled in its functioning as long as the brute negativity of the outside, from which its founding principles emanate, remains visible. As a force of unrelenting transgression, emanating from the 'nothingness' of the outside, sovereignty may never be actually present within the diagram. Any merger of the diagram with its outside transforms it into a heterotopia, which, as we have discussed, is nothing but a state of irreparable disorder, in which every identity is unravelled and all discourse is stopped in its tracks. No order can exist as long as its foundations remain 'emanated from nothingness', hence sovereignty must efface itself at the very moment of the success of its foundational force. The stabilisation of order depends on the operation of the conversion of the act of its contingent and undecidable *foundation* into the presence or positive *foundations*, i.e. the conversion of exteriority into interiority, of transcendence into immanence. The diagram is thus only able to exist in the folds of its conditions of emergence, where what is folded and concealed is the outside itself.

The distinction between politics and the police, proposed by Jacques Ranciere (2001), posits the 'intolerance for the void' as the constitutive feature of the existence of the diagram. Ranciere's concept of politics resonates with Schmitt's understanding of the political as an exceptional moment of foundational rupture rather than a permanently functioning system: 'its existence is in no way necessary, [it] occurs as a provisional accident in the history of the forms of domination.' (Ibid., 7) The normal functioning of order is conditioned by its prior disavowal of the political void, from which it stems: 'The return of the 'normal' state of things [is] that of politics' non-existence. The 'end of politics' is the ever-present shore of politics that, in turn, is an activity of the moment and always provisional.' (Ibid., 14) What remains after Ranciere's 'end of politics' is the *police*, a term he deploys in a generalised manner akin to the 18th century discourse of 'police science', addressed in the Foucauldian studies of governmentality (Foucault 1991; Pasquino 1991; Gordon 1991). 'The police is a partition of the sensible, whose principle is the absence of a void and of a supplement. […] The essence of the police is neither repression nor even control over the living.'(Ibid., 8) The phrase 'partition of the sensible' recalls the classical definition of government as the 'right disposition of things', reintroduced by Foucault (1991a), and refers to the utopia of a diagram, in which no remainder is left unsubsumed by its positive principles:

> Society consists of groups dedicated to specific modes of action, in places where these occupations are exercised, in modes of being corresponding to these occupations and these places. In this fittingness of functions, places and ways of being there is no place for a void. It is this exclusion of what 'there is not' that is the police principle at the heart of statist practices. (Ranciere 2001, 9. See also Ranciere 1995)

Any order is thus sustained by the exclusion of 'what there is not', of all 'blind spots', which are recalcitrant to their enfolding into the governmental 'field of

visibility'. In this process of depoliticisation, the sovereign origin of the diagram is effaced, along with the heterotopic contingency and indeterminacy that it introduces to the system. Any claim to the self-immanence of order is thus made possible by the systematic reduction of the sovereign excess to the positive forms of mastery or hegemony that are wholly subsumed under the diagram. In other words, the transcendent void at the heart of the diagram is negated by the postulate of the absence of any transcendence of the diagram, whose foundations are now presented as entirely immanent to it. While all forms of order establish, in their own distinct ways, intra-diagrammatic structures of supreme authority that may be vested in the monarch, the parliament, the party or the charismatic leader, the latter have nothing to do with Schmitt's ontological understanding of sovereignty, which concerns not the formation of power structures for the purposes of stabilising and securing order, but precisely the opposite, i.e. the ever-present potentiality of its transgression.

However, the relation between sovereignty and the diagram is not simply antagonistic. A sovereign decision is *political* insofar as is attempts to lay foundations in the conditions of their absence. At the same time, its very productivity renders it *depoliticising*, since the political moment of undecidability, contingency and flux, the moment of the visibility of the void is effaced in the very act of installing a new 'disposition of things':

> [T]he political is revealed not in what we call political activity, but in the double movement whereby the mode of institution of society appears and is obscured. It is obscured in the sense that the locus of politics becomes defined as particular, while the principle, which generates the overall configuration, is concealed. (Lefort 1988, 11)

Thus, the passage from the sovereign foundation to the sedimentation of the diagram is inherent in sovereignty as an active force of constitution rather than a merely reactive practice of 'violation'. All foundation is transgressive, but transgression is still foundational. Therefore, the act of constitutive exception, which has its locus in the void of undecidability, itself effects the closure of this void, suspending the undecidability that makes the decision *possible* in order to make the decision *actual*. Thus, sovereignty must set aside its potentiality not to be in order both to transgress and to found.

> Potentiality (in its double appearance as potentiality to and as potentiality not to) is that through which Being founds itself sovereignly, which is to say, without anything preceding or determining it […] other than its own ability not to be. And an act is sovereign when it realises itself by simply taking away its own potentiality not to be, letting itself be, giving itself to itself. (Agamben 1998, 46)

Yet, as Agamben argues, this 'letting itself be' is not an effacement of potentiality but rather its materialisation or preservation in actuality: 'there is truly potentiality only where the potentiality to not-be does not lag behind actuality but passes fully into it as such. This does not mean that it disappears in actuality; on the contrary, it preserves itself as such in actuality.' (Agamben 1999, 183) Thus, the potentiality of sovereignty is simultaneously set aside in the act of decision and maintained in its aftermath, which suggests that this concept has its locus precisely in the 'zone

of indistinction, [where] pure potentiality and pure actuality are indistinguishable' (Agamben 1998, 47). Crucially for our argument below, the potentiality of sovereignty therefore survives its own suspension in the act of 'letting itself be'.

This reading of the passage from the potentiality of the sovereign decision to the actuality of the constituted diagram entails the need to clearly dissociate a Schmittian ontological extremism from the ethical thrust of Derridean deconstruction. In his writings on ethics (1992, 1995, 1996, 2001), Derrida famously affirms undecidability as the condition of possibility of the decision, without taking the second step of disavowing this very undecidability in the actual act of *making* the decision. Moreover, it is precisely this second, Schmittian step that deconstruction targets as an object of criticism, seeking to restore the undecidability at the foundation of order to its present existence. In Derrida's supplementary deconstruction of Schmitt's approach, any decisionism both traverses and effaces what Derrida calls the undecidable experience of the 'perhaps':

> Without the opening of an absolutely undetermined possible, without the radical abeyance and suspense marking a perhaps, there would never be either event or decision. Certainly. But nothing takes place and nothing is ever decided without suspending the perhaps while keeping its living possibility in living memory. If no decision (ethical, juridical, political) is possible without interrupting determination by engaging itself in the perhaps, on the other hand, the same decision must interrupt the very thing that is its condition of possibility: the perhaps itself. (Derrida 1996, 67. See also Critchley 1992, chapter 5)

It is this effacement of the 'perhaps' that deconstruction seeks to bring up and highlight in the decisions already taken. As we have seen, Schmitt may be considered a devout Derridean in this aspect, given his insistence on the impossibility of grounding a genuine decision. It is rather in assessing the consequences of this originary undecidability that Schmitt and Derrida part ways. In contrast to Schmitt, Derrida is characteristically hesitant to affirm the necessary effacement of undecidability in the very act of making the decision. Instead, his deconstructed decisionism appears to be locked in a self-imposed suspension over the abyss of undecidability in the desire to refrain from the closure that every decision inaugurates, which makes it, in Derridean ethics, always inadequate and irresponsible (Moran 2002, 124–25). As Dominic Moran ironically remarks, Derrida's fixation on undecidability and hence the 'impossibility' of decision entails that 'he must be constantly amazed that anything at all happens' (ibid., 127). Paradoxically, having demonstrated through deconstructive efforts that every decision is by definition contingent and arbitrary, enabled by the abeyance of certainty and normativity, the 'experience of the perhaps', deconstruction is unwilling to actually decide in this manner, as if there was any other way of proceeding about the decision. Moran's stinging critique therefore has some validity:

> In emphasising the profound effect of impossibilities and unrealisable virtualities on all political thought that is always deemed too crude, deconstruction runs the risk of appearing either as a critical Puritanism or as a series of empty, if largely unobjectionable platitudes. (Ibid., 125. Cf. Sharpe 2002)

> Derrida always seems to be supporting what might be described, to borrow his own
> terminology, a particularly monstrous version of Judeo-Christianity. It is so 'monstrous'
> that he can neither advocate nor justify a single decision taken in its name. (Ibid., 129)

The deconstructionist ethics of (in)decision therefore remains suspended in irresolution and impotence, a deadlock which can only be broken via its supplementation with a Schmittian decisionism. Derrida's and Schmitt's accounts of the decision actually supplement (and deconstruct) each other, decisionism being necessary for deconstruction not to appear 'either as substanceless cant or a new moral absolutism' (ibid., 129). Simply put, radical undecidability must be suspended for anything to happen at all, for the event to take place. This imperative problematises the very attempt at a deconstructive ethics: since any decision passes through the ordeal of undecidability and 'there can be no responsibility without this passage by way of the undecidable' (Derrida in Critchley 1992, 198), all decisions are responsible and hence 'ethical' in Derridean terms. Yet, since all decisions effect a closure of the radical openness of the perhaps, they are all equally irresponsible and hence unethical. This appears to make the notion of an ethically responsible decision meaningless in principle, forever gravitating between the 'moral absolutism' of demanding the impossible, evidenced by Derrida's hyperbolic constructions of genuine gift-giving (1995), friendship (1996), forgiveness and hospitality (2001), and the 'substanceless cant' of lamenting the obvious, i.e. the ungrounded grounding at work in every decision. This impasse is well summed in the following remark by Simon Critchley:

> But how is one to account for the move from undecidability to the political decision
> to combat that domination? If deconstruction is the strictest possible determination of
> undecidability in the limitless context of, for want of a better word, experience, then
> this entails a *suspension of the moment of decision*. Yet, decisions have to be taken. But
> how? And in virtue of what? How does one make a decision in the undecidable terrain?
> [...] *One has to make decisions but the moment of decision is madness*. (Critchley 1992,
> 199–200. Emphasis added.)

Indeed, founding an ethics on a moment of madness, i.e. establishing a positivity of a principle out of the traversal of negativity 'in the night' appears difficult, if not outright impossible. Yet, if the question of decision is not tied to the imperative of constructing an ethical edifice, the impasse of deconstruction is in fact productive, as it points to the basic condition of existence of every diagram being the suspension of undecidability, a suspension of (or over) the void. As every diagram appears grounded in its excess and every excess, in its very instance, appears as the foundation of order, one begins to perceive the precariousness, fragility and 'paradoxicality' of order as such as a function of the constitutive exception. As the potentiality of the sovereign decision survives its passage into the actuality of the diagram, the latter remains haunted by its own potentiality not to be. One may then reverse the commonsensical image of a stable order, traversing history in its empty sameness, only being punctured momentarily by acts of exception, and instead conceive of order itself as a momentary stabilisation of the general exceptionality of existence: every diagram *is* the veil that conceals precisely that there is nothing behind it to

conceal, that it *enfolds the void*. Perhaps, this is the key lesson that Schmitt, probably unwittingly, teaches us: order is always far more fragile than it appears. Moreover, it is most fragile precisely at the moment of its recourse to extreme displays of its sovereign majesty, because sovereignty is radically heterogeneous to the existence of the diagram *qua* diagram. The force of the diagram is strongest when it is able to avoid any invocation of its sovereign excess and thereby prevent the rupture of its self-immanence. Conversely, when such cracks in the interiority of the diagram are both visible and articulable, it acquires heterotopic features that enable concrete freedom.

It is on the basis of this image of the diagram as harbouring the potentiality of its own unravelling that Foucault's claim that we always already *are* much freer than we feel acquires political significance. Any 'normal' order is now revealed to us as permanently 'contaminated' by the exception, which logically must have engendered it and which undermines its claims to self-immanence from within. The force of sovereign transgression is not merely a transient, historically specific eruption in the diagram but its internal and eternal 'antibody': 'The undecidable remains caught, lodged, at least as a ghost – but an essential ghost – in every decision, in every event of decision. Its ghostliness deconstructs from within any assurance of presence.' (Derrida 1992b, 24) Although every order is constituted in the Lefortian movement of appearance of the constitutive transgression and its occultation through manifold gestures of disavowal, normalisation and depoliticisation, it does not follow that the occultation of sovereignty in its act of 'letting itself be' is sufficient to annul its persistent presence inside the diagram. Thus, anti-immanentist political criticism does not merely underline how order must have been historically engendered by the sovereign exception, but targets it in its contemporaneous existence as well by demonstrating the logical deconstructibility of the diagram at any point in the here and now.

Yet, there arises the question of the purpose of such an immanent-transcendent form of criticism: what is the value of rupturing the self-immanence of the diagram, particularly insofar as any diagram whatsoever may be deconstructed along these lines? In Slavoj Zizek's terms (2000, chapter 9), what is to be recognised as a result of this criticism is not merely the 'incompleteness' of order or the impossibility of its closure, but the fact that order itself, in all its guises, is precisely the name for this impossibility: the ontological crack in the edifice of the diagram is intrinsic to its existence. As we have argued extensively in the first part of this book, a diagram cannot but stem from the outside and it is the impossibility of disavowing this originary void at its heart that makes freedom within but in excess of the diagram a permanently available possibility. Let us now specify in greater detail what this 'fidelity to the void' entails for political criticism through a contrast of a Schmittian-Foucauldian ontological extremism with the more established projects of critique.

Firstly, it ought to be stressed that the stakes of this critical operation evidently do not consist in the dismantlement of the diagram of a particular order and its replacement with a normatively preferable 'alternative'. In fact, one of the unappreciated advantages of ontological extremism is its dispensation with the genre of normative criticism in its entirety. One may note that the picture that emerges from our account is manifestly not of a pluralistic antagonism between contending diagrams, but rather

a relation of non-identity between the diagram and its foundational transgression, which is at work in any type of order. Our mode of criticism makes no reference at all to the positive difference between any two orders but rather concerns the irreducible difference of any one order from itself (cf. Zizek 2006). As we have discussed with reference to the ethical impasse of deconstruction, a diagram that does not disavow its own conditions of possibility is strictly impossible. Thus, it is certainly plausible to debate the pros and cons of particular diagrams, yet such debates would be of dubious value due to the incommensurability of their internal normative principles, which are, in Ian Hacking's words (2002, 190), 'self-authenticating'. Similarly, it is hardly productive to probe the question of the legitimacy of the diagram, since every form of order establishes its own conditions of legitimacy in a *retroactive* fashion, according to Derrida's logic of the 'future anterior'.

> All revolutionary situations, all revolutionary discourses, on the left or on the right justify the recourse to violence by alleging the founding, in progress or to come, of a new law. As this law to come will in return legitimate, retrospectively, the violence that may offend the sense of justice, its future anterior already justifies it. (Derrida 1992b, 35)

Thus, the question of the legitimacy of the diagram is rendered problematic, which is not equivalent to pronouncing any particular diagram illegitimate. The judgement on an, as it were, 'comparative legitimacy' of contending diagrams is, strictly speaking, impossible, both because the particular conditions of their legitimacy are incommensurably different and because the general conditions of their illegitimacy are identical for all diagrams alike. Furthermore, even if normative criticism were possible, it would nonetheless not be sufficient, since any outcome of such discourse does not eliminate the role of the sovereign transgression and the problem of its depoliticising occultation, which, as we have argued, characterises the diagram as such, notwithstanding its internal mode of structuration. Thus, the pathway of criticism, opened up by our reconstruction of a Schmittian ontological extremism, has a specific and explicit target that is invariably missed by normative critiques. Recalling the insistent demands of Foucault's critics for the elaboration of normative criteria for practices of freedom, we may reiterate that rather than lead us anywhere in a discourse on freedom these demands serve to divert this discourse away from its object towards a necessarily interminable debate on the perfect order.

However, the objections to normative and immanentist forms of criticism should not lead to advocating the other extreme pole of the dualism in question by squarely affirming 'the political' against politics, sovereignty against the diagram, etc. It is unclear how a 'perpetual decisionism' is tenable in any other form than a hyperbolic and hysterical pseudo-transgression that e.g. Bataille's texts might occasionally point to. Slavoj Zizek has succinctly summed up the problem of opting for one of the members of the opposition between structure and the event, which for our purposes is analogous to the relation between the diagram and its sovereign foundation:

> On the one hand, the Event is the impossible Real of a structure, of its synchronous symbolic order, the engendering violent gesture which brings about the legal Order that renders this very gesture retroactively 'illegal', relegating it to the spectral repressed status of something that can never be fully acknowledged-symbolised-confessed. […] On the

other hand, one can also claim the exact opposite: is not the status of the Event itself (the mythical narrative of the primordial violent founding gesture) ultimately fantasmatic: is it not a fantasy-construction designed to account for the unaccountable (the origins of the Order) by concealing, rendering invisible, the Real of the structural antagonism (deadlock, impossibility) that prevents the structural, synchronous Order from achieving its balance? […] The loop is therefore perfect: the Structure can function only through the occultation of the violence of its founding event, yet the very narrative of this event is ultimately nothing but a fantasy destined to resolve the debilitating antagonism/inconsistency of the structuring/synchronous Order. (Zizek 2000, 93)

Besides, were a univocal decisionism possible, it would still be logically inconsistent, since sovereignty is precisely the source, the origin, the constitutive moment of the diagram that it is deployed against – the source that, for all its thorough heterogeneity to its effects, cannot be separated from them. In other words, we are not dealing with a contrast between a determinate structure and a purely undetermined event as its opposite but with 'structure and *its* event' (ibid., 92), i.e. with potentiality and its materialisation in the act of 'letting itself be'. As Derrida argues with regard to the relation between similarly counterpoised concepts of justice and law, 'they are two but they are one, […] they are linked, they are indissociable; infinitely different, yet indissociable.' (Derrida 1999b, 304)

Just as the affirmation of the self-immanence of the diagram is ultimately an illusion, punctured by the presence of the blind spots within any diagram, the univocal affirmation of sovereign transcendence is oblivious to the function of the exceptional in the constitution of the normal as its 'inherent transgression' (cf. Zizek 1998). To affirm sovereignty *against* the diagram is to ignore that sovereign transcendence may manifest itself only within the immanence of the diagram. Thus, it is not as if there was actually a *choice* involved in the dualism between sovereignty and the diagram between the 'conservative' position in favour of diagrammatic self-immanence and a 'radical' affirmation of its sovereign excess. Instead, the 'extremist' ontology that we have outlined defines the entire space of the existence of order as the space of interminable oscillation between diagrammatic determination and sovereign indeterminacy. The way out of this dualism through the univocal valorisation of one of the members of the opposition appears foreclosed. Indeed, in a strict sense, the dualism between the diagram and its sovereign excess is not a dualism at all, insofar as the latter presupposes a symmetrical relationship between the opposed positive terms. Instead, what we are dealing with is the inherent difference of the diagram from *itself*, its dependence on its *own* excess that forever precludes the self-immanence of the One.

The consequence of this dead-end ought to be the abolition of the very genre of 'critique of power', long hinted at by Foucault's seminal thesis on power relations as always at work in the existence of anything remotely recognisable as 'social' or 'political'. Political criticism might instead *reaffirm* the irreducibility and ineradicability of power relations, all the while insisting on their ultimately unfounded and foundational character: '*yes*, there is always power; and *yes*, its exercise is always contingent and decisionist' (cf. Edkins and Pin-Fat 2005). Moreover, this double 'yes' to power permits to recognise practices of freedom themselves as exercises of power rather than something entirely heterogeneous to it. As Foucault has famously

remarked, 'resistance is never in a position of exteriority in relation to power', which does not mean that resistance is 'only a reaction or rebound, forming with respect to the basic domination an underside that is in the end always passive, doomed to perpetual defeat' (Foucault 1990a, 95). Rather than being 'against power' or even some form of 'anti-power', practices of freedom are 'the odd term in relations of power; they are inscribed in the latter as their irreducible opposite' (ibid.). This formulation of freedom immediately brings to mind Schmitt's concept of sovereignty as a constitutive outside or an inherent transgression of the diagram – a homology that functions as an additional demonstration of the impossibility to conceive of freedom in terms of the blissful absence of power.

> Hence there is no single locus of great Refusal, no soul of revolt, source of all rebellions, or pure law of the revolutionary. Instead, there is a plurality of resistances, each of them a special case: resistances that are possible, necessary, improbable; others that are spontaneous, savage, solitary, concerted, rampant or violent; still others that are quick to compromise, interested or sacrificial; by definition they can only exist in the strategic field of power relations. (Foucault 1990a, 96)

In the context of critical political thought, this homology entails abandoning the facile critique of sovereignty as either allegedly outdated in the conditions of 'globalisation' (see Dean 2002a; du Gay 2002; Prozorov 2006b) or inherently authoritarian and hence to be supplanted by more 'decentred' or 'inclusive' forms of political organisation. The temptation to dispense with sovereignty in critical thought is easily understandable. After all, the ultimate lesson of a Schmittian political ontology is that at the heart of any order, including the utopian configurations that preoccupy much critical research, is the undecidable decision, an instance of pure force emanating from the void. In our reading, sovereignty is a permanent reminder of the impossibility of immaculate conception in political life and thus an irritable stain on every tidy script for a 'perfect order'. It is precisely in this disturbing and destabilising function that sovereignty begins to appear as another name for concrete freedom.

Whatever Sovereigns: Power, Potentiality and Freedom

Our analysis of the relation between sovereignty and the diagram suggests that the fashionable 'critique of sovereignty' is a singularly paradoxical enterprise that confirms what it set out to deny and affirms what it wished to denigrate (cf. Bartelson 2001). The ceaseless deconstruction of sovereignty has only managed to fortify it by rendering it an ever more ineffable foundation of any conceivable political order, a paradoxical foundation which 'exceeds the opposition between founded and unfounded, or between any foundationalism or anti-foundationalism' (Derrida 1992b, 14). However, as our discussion suggests, it is more fruitful not to criticise sovereignty, but to focus on its own critical functions. In the Schmittian 'quasi-transcendental' understanding, the concept appears to be far from outdated or 'conservative', but rather belongs squarely to the critical register, insofar as we understand critique in the analytic sense of elucidating the conditions of possibility

of phenomena rather than in the normative sense of a polemic over different versions of 'good life'. Against the self-immanentist claims of every diagram, the affirmation of its constitutive excess in the form of a sovereign decision renders every diagram radically contingent. Neither essential nor necessary, the positive historical-ontological determinations of being, installed by the diagram, are nothing but sedimented forms of undecidable decisions, deprived of any ontological consistency. Schmitt's political ontology is therefore as thin or austere as Foucault's: beyond the historical surface of emergence of the diagram there is nothing but the 'savage space' of the outside, from which the sovereign decision emanates.

This convergence of Schmitt and Foucault on the ontological level also reveals a curious similarity in the spatialisation of the Schmittian sovereign and the Foucauldian subject of concrete freedom. Both of these figures dwell on the exterior limit of the diagram, are simultaneously present inside and outside it, have as the content of their practices the decision on 'taking exception' from the diagrammatic positivity. Both are subjects of potentiality in Agamben's sense of permanently retaining the possibility of being other than they are. While we have defined the sovereign as the transgressor in relation to itself as the creator and the guarantor of diagrammatic order, we may now define a Foucauldian 'free subject' as a *sovereign in relation to itself*. Although Schmitt and Foucault diverge in their account of the 'vertical' spatialisation of the constitutive exception, the former opting for a 'top-down' sovereign decision and the latter focusing on the bottom-up 'plebeian' force of resistance (see Ojakangas 2001. Cf. Miller 1990), the structure of the relation in question is identical. The self-immanence of any positive order is destabilised and disrupted by the figures located at its exterior limit, be it the subject of its institution or the subject instituted by it.

Secondly, for both Schmitt and Foucault this 'sovereign locus of transgression' is supplementary in relation to the diagram, both a manifestation of the ultimate impossibility of complete diagrammatic ordering and a condition of its possibility as a project. Just as there is no diagram before the sovereign decision has instituted it in 'letting itself be', there are no power relations, unless the subjects in question are 'free' (Foucault 1982, 221) in the ontologically minimal sense as living beings, whose irreducibly potential existence is abducted and who resist its reduction to the actuality of the diagrammatic project. Both the sovereign and the subject of freedom are 'borderline' or limit figures that are indispensable to the constitution of the diagram and the loci of resistance to the positivities constituted in it. It is certainly possible to object that the parallel of the sovereign and the free subject only goes so far: after all, the defining attribute of the sovereign is his capacity to commit transgression with impunity – an option evidently not granted to the subjects of resistance. Yet, this objection holds only insofar as we continue to read Schmitt in 'statist' terms that have largely been imposed on his work in the post-World War II liberal criticism. As we have argued above, the sovereign is not defined by his supreme authority within the diagram but by its concrete transgression of it, even if the latter is of its own creation. Schmitt is explicit about the impossibility of identifying the sovereign with any empirical figure of 'top official' in any given diagram: 'The sovereign is not a legitimate monarch or a competent instance but precisely the one who decides in a sovereign way.' (Schmitt in Ojakangas 2004a, 62) Even in narrowly political

terms, this means that in a concrete situation the sovereign might well be *whoever* has the capacity to institute a state of exception, including e.g. a revolutionary group that dismantles the existing structure of formal sovereignty: 'the sovereign is never a given instance, a prince or a dictator, who decides on the state of exception, but on the contrary, the one who decides on the state of exception *is* the sovereign.' (Ojakangas 2004, 53)

Taking this formalist decisionism seriously entails the possibility of conceiving of sovereignty apart from any consideration of positive structures of authority that exist within the diagram. In this manner, the 'vertical' difference between top-down and bottom-up conceptions of power, noted in Ojakangas's comparison of Schmitt and Foucault (2001), is levelled to reveal a complete 'horizontal' homology between the sovereign and the subject of freedom. From this perspective, the sovereign subject is a 'whoever' or 'whatever' subject of Foucault and Agamben, who is capable of *embodying the excess of the diagram* in retaining its potentiality for being otherwise that every diagram seeks to reduce to an actual identity.[2] It is thus neither coincidental nor bizarre that, in his early work, Schmitt chose as 'the model of political activity' none other than Don Quixote, an individual, the content of whose quest may well have been delirious, but who was nonetheless 'capable of making a decision in favour of what seemed right to him' (McCormick 1997, 53). Thus, returning to the contrast between Schmitt and Bataille on the question of sovereignty, we might suggest that the two figures are much closer than they commonly appear to be due to the overstatement of the individualistic and romantic narcissism of Bataille's 'sovereign operation' on the one hand and the underestimation of the transgressive dimension in Schmitt's theory of sovereignty on the other.[3] Bataille's reading of sovereignty is therefore not a 'counter-concept' (Derrida 2005, 68) to Schmitt's more orderly and statist conception, but rather a hyperbolic valorisation of the sovereign subject that is fully congruent with Schmitt's own formal decisionism.

There may nonetheless arise the question of whether this subjective rendition of sovereignty is not entirely hollow, making the respective subject sovereign in name only. However, given that we are dealing with concepts, it is precisely the 'name' that might be important here. For all the largely critical philosophical discourse on the 'sovereign subject', in political theory the use of the concept of sovereignty has been confined to its attribution to a collectivity, a state or a nation, so that we have little idea of what the 'sovereign subject' might be other than a 'straw figure' that appears to exist only in its multiple 'decentrings'. What is required to make sovereign subjectivity intelligible as a political concept is a generalisation of the concept of sovereignty akin to that initiated by Derrida in *Rogues*: *Two Essays on*

---

2   For a detailed attempt to relocate Schmitt's notion of sovereignty to the domain of individual existence see Prozorov 2007b.

3   While a detailed consideration of Bataille is beyond the scope of this book, let us merely note that both Foucault's (1977a) and Derrida's (1972) readings of Bataille emphasise the irreducibility of his thought to a pure affirmation of sovereignty against mastery, of transgression against order, of the general economy against the restricted one. Instead, what is at stake in Bataille's work is the permanent re-marking of the radical interdependence *and* the irreducible gap between order and its excess. See also Nigro 2005.

Reason (2005). Although the thrust of this work is unmistakably against sovereignty in its more familiar 'statist' form, Derrida's deconstruction of sovereignty effects a radical generalisation of this concept well beyond the domain of the state, explicitly relating it to the problematics of subjectivity and freedom. For Derrida, sovereignty is inherent in every affirmation of the existence of the self that he terms *ipseity*, a certain 'return' of the subject to itself that permits him to recognise himself as a 'self':

> By *ipseity* I wish to suggest some 'I can', or at the very least the power that gives itself its own law, its force of law, its self-representation, the sovereign and reappropriating gathering of self in the simultaneity of an assemblage or assembly, being together or 'living together'. (Derrida 2005, 11)

The concept of ipseity 'shows the possibility of power and possession in the mere positioning of the self as oneself, in the mere self-positioning of the self as properly oneself' (ibid., 12). For Derrida, it is the very idea of ipseity in the sense of 'self-sameness' or 'being oneself' that is the ontological precondition of all subsequent historical articulations of sovereignty: 'Before any sovereignty of the state, of the nation-state, of the monarch, or, in a democracy, of the people, ipseity names a principle of legitimate sovereignty, the accredited or recognised supremacy of a power or a force, a *kratos* or a *cracy*. This is what is implied, posed, presupposed, but also imposed in the very position, in the very self- or autopositioning, of ipseity itself.' (ibid.) It is this originary inscription of power and possession in the very existence of oneself as a subject that allows Derrida to link 'ipsocentrism' with such more familiar themes of his criticism as the phallocentric, paternalistic and patriarchal nature of authority. And yet, while the very existence of the self *qua* self presupposes the power of the self to give itself its own law, it simultaneously affirms freedom in the sense of potentiality for (not) being that is inherent in every proclamation of 'I can':

> Freedom is essentially the faculty or power to do as one pleases, to decide, to choose, to determine oneself, to have self-determination, to be master, and first of all master of oneself (*autos, ipse*). A simple analysis of the 'I can', of the 'it is possible for me', of the 'I have the force to' (*krateo*), reveals the predicate of freedom, the 'I am free to', 'I can decide'. There is no freedom without ipseity and, vice versa, no ipseity without freedom – and thus, *without a certain sovereignty*. (Derrida 2005, 23. Emphasis added.)

This understanding of freedom is strikingly similar to Agamben's notion of potentiality, even as Derrida's ultimate ambition appears to go beyond Agamben in seeking to thoroughly rethink the philosophemes of potentiality and actuality to arrive at the almost unthinkable possibility of 'freedom without autonomy' (ibid., 152). Ipseity refers to nothing other than the indistinction between potentiality and actuality whereby what one *is* is ultimately nothing more and nothing less than what one *can* be. Ipseity is thus the originary condition of subjectivity that is entirely devoid of all identity and is rather exhausted in the force that transcends all positive determination. The being of the subject is contained in the power to determine for oneself the conditions of one's self-determination, the power of potentiality that

affirms one's being-thus as an ever-present possibility of being-otherwise. Thus, sovereignty is necessarily inscribed into the elementary structure of subjectivity as the non-identitarian condition for any identity whatsoever. The sovereignty of the subject may be denied, disavowed or denigrated in the diagrammatic abduction, but it must always remain, if only as a foregone possibility, for there to be a subject at all. In his critical reading of Derrida's argument, Friedrich Balke (2005, 71) is therefore not exaggerating when he states that for Derrida, 'we are all sovereigns, without exception.'

Even as Derrida eventually resorts to a more familiar critique of the statist form of sovereignty, the link between sovereignty and freedom remains ineradicable, as he concludes that 'one cannot combat, *head-on*, all sovereignty, sovereignty-in-general, without threatening at the same time, beyond the nation-state figure of sovereignty, the classical principles of freedom and self-determination.' (Derrida 2005, 158. Emphasis original.) Contrary to the rather more facile calls for the dispensation with sovereignty in political and IR theory, Derrida's long and engaged confrontation with sovereignty finally arrives at the irreducibility of the ontological principle of sovereignty to the ontic form of the modern state, which must entail that no critique of the state may ever be advanced without explicitly or implicitly evoking 'another sovereignty', not only as an ontic alternative to the form of state but, more importantly, as the ipseity of the critical spirit itself. It would be impossible to confront any diagram, statist or otherwise, if the subject of this confrontation were fully exhausted in its subjectivity by the positive forms of identity installed by this or that diagram. The very possibility of 'combating sovereignty' in any of its specific forms must presuppose the sovereignty of the subject of combat over its own existence that is always in excess of its diagrammatic ordering. Derrida's move of radically generalising sovereignty to the point of its conceptual identity with freedom is shared and even concretised in the philosophical projects of both Schmitt and Foucault, whose unison we have elucidated in this chapter. We might even suggest that it is precisely Schmitt's theory of sovereignty that makes this identity comprehensible in its insistence, visible to anyone who does not read Schmitt as a prosecutor in search of evidence of the 'Nazi association', on the irreducible heterogeneity of sovereignty and the principles of order, security and stability.

For all its generality, the identification of the practice of concrete freedom with the exercise of sovereignty has a very precise referent object – the concrete existence of the subject in question, i.e. one's very ipseity. In fact, we may venture that one can be sovereign *only* in relation to *oneself*, as it is nothing other than the positivity of one's identity that is being transgressed in a sovereign decision. Even in the most narrow 'statist' reading, the Schmittian sovereign is sovereign over its *own* supreme authority inside the diagram by virtue of its transgression of this positive identity in the state of exception. Similarly, the subject of concrete freedom is sovereign over its diagrammatic identity, which it externalises and deactivates in practices of freedom that affirm its potentiality for being in excess of the diagram. The sovereign subject affirms a simple 'I can' that simultaneously signifies its capacity to potentially transgress any actual identity that the diagram may impose on it and, by setting aside its impotentiality and letting itself be, render actual any potentiality that this diagram may foreclose. In both cases, this 'I can' asserts that any determination of

the self must be self-determined. Being free is nothing other than being sovereign over one's existence against all attempts to abduct it and reduce it to a positive project. Conversely, being sovereign is nothing other than being free to pursue one's potentiality for being against all attempts to freeze this potentiality in any actual identity. The subject of sovereign freedom is thus a truly 'whatever subject' in two senses. Firstly, the experience of sovereignty, conventionally restricted to the figure of supreme authority, now appears available to whomever in the strictest sense of the word. Secondly, this experience itself brings about a form of subject, exhausted in its whatever being, insofar as no sovereign subject is thinkable in terms of positive identity but must always be posited beside itself as its own meto-homonym. At the limit of the diagram, the sovereign subject may now reassert itself as a whatever being that is free to transcend the confinement of whatever diagram.

We may now reiterate our claim in the introduction that freedom is a condition that is singularly individual even as it necessarily presupposes a certain universality that Camus has identified in the disposition of revolt that affirms that we are all only free in being equally so. The experience of sovereign freedom over one's existence is indeed available to all, though the possibilities and risks of freedom will of course depend on the structure of the particular diagram. However, this universal experience remains irreducibly one's own, precisely because its object is nothing other than one's own existence. The experience of freedom is thus only universal, insofar as its content is not *universalised* but retains its singularity in the confrontation of the potentiality of the 'I can' with the actuality of the 'I am'. Although every practice of freedom must presuppose the freedom of all others, it does not follow from this that any particular practice of freedom that we engage in could also be prescribed for the other.

At first glance, this argument does little more than restate the classical liberal maxim that one's freedom finds its 'natural' limit in the freedom of the other. Indeed, sovereign freedom, insofar as it is common to all human beings, disallows any possibility of acting 'freely' against the freedom of the other. In a strict sense, any other is my sovereign equal, which bars me from any intervention in its existence.[4] Moreover, the understanding of freedom in terms of sovereignty presupposes that this freedom must always be absolute, i.e. exclusive of all attempts by others to subject one's life to any project. It is thus the absolute limit of the freedom of the other that makes my own freedom absolute. However, this very logic of the singular universality of the experience of freedom disturbs what appears to be the central motif of contemporary liberal governance, namely, the *liberation of the other*. To say that our sovereign freedom has its limit in the sovereign freedom of the other is

---

4   This ontological equality of the self and the other differentiates our Schmittian-Foucauldian approach from the Levinasian and late Derridean 'ethics of the Other', whose fundamental presupposition is the originary *asymmetry* of the self-other relation, which posits being held in question by the Other as a paradigmatic ethical experience. For a critique of Foucault's ethos of freedom from a Levinasian standpoint see Oksala 2005, chapter 9. The postulate of originary asymmetry has in fact been the object of Derrida's (1972, 79–153) early critique of Levinas that renders this asymmetry conditioned by a more fundamental symmetry, inherent in the understanding of the Other as *alter ego*. We have addressed this theme in more detail in Prozorov 2007b.

not merely to disallow actions directed against the freedom of the other, but also all practices of government that are undertaken 'in the name' of the future emancipation of the other. From the perspective that we have outlined, it is logically impossible to 'free' the other, since this would be equivalent to the exercise of sovereign mastery over its existence. The notion of sovereign freedom permits us to finally refuse the services of the 'liberators' of all varieties. From the Bolshevik Revolution to the contemporary American crusade for 'freedom' in the Middle East we observe the dire consequences of taking upon oneself the honourable duty of liberating others. Understanding freedom in terms of sovereignty allows us to understand the persistent paradox of such liberation degenerating into tyranny almost without exception. Liberation from the outside is impossible not only because freedom is an experience that cannot be instituted through declaration or legislation but also because this experience requires a re-appropriation of sovereignty rather than the symbolic demolition of statues of former sovereigns. To liberate is to master; thus, the only being that can be genuinely liberated without inviting a lethal contradiction is one's own. To liberate the other is to assert sovereignty over its existence and this assertion, however momentary in practice, plagues any freedom granted to the other. If freedom consists in sovereignty over one's own existence, it logically follows that *the object of liberation must also be its subject*.

The reinterpretation of Schmitt's notion of sovereignty as a condition of (im)possibility of the diagram opens up a possibility of theorising political freedom in terms, radically different from the emancipatory 'critique of power', against which Foucault has articulated his political ontology. Most importantly, it allows us to pose the question of freedom in terms of the affirmation of sovereignty rather than liberation from it. In contrast to the question of how those subjected to power relations might be liberated from them, we should rather ask how the subjects, who are ontologically 'much freer than they feel', may exercise sovereign power over their existence to resist the diagrammatic subjection that all too frequently claims to do nothing other than liberate. The understanding of freedom in terms of sovereignty returns us to the story of Michael K and allows us to understand how his absolute negation of the diagram, a resolute *No* to the camps, is simultaneously an absolute affirmation of his sovereignty over his existence, a persistent '*yes, I can*'. Recalling Foucault's understanding of transgression in terms of 'nonpositive affirmation', we may suggest that as a force of potentiality, freedom affirms nothing positive but is nonetheless nothing but a pure affirmation, a happy 'yes' that the diagram can only hear as a thunderous 'no'. Practices of refusal, resistance, escape and dispossession that we have invoked throughout this book do not require complementary gestures of affirming 'alternatives' to the diagrams and identities they negate, as they are a priori affirmative in their own right, affirmative of the power of the human being to transcend all confinements of its existence.

This page intentionally left blank

Chapter 5

Beyond the Biopolitical Terrain: The Sovereign Power of Bare Life

Between *Zoe* and *Bios*: Men and Citizens in the Stratagems of Power

The reconstruction of freedom in terms of sovereignty should not be restricted to resurrecting the figure of the sovereign subject on the ontological level. The notion of sovereign freedom has important implications for rethinking the modes of resistance and the possibilities of liberation in actual political struggles. What does our notion of sovereign freedom entail for discourses of resistance that to date remain enunciated in conventional emancipatory terms, for which sovereignty continues to be the primary target? Ironically, Foucault's own famous insistence on regicide in political theory (1990a, 89) has not been heeded by his most influential followers, who, as we shall see, frequently adopt Foucault's conceptual innovations without abandoning the more conventional position, against which these innovations have been directed. In recent years, Foucault's concept of biopolitics, explicitly advanced against the classical model of sovereignty, has moved to the forefront of discourses on both contemporary domestic politics of Western democracies and the global politics of the neoliberal 'Empire' (see Donnelly 1992; Dolan 2005; Ojakangas 2005a; Dillon 2005). At the same time, the application of the concept of biopolitics in such seminal works as Agamben's *Homo Sacer* (1998) and Hardt and Negri's *Empire* (2000) has been problematic from a more strictly Foucauldian standpoint. Despite evident differences, these approaches are both marked by the *conflation* of sovereign and biopolitical modalities of power rather than their dissociation. While Agamben presents an ontological thesis on the originary indistinction between sovereignty and biopolitics that are linked in the figure of 'bare life' as their product, Hardt and Negri's argument posits a quasi-empirical indistinction of the two forms of power as a result of the 'epochal transformation' of late modernity, whereby the sovereignty of the nation-state gives way to the 'biopolitical sovereignty' of the decentred Empire. This conflation has been replicated in other studies to the effect of increasing conceptual and empirical indistinction between sovereign and biopolitical modes of power relations. Ultimately, biopower becomes little more than a new, fancier term for sovereign power or, alternatively, sovereignty becomes generalised to embrace additional functions.

Inevitably, such confusion also produces problems when one attempts to theorise resistance to contemporary biopolitical government, which remains conceived in traditional and decidedly non-Foucauldian transcendent terms of emancipation. In

the remainder of this book we shall venture a critique of this conflation of sovereignty and biopolitics on the basis of our reinterpretation of freedom in terms of sovereignty. On the basis of this critique we shall propose strategies of resistance that are in many ways directly opposite to those advanced by Agamben and particularly Hardt and Negri. This chapter will critically engage with Agamben's ontologisation of sovereignty and biopolitics, disentangling these two forms of power and reasserting Agamben's famous figure of 'bare life' as a sovereign subject of freedom rather than an abject object of sovereignty. Chapter 6 focuses its criticism on Hardt and Negri's design for a democratic project of the multitude, arguing that the authors' failure to adequately distinguish sovereign power and biopower ultimately leads them into an impasse that makes their emancipatory project almost entirely coincidental with the biopolitical Empire that it targets. In these critical readings of the most influential applications of Foucault's political philosophy, we shall also elucidate the contours of a politics of resistance to biopolitical rule that is made possible by the ontology of concrete freedom.

Let us begin with addressing the specificity of biopolitics in terms of the two notions of life and the two correlate forms of subjectivity that correspond to sovereign and biopolitical power. In his argument for the originary conflation of sovereignty and biopolitics Agamben (1998) returns to Aristotle's distinction between *bios* (political life) and *zoe* (physical life of man-as-species). However, this distinction is immediately dismantled in Agamben's argument on the 'inclusive exclusion' of bare life in the *bios* of the polis as its constitutive outside. While sovereign power separates the bare life of a human being from its positive social identity, this separation does not simply take *zoe* out of the domain of *bios*, but rather turns it into a *presupposition* (a concept, whose centrality for Agamben we shall discuss below), a paradoxical foundation of sovereignty itself. Thus, rather than maintain the distinction between *bios* and *zoe*, the logic of sovereignty is driven towards their utter indistinction, manifested in the 'state of exception', which is nothing other than a mechanism, by which sovereignty returns itself to that which it has excluded and law establishes a relation to life, to which it is otherwise unrelated. This relation is established through the sovereign's unconditional power of death, in which it is precisely 'bare life' that is at stake. Simply put, the originary political relation is the exposure to death of that very 'bare life', whose exclusion is central to the foundation of the political order (Agamben 2005, 37–40, 59–63). On the basis of this thesis, Agamben is able to venture a manifestly non-Foucauldian argument: 'The inclusion of bare life in the political realm constitutes the original – if concealed –nucleus of sovereign power. It can even be said that the production of a biopolitical body is the original activity of sovereign power. In this sense, biopolitics is at least as old as the sovereign exception.' (Agamben 1998, 6) Before delving into the critique of this provocative thesis, let us return to the dualism of *zoe* and *bios* that Agamben appears to dismantle all too quickly and pose the question of the subjectivities, constituted in these two modes of life.

The dualism of *zoe* and *bios* finds its correlate forms of subjectivity in the figures of *man* and *citizen*. Foucault's famous distinction between sovereignty and biopower specifies these forms of subjectivity in terms of two 'games' of power relations: the 'city-citizen' game of the Greek polis, which, through a detour into the

imperial Rome, was foundational for the Western tradition of sovereignty and the Judeo-Christian 'shepherd-flock game', from which there descends the other, less articulate tradition of Western pastoral power, based on love (*agape*) and care of the living. In contrast to the paradigm of sovereign power, the shepherd's power is exercised not over the land, but the flock; i.e. its prime object is the population, not territory. Secondly, in contrast to the city-citizen game, characterised by government of law, which presupposes a community with a life of its own that the law restricts and regulates, the shepherd-flock game presupposes a constitutive function of government: the flock does not exist without the activity of the shepherd. Thirdly, the shepherd-flock game has no place for the question of legitimacy, since the shepherd is a superior type of being without a need for consent or approval of his activity by the object he brings into being. Fourthly, while the city-citizen game is totalising and unifying with respect to the governed, the shepherd's activity caters to the individual needs of the members of the flock. Finally, in contrast to the political power in the *polis,* which was bestowed as an honour or a privilege, the power of the shepherd is posited as a duty (Foucault 1988d, 60–63; Hindess 1996b, 117–19).

In a simplified contrast, the subject as a citizen is conceived as a political being, part of a political unity, and its existence depends entirely on the nature of that unity. Thus, in a paradigmatic structure of absolute monarchy the subject's political existence is exhausted in its capacity to be killed by the sovereign, whose power consists precisely in the right of decision of making die or letting live. In a democratised version of sovereignty, the political existence of the citizen is endowed with a greater density, which consists in one's participation in the *bios* of the community as a subject of (self-)government. At the same time, even in democratic regimes of sovereignty (or perhaps particularly there), the subject remains present as a part of a total unity of the 'people' (nation, community, civil society, etc.) and present as *identical* to other citizens, an assumption that is essential to sustaining the ideal of democratic equality (cf. Schmitt 1985b; Mouffe 1999, 2000b). The singularity of the subject as an individual is entirely external to the discourse of the 'city-citizen game', which is rather constituted by a division between the political existence of the subject as a participant in the 'good life' of the community and its 'biological existence' as part of the human species, which is of no concern to this community. The entire problematic of division and distinction, central to the political thought of Western modernity, emerges within the context of the city-citizen game: the public vs. the private, state vs. society, the political vs. the social, etc. (see Dean 1999, Burchell 1991, 1996, Hindess 1996b). Although belonging to this tradition, Agamben's notion of the sovereign ban, in which the subject is abandoned to the unremitting force of the sovereign decision that is deprived of any substance, excessively restricts the divisive and delimiting operations of sovereignty to its most extreme variant, exemplified by the Nazi concentration camp. Paradigmatically Schmittian, this focus on the extreme case nonetheless results in Agamben's inattention to substantive differences between concrete historical forms of power and, as we suggested above, his failure to distinguish between different forms of 'camps'. However, what is at stake in the distinction between sovereignty and biopolitics is precisely the substantive orientation of power towards the life of its

subjects that in the case of biopolitics no longer operates through division but rather through a *synthesis*, however problematic and paradoxical.

In contrast to the subject of sovereignty, constitutively split between his *bios* and his *zoe*, the biopolitical subject as a member of a flock is from the outset endowed with a synthetic notion of life, which embraces all aspects of human existence, a 'life in general' (Foucault 1990a, 141. See also Rose 2001; Dillon 2005). As Mika Ojakangas has argued in an incisive critique of Agamben's thesis, in the regime of 'pastoral power' *bios* and *zoe* do enter a zone of indistinction, yet not in Agamben's sense of the reduction of *bios* to the austerity of *zoe*, but rather in the sense of the embrace by the *bios* of the plenitude of *zoe* in its dynamic unfolding: 'Bio-political life is not bare life (Being) isolated from the forms of life (beings) but becoming of beings.' (Ojakangas 2005a, 13) This entails that unlike the 'city-citizen game', which is inherently preoccupied with the idea of *limits* (to the power of the sovereign, to the freedom of the subject, to the domain of legitimate governmental intervention, etc.), the shepherd-flock game is *limitless* by definition, if only because, since life is everywhere, its politics must necessarily embrace everything (see Ewald 1992, Prozorov 2004b). The 'production of a biopolitical body' in the 'shepherd-flock' game is therefore the very opposite of the fundamental separation between bare and political life in the logic of sovereignty.

Thus, the limitlessness of biopolitics is different from the absolute character of sovereign power. Aside from its right of killing or letting live, sovereign power largely does not *care* about its subjects and it is this absence of care that differentiates it from the biopolitical tradition of the shepherd-flock game, whose paradigm of intervention is indeed not decapitation but the loving embrace. Biopower takes as its object the entire domain of human existence, no longer making any distinction between the political and the physical, the public and the private, the collective and the individual. 'Biopower aims for the destruction of hierarchies and separations, be they hierarchies or separations between biological life and contemplative life or those between bare life and the life of the mind.' (Ojakangas 2005a, 13) We may therefore oppose *sovereign subjection* as the absolute power of exclusion, deprivation or negation to *biopolitical investment* as the power of mobilising, fostering and, ultimately, creating life. The total character of biopower has nothing to do with transcendence, but, on the contrary, owes itself to the purely immanentist perception of life; biopower is in a strict sense a power *over* all life *for the sake of* all life. The very idea of isolating in the human being something like a 'bare life' is thus entirely alien to the immanentist orientation of biopolitics.

Moreover, unlike the sovereign order of power, which logically must seek to exclude its subjects from the domain of power, viewed as transcendent in relation to human existence, 'the modern biopolitical order does not exclude anything, not even in form of 'inclusive exclusion'' (ibid., 14). Ojakangas sums up this difference in terms of a distinction between form and content. While sovereign power operates with a 'pure law' *without content*, exhausted by the form of the sovereign decision, whose validity does not depend on its substance, biopower operates with a norm *without form* of the law, a command reduced to pure content that is derivative from the substance of synthetic life: 'Power in biopolitical societies is not political power at all, but purely administrative power – power of the experts and interpreters

of life.' (Ibid., 16) In his historical studies Foucault has famously analysed this reconfiguration in terms of 'juridical regression' (Foucault 1990a, 144) and the 'declaration of carceral independence' (Foucault 1977b, 247). Interestingly in the context of our synthesis of Schmitt and Foucault, the retreat of the classical juridical model is also the focus of Schmitt's critique of legal positivism and parliamentary democracy in the early twentieth century, which highlighted the subsumption of the law under the wider imperatives of administrative regulation that no longer operates through the force of the sovereign decision but rather on the basis of manifold forms of expert knowledge of the processes of life (Schmitt 1985a, 1985b). This shift from law to norm entails the dissolution of the dualistic structure of power relations (the transcendent sovereign / the immanent life of the subjects), and, consequently, of any meaningful vision of democratic equality. The subjects of biopolitics are only equal to the extent of being members of the flock, subject to the power of *agape*, which nonetheless caters to their individual needs and ultimately constitutes them *as individuals* in a differential distribution of their capacities as living beings. Moreover, all the members of the flock are *equally unequal* in relation to the power of 'interpreters of life', who must logically be superior to the members of the flock by virtue of their knowledge of the processes of life that they are to secure.

Thus, the regimes of sovereignty and biopower are entirely distinct in their paradigmatic structure, which of course has never prevented their admixture in actual practices of the modern state, which Foucault has famously labelled a 'demonic project' (Foucault 1988d, 71. See also Burchell 1991; Hindess 1996b). On the ontological level, what is demonic about this project is its uncanny coupling of absolutely incommensurable elements: the negative and the positive, the transcendent and the immanent, scarcity and plenitude, etc. On the ontic level, the demonic nature of the modern state is owing to the confluence of the murderous power of the sovereign's sword and the productive, vitalist power of biopolitics. The modern state is thus a monstrous unison of the executioner and the physician. While this monstrosity is traditionally illustrated by the experience of the 'totalitarian' projects of German Nazism and Soviet Stalinism (see Foucault 2003; Prozorov 2006a), we may easily observe the macabre effects of the conflation of power of death and power over life in the less extreme cases of Western liberal democracies. Critical studies of liberal biopolitics have illuminated the uncanny paradox, whereby the 'experts of life' take upon themselves the right of deprivation of life and, conversely, the sovereign, whose historical metonymic symbol was the sword, is entrusted with a thoroughly alien function of the care of the living (see Hindess 2001; Dean 2002b; Prozorov 2004b). With respect to the subject, the conflation of man and citizen in the governmentality of the modern state similarly carries ominous implications: in the condition of both the politicisation of the biological and the biologisation of the political the subject's entire existence becomes amenable to governmental interventions that operate in the zone of indistinction between *bios* and *zoe*. When sovereign and biopolitical powers are combined, we no longer deal either with 'bare life' or 'political life' but with a genuinely absolute abduction of human existence that mends all separations and no longer excludes anything from its operations.

Beyond Human Rights: The Refusal of Biopolitical *Agape*

The reaffirmation of the irreducible heterogeneity between sovereignty and biopower brings us to the question of whether one of these two forms of power is less violent and hence normatively more preferable than the other so that we may avoid the perils of the synthesis of sovereignty and biopolitics by opting for the predominance of one form of power over the other. It would of course be facile to infer the inherent benevolence of biopower from its paradigmatic structure of 'power-as-care': 'Biopower is love and care only to the same extent that the law […] is violence, namely by its origin.' (Ojakangas 2005a, 20) What biopower effects in its displacement of the city-citizen game is the de-activation of the transcendent violence of the law in favour of the immanent power of the norm that no longer merely threatens life, deducts from its forces and constrains its energies but rather incites and supports life, maximises its potential and nurtures its capacities. In Agamben's phrase, modern biopolitics, particularly in its liberal-democratic versions, 'wants to put the freedom and happiness of man into play in the very place – 'bare life' – which marked their subjection' (Agamben 1998, 10). It is precisely in these operations that biopower *is* violent: at the same time as it disqualifies death from politics, it deploys a myriad of techniques of intervention into human existence that, in Michael Dillon's words, allow the individual to be 'cared to death' by the 'experts of life' who are capable of what no sovereign ever cared for: manipulating the life choices of the individual, intervening into the most mundane individual practices, restructuring the entire period of human existence in terms of a variable distribution of restrictions, sanctions and regimens (see Dillon 2005; Rose 2001; Dean 2002b). If the paradigm of sovereign violence, so illustriously depicted by Foucault in *Discipline and Punish (*1977b), consists in inflicting unbearable pain on the living being through torture to the point of death, biopolitical violence consists in making life itself unbearable. 'Sovereign power may be lethal but biopower is suffocating. Consequently, biopower may be kind but sovereign power allows for freedom.' (Ojakangas 2005b, 53. See also Prozorov 2005)

This difference carries important consequences for theorising resistance to the biopolitical investment of human existence. While the modalities of resistance to sovereign power, ranging from the retreat into the *zoe* of private life to the rebellion for the purpose of the institution of the new *bios*, are well-known both as historical examples and theoretical artefacts, the question of resistance to biopower is a far more complex question. Thus, our discussion of anti-biopolitical resistance in this chapter is conceptual rather than normative, which also accords with our Foucauldian points of departure. What is at stake is the elucidation of the modalities of resistance that would be adequate to the existing stratagems of power, that would not attack an entirely wrong target or be immediately recuperated by the biopolitical diagram that they venture to resist. The question is not whether biopower *must* be resisted, which is always decided in concrete situations by concrete subjects, but how it *might* be resisted, given its idiosyncratic *modus operandi*.

What ought to be problematised from the outset is every attempt to resist the biopolitical investment of *man* from the standpoint of the *citizen*. This strategy is arguably at work in the contemporary global discourse of human rights, which

ventures to resist domination by extending what are evidently the rights of a citizen to the entire humanity and in this manner explicating a particular *bios* into the universal *zoe*. However, our preceding discussion permits us to claim that the very notion of human rights is meaningless in the biopolitical terrain of late modernity (cf. Rasch 2003). Indeed, it is only citizens that can make recourse to rights as members of a certain political *bios*, while the synthetic life of the 'man' of biopolitical investment is hardly a right but rather a duty of both the individual and the state. The human rights, listed in innumerable scriptures of contemporary world politics, are, of course, historically nothing other than the *civic* rights of the citizens of Western liberal democracies, which are a result of political struggles in particular settings rather than essential attributes of a human being. In other words, the subjects of Western democracies have gained these rights as citizens rather than as men and these rights belong to the domain of the *bios* rather than *zoe*, even if their function is precisely to delimit the domain of *zoe* from state intervention. The logically necessary form of promoting these rights globally is the establishment of the structure of the 'world state', in which all men are present as citizens (Wendt 2003. Cf. Prozorov 2006b, chapter 7). Anything short of that, e.g. 'regime change' military operations that seek to establish democratic structures of citizenship in target societies, only serves to subject these populations to the *sovereignty of another state*, establishing what, irrespectively of all emancipatory rhetoric, is a relationship of domination.

Alternatively, the extension of these rights to all men *qua* men in the absence of the corresponding structures of citizenship would merely entail their subjection to the *biopolitics of another state* without their participation in the democratic sovereignty of this state. As a number of critical studies have indicated (see e.g. Edkins 2000; Cooke and Kothari 2001; Brigg 2001; Bryant 2002), the beneficiaries of 'humanitarian' interventions of Western powers actually become the objects of governmental practices of discipline and surveillance, containment and confinement that deprive them of human dignity in the name of their final endowment with 'human rights'. As non-citizens, these human beings figure in the 'humanitarian' governmentality solely as the objects of the a priori asymmetrical 'shepherd-flock' relationship, in which the very idea of rights is *ipso facto* meaningless.

The idea of global promotion of human rights is therefore fraught with contradictions that are unfortunately not merely conceptual. Indeed, killing in the name of human rights that we observe today in the murderous crusades of rampant 'anti-terrorism' and 'regime change' is possible precisely because the discourse of human rights insistently seeks to introduce human life into the domain of global politics. Rather than do anything to resist biopolitical investment, the discourse of human rights replicates exactly the monstrous conflation of sovereignty and biopolitics that permits the state to kill in the name of the care of the living. Thus, we may concur with Agamben's blunt assertion that '[e]very attempt to found political liberties in the rights of man is in vain' (Agamben 1998, 181).

Both Foucault and Agamben agree that one gains nothing by resisting biopower on the terrain of sovereignty with its conceptual armour of laws and rights (see Foucault 1980e, 91–9; 1988d; Agamben 1998, 180–82; 2005, 87–8). For both authors the era of the transcendent law has definitely passed. Foucault documents the retreat of the law in his genealogy of disciplinary and governmental power, while

Agamben traces the gradual envelopment of the law by the state of exception, which increasingly becomes the rule, maintaining the pure force of law but depriving it of any substance or significance. Either way, our experience of the law in the condition of the immanentist nihilism of biopolitics is necessarily the experience of its recession, which is not equivalent to the destruction of the law, but rather consists in the illumination of its vacuity: 'What the 'ark' of power contains at its centre is the state of exception – but this is essentially an empty space, in which a human action with no relation to law stands before a norm with no relation to life.' (Agamben 2005, 86) Any attempt to limit the unremitting biopolitical abduction of human existence through the return to the classical distinctions of the city-citizen game is therefore held to be doomed from the outset.

Yet, what are the possibilities of resistance that remain available to us, once we discard the 'vacuous declarations of human rights' (Agamben 1993b, 86)? It is at this point that the Foucauldian ontology of concrete freedom offers a way out of the impasse of the conventional modes of 'emancipation', which remain confined to the paradigm of sovereignty. Our understanding of freedom as potentiality for being otherwise dissociates practices of resistance from any attachment to the 'law in force without significance'. As any right is always a positivity formed inside a particular diagram, it is evident that only 'citizens' rather than 'men' may have rights. Man, on the other hand, possesses *freedom*, a freedom of the living being that precedes the *bios* of the diagram and conditions its possibility, insofar as every diagram stems from the outside that is infinitely heterogeneous to it. One can resist the power of the diagram not because one has rights, which always a product of power relations, but precisely because one *doesn't* have them as a living being.

For all its vitalist overtones, this argument is not an essentialist regression, but rather, in full accordance with Foucault's notion of tactical polyvalence of discourses (1990a, 100), a deployment of the synthetic notion of life that is the ontological foundation of immanentist biopolitics in resistance to the latter, or, more precisely, as a means to restore transcendence into biopolitical immanence. The affirmation of the power of life before and beyond all juridico-political determination is not a claim for a 'natural foundation' of freedom, but rather, in Agamben's terms, a *stake* in the confrontation with the biopolitical investment of life. Just as 'a victory of one player in a sporting match is not something like the originary state of the game that must be restored, but only the stake of the game (which does not pre-exist it but rather results from it)' (Agamben 2005, 60), so the concrete freedom of the living being, which is ontologically anterior to its biopolitical investment, is only thinkable as an *outcome* of practices of resistance rather than a *return* to any 'pre-diagrammatic condition': 'Disenchantment does not restore the enchanted thing to its original state: according to the principle that purity never lies at the origin, disenchantment gives it only the possibility of reaching a new condition.' (Agamben 2005, 88) Thus, the affirmation of the transcendence of life within the immanent plane of biopolitics does not attempt to return to the condition of human being *before* any conception of 'human rights' but rather to open the possibilities of freedom *beyond* human rights, beyond the very sphere of the juridico-political determination of existence. If the transcendent aspect of sovereignty is exemplified by the exteriority of the sovereign, who kills but does not care, to the immanence of the life of its subjects, the transcendent moment of

immanentist biopolitics may well be embodied by the figure of a living being who does not care so much for being cared by power and puts its life at stake precisely in order to reclaim it (cf. Foucault 1977a, 32–3).

If resistance to sovereignty, which in all its versions is essentially a relationship of command, consists in disobedience and revolt against the existing locus of supreme authority, resistance to biopower must abandon its fixation on the figure of the sovereign and instead take the form of the *refusal of care,* an attitude of indifference no longer to the threat of power, but to its loving embrace. What is at stake here is the need to reorient the focus of resistance from that which is *already* 'without significance' towards the manifold forms of biopolitical investment, whose effectiveness depends precisely on their heterogeneity to the paradigm of sovereignty. The task of properly anti-biopolitical resistance is not to confront the ever-present menace of death, emanating from the sovereign, but also to refuse the abduction of one's existence by the diagrammatic project of administering life. The well-known lesson of Foucault's critique of the 'repressive hypothesis' is that one should not *hate* power, i.e. one should not reduce it to a mere negation or restriction and conjure a chimerical bright future of human self-fulfilment in the absence of power. In our view, a more intricate lesson to be learnt from Foucault's political philosophy is that one should not *love* power either, neither in the sense of being obsessed with seizing it nor in the sense of reciprocating its *agape* in the utopia of a 'better' biopolitics. Instead, a Foucauldian strategy of resistance is enabled by an attitude of indifference with regard to power, a refusal to submit to the temptations of possessing it or being possessed by it.

Yet, what is the effect of this indifferent refusal of the demonic combination of sovereignty and biopolitics? Let us venture that the task of this strategy of resistance consists in the *relegation of power to a position of pure exteriority* that we have previously discussed in terms of the externalisation of the diagram from the life of its subjects. The target of resistance is thus biopolitical production itself, i.e. the production of *power over life* that maximises the capacities of man as an object of government and simultaneously diminishes the freedom of man in the sense of the *power of life* that precedes the deployment of biopolitics. To assert one's power as a living being against the power, whose paradigm consists in the 'care of the living', is to affirm the radical freedom of the human being that precedes governmental care and does not require governmental love to sustain its life. The method of anti-biopolitical resistance is to externalise power from human existence and thereby leave its *agape* unrequited. When resistance to power takes place from the perspective of indifference to its biopolitical productivity, power is reduced to the formal locus of transcendent sovereignty, equally indifferent to the life of its subjects. To externalise power from human existence is not to defeat power, let alone seize it; it is rather to *leave it to its own devices*, to 'render unto Caesar the things that are Caesar's' with the proviso that outside the biopolitical terrain there is little rendered unto Caesar other than a bare structure of 'law without content'. One reason why the conflation of sovereignty and biopolitics of the kind introduced by Agamben is unproductive is that it does not permit us to distinguish the 'active agent' in this demonic admixture from a purely formal presence.

Simply put, if sovereignty has always been biopolitical or if biopolitical content has always been entirely subsumed under sovereign form, then the structure of power relations appears ontologically invariable. Practices of resistance may therefore continue to be modelled on traditional forms of resistance to sovereignty, even as Agamben himself insists that in the present 'state of exception' law remains in force 'without significance', i.e. is reduced to a purely formal structure of the sovereign ban. Indeed, Agamben's own critical project almost exclusively targets the pure form of sovereign exception rather than the biopolitical content of governmental rationalities, which is left practically without attention. However, as Ojakangas's criticism makes clear, the biopolitical subsumption of law as its own instrument has *already* brought about the messianic 'inactivation' of the law that Agamben wishes for: 'One day humanity will play with law just as children play with disused objects, not in order to restore them to their canonical use but to free them from it for good.' (Agamben 2005, 64) However, do not Foucault's and post-Foucauldian analyses of the subordination of the law to the expert knowledge generated by the administrative apparatus in the spheres of health care, social work or education demonstrate precisely this reduction of the law to an object of play, 'a mere instrument, a neutral object of pragmatic considerations [?] The law operates more and more as a norm, as a means of planning, as a tactics.' (Ojakangas 2005a, 25) If law has been deactivated in its canonical use, but this deactivation has not brought about any weakening of government, then it is only logical that practices of resistance in the name of freedom ought to target precisely that which subsumes law but remains heterogeneous to it, i.e. biopolitical governmentality.

Yet, what becomes of sovereignty once the practices of resistance are reoriented towards the refusal of immanent modalities of biopolitical investment? It is evident that sovereignty remains 'in force without significance' as a purely formal locus, to which power is reduced, when biopolitical rationalities are expunged from the lives of the subjects of the diagram. In fact, in Agamben's own description sovereignty is nothing other than a pure form of power (Agamben 1998, 26): a pure *form*, insofar as it lacks any positive substance, and a *pure* form, insofar as its own minimalist structure of 'taking life or letting live' (Foucault 1990a, 136) remains historically invariable. As a pure form, sovereignty may even be said to point to the fundamental ontological structure of politics, of any politics or even to a mythical, prehistoric structure of any human order.[1] For Agamben, the 'sovereign ban' is emblematic of the entire Occidental political tradition, while the biopolitical claims of modern power with its sacralisation of human life and deification of human rights merely obfuscate the paradoxical lethal origin of politics. Yet, while we agree with such an ontological recasting of sovereignty, we ought to remind ourselves that in its originary structure it remains a purely formal locus of constitutive transgression. As we have argued in detail in the previous chapter, sovereignty is a foundation of every political order but a singularly paradoxical foundation that may never be

---

1   Occasionally, Agamben's theory of sovereignty appears to imply something like an 'anthropological constant' that has characterised human history 'for all the forty millennia of the *Homo Sapiens*' (Agamben 1993a, 9) that may only now be overturned in the messianic redemption of 'what has never been'.

subsumed under its positive form. While no positive order could ever emerge in the absence of a sovereign decision, this decision by itself could never establish any positive order, given its relentless force of negativity. Even on Agamben's own terms of the 'sovereign ban', it is evident that no politics in any recognisable sense could ever be established on an unconditional power of death, which has its absolute limit in its very exercise. In Foucault's words, the theory of sovereignty paradoxically founds 'absolute power on the absolute expenditure of power' (Foucault 2003, 36). As the dead are no longer objects of sovereignty and the living only encounter sovereignty in the spectral menace of its potential application, the force of sovereign power is paradoxically contained only in the deferral of its actual exercise. We may therefore reiterate that sovereignty has a structure of potentiality: 'the sovereign ban, which applies to the exception in no longer applying, corresponds to the structure of potentiality, which maintains itself in relation to actuality precisely through its ability not to be.' (Agamben 1998, 46) This is another reason for the ahistoricity of sovereignty that we have discussed above: as a force of potentiality, sovereignty must always remain *out of time*. The presence of the pure form of sovereignty in any historical form of order is made possible precisely by its own location outside history.

Consequently, the very history of power relations depends on the possibility to endow this pure form with concrete content by grafting power onto the immanent processes of life. Biopolitics is thus thinkable as a historically variable 'substantialisation' of sovereignty, which nonetheless remains in a demonic contradiction with it: the greater the immanence of power relations and their investment of the domain of *zoe*, the more one disavows the transcendent, negative and lethal character of sovereignty. Conversely, the reaffirmation of sovereign transcendence within the diagram introduces a radically heterogeneous element and thereby ruptures the immanentist rationality of biopolitical rule. The externalisation of the diagram via its reduction of its power to sovereignty through the refusal of biopolitical care is therefore equivalent to the deprivation of the diagram of all its positive substance, whereby it coincides with its pure ontological form.

Our critique of Agamben should therefore not be misread as a doctrinaire defense of Foucault's original distinction between sovereignty and biopolitics against an excessively unfaithful reading. On the contrary, the value of Agamben's argument consists in his reaffirmation of sovereignty as a pure form of power, which brings up its ontological dimension that remains obscure in Foucault's work. This obscurity is arguably owing to Foucault's limitation of his research to a relatively brief historical period. For example, in *Discipline and Punish* (1977b) he *begins* with vivid descriptions of the spectacles of sovereign power only to argue, convincingly, that this purely formal, self-referential, transcendent power is, in the 'demonic project' of the modern state, gradually articulated with a more immanent orientation, whereby power is grafted onto the immanence of the synthetic life of its subjects. In other words, Foucault begins with the moment, when power somehow exited the vicious circle of either refraining from its own application or cancelling itself out in it and penetrated the formerly intact domain of life in order to establish substantive power relations within this 'plane of immanence'. Yet, this gesture of beginning with sovereignty remains ambiguous: does Foucault begin with the

description of sovereign power simply because it was a transitory ontic form that disappeared with the onset of biopolitical governmentality or does sovereignty function as a beginning in a more fundamental ontological sense, as the origin of all power? As Foucault's argument on the 'demonic' character of the combination of sovereignty and biopolitics in the modern state demonstrates, he did not intend to posit the relation between them in terms of a simple linear succession. Moreover, in his *Governmentality* lectures (1991a, 102), Foucault speaks of modern power relations in terms of a triangle of 'sovereignty-discipline-government'. Thus, sovereignty remains present in any diagram of governmentality, but present in a purely formal, even spectral form, that accords with Agamben's formula of being 'in force without significance'. This supports our proposition that sovereign power is not merely a transitory historical modality of power relations, but their originary form, whose negativity, obscenity and even absurdity, so illustrously described by Foucault himself, did not lead to its effacement but rather to a more intricate process of grafting power onto the immanent processes of life, whereby the formal structure of sovereignty was endowed with positive biopolitical content.

This argument that accords with Agamben's ontologisation of sovereignty nonetheless permits us to venture a criticism of Agamben's second thesis – the collapse of the very *distinction* between sovereignty and biopolitics in the claim that the production of the 'biopolitical body' is the originary activity of sovereign power. If biopolitics substantialises power, taking it beyond the absolute negativity of the 'unconditional threat of death' towards the positive administration of people and things, it can't be 'indistinct' from sovereignty. Form and substance are logically distinct from each other and the endowment of form with substance (i.e. the gradual emergence of manifold biopolitical governmentalities within sovereign states) must presuppose the difference between the two. Moreover, in this setting, biopolitical substance must necessarily be historically variable, while the form of sovereignty remains intact throughout history. Power relations have a history by virtue of the ceaseless transformation of the biopolitical substance grafted onto the immutable infrastructure of sovereignty. Thus, Agamben's conflation of sovereignty and biopolitics is problematic not because it does not 'do justice to Foucault', which is hardly a Foucauldian objection, but because such a conflation produces a thoroughly implausible image of power relations as invariable throughout the millennia of human history. In contrast, the reading of sovereignty as the formal condition of power relations and biopower as the historically variable positive content of particular diagrams permits us both to retain the appreciation of the historical mutability of power relations, which is arguably Foucault's key insight, and to affirm the extra-historical excess of these relations that conditions their possibility, the transgressive foundation of sovereignty.

The Sovereign Stripped: Towards a Reaffirmation of Bare Life

As we have argued, the strategy of the refusal of care entails the expulsion of biopolitical rationalities from the lives of the subjects of the diagram and the consequent reduction of power relations to their pure ontological form of sovereignty.

Yet, what are the consequences of this reduction for the 'bare life' that, according to Agamben, is the originary product of sovereign power? The refusal of biopolitics may successfully dismantle the diagrammatic apparatus of the administration of life and evade the capture of one's existence in a certain distribution of positive identities but, if the structure of the sovereign ban remains intact, logically cannot do anything to challenge the abandonment of 'bare life', reduced to the disconcerting status of the *homo sacer*, a being whose killing is neither homicidal nor sacrificial. Given Agamben's privileged focus on 'bare life' as a correlate of sovereignty, it is hardly surprising that his critical project is frequently interpreted as a head-on confrontation with the very principle of sovereignty, a task made all the more enormous by Agamben's own insistence on the transhistorical character of the sovereign ban (see Mills 2004; Edkins and Pin-Fat 2005). Nonetheless, in this section we shall argue that Agamben's affirmative vision of the 'coming politics' is considerably more intricate than yet another assault on sovereignty and rather implies a radical reappropriation of sovereignty by that, which was originally posited as its product, i.e. bare life itself.

Before delving into this argument, let us recall that *homo sacer*, the subject reduced to bare life, is posited by Agamben as structurally homologous to the figure of the sovereign that permanently threatens it. 'At the two extreme limits of the order, the sovereign and *homo sacer* present two symmetrical figures that have the same structure and are correlative: the sovereign is the one with respect to whom all men are potentially *homines sacri*, and *homo sacer* is the one with respect to whom all men act as sovereigns.' (Agamben 1998, 84) It is nonetheless important to note that bare life is irreducible to the extreme figure of the *homo sacer*, just as modern politics is irreducible to the Nazi camps. It is arguably Agamben's idiosyncratic 'paradigmatic' method, which operates with hyperbolic rather than generic examples,[2] that frequently invites misreadings of his argument. For instance, Judith Butler's implicit equation of bare life with 'homo sacer' results in her reading of Agamben as an advocate of a radical inclusion of all *homini sacri* into the liberal-democratic order, which is of course radically heterogeneous to Agamben's use of the concept as a paradigm of precisely this order itself (see Butler 2004). However, the paradigmatic relation between bare life and *homo sacer* breaks down, when Agamben's discourse moves into a more affirmative dimension, as his 'coming politics' continues to be based on bare life, but not, to everyone's relief, on *homo sacer* as its paradigm: 'This biopolitical body that is bare life must itself […] be transformed into the site for a constitution and installation of a form of life that is *wholly exhausted in bare life* and a *bios* that is only its own *zoe.*' (Agamben 1998,

---

2   In a succinct summation of his paradigmatic method, Agamben (2002) emphasises the way a paradigm, as a singular example, functions as a condition of intelligibility of the set, of which it is also a part, by virtue of the suspension of its own denotation. For instance, 'paradigm' may be a paradigm of an English noun in the singular, but in its very functioning as a paradigm, this word must exit the set, whose intelligibility it exhibits. Thus, Agamben ends up with an elegant definition of a paradigm as 'something shown beside itself, exposed in its own knowability'. What this statement of method leaves unclear is Agamben's persistent recourse to hyperbolic examples, whose very membership in the set, whose intelligibility is exposed, is frequently questionable.

188. Emphasis added.) Thus, rather than advocating a dispensation with sovereignty and bare life as its product, Agamben posits the task of the reappropriation of bare life that would no longer serve as a negative presupposition of political order but would rather inaugurate a possibility of an order, 'wholly exhausted' in it.

Let us attempt to elucidate what is at stake in this enigmatic formulation, expanding our domain of reference to embrace Agamben's earlier writings. What strikes us as a permanent theme of Agamben's work, recurring at different levels and in different fields, is what Foucault (1977a) termed *nonpositive affirmation*. In his writings on the philosophy of language, Agamben has tried to articulate the experience of language that speaks without saying anything, but simply communicates its own communicability (Agamben 1999, 60–61). Such an experience of language breaks away from its presuppositional structure, in which the 'thing itself', enunciated in language, is necessarily split into a presupposed subject, of which one speaks, and the qualities, predicated to it. For Agamben, 'the thing itself is not a thing; it is the very *sayability*, the very openness at issue in language, which, in language, we always presuppose and forget, perhaps because it is at bottom its own oblivion.' (Agamben 1999, 35) The 'Idea of language' is therefore entirely contained in the existence of language itself, the existence of communicability as such, which itself cannot be communicated other than in the form of presupposition that effaces it. Thus, 'language also holds man in its ban, insofar as man, as a speaking being, has always already entered into language without noticing it. Everything that is presupposed for there to be language […] is nothing other than a presupposition of language that is maintained as such in relation to language precisely insofar as it is excluded from language.' (Agamben 1998, 50)

The experience of language as such is only accessible in its recasting as a potentiality, not as 'meaningful speech', but rather as a 'voice that, without signifying anything, signifies signification itself' (Agamben 1999, 42). In its potentiality, this pure capacity to signify is, as we have discussed at length, also necessarily a capacity *not* to signify, a capacity to speak without saying anything. Already in the early 1980s, Agamben repeatedly transferred this ontology of language onto the plane of politics as a 'model' for the coming community that is not grounded in any presupposition of identity, norm or value but rather entirely contained in its being-in-language: 'There can be no true human community on the basis of a presupposition – be it a nation, a language, or even the a priori of communication of which hermeneutics speaks. What unites human beings among themselves is not a nature, a voice or a common experience in a signifying language; it is the vision of language itself and therefore the experience of language's limits, its *end*. A true community can only be a community that is *not presupposed*.' (Agamben 1999, 47. Emphasis original. See also Agamben 1999, 60–61, 115)

The experience of pure sayability that signifies nothing is therefore analogous to 'bare life' as the experience of life, for which nothing but living itself is any longer at stake, a 'profane mystery, in which human beings, liberating themselves from all sacredness, communicate to each other their lack of secrets as their most proper gesture' (Agamben 1999, 85). The analogy is all the more forceful, insofar as both the pure experience of language and the pure experience of existence are made

possible by the condition of nihilism that for Agamben marks the veritable end of history:

> Would such speech [that has nothing to say] simply be the speech of humankind, the 'illustrious vernacular' of a redeemed humanity that, having definitively exhausted its destiny, is one with its praxis and its history? […] Now, when all destiny is at an end and all epochal figures – grammars – of Being are exhausted, do we not witness the beginning of a true universal history of a humanity that finally dissolved the secret of its own 'proper' identity? This simple figure of fulfilled humanity – which is to say, *human* humanity, would therefore be what is left to say for speech that has *nothing* to say; it would be what is left to do for praxis that has *nothing* to do. (Agamben 1999, 135. Emphasis original.)

Agamben's 'coming community' is thus a community devoid of any identitarian predicates, that has liberated itself from historical tasks that both sacralised and sacrificed life, and is finally able to dwell in its profane 'being thus' (Agamben 1999, 136–37). The very notions of 'being thus' and 'whatever being', which we have discussed above, are strictly analogous with the idea of a pure expressibility of language that expresses nothing but itself. Just as the Idea of a thing is for Agamben nothing but the 'thing *itself*', which is 'neither what is denoted nor what is meant' (Agamben 1993b, 99. Emphasis original.), the 'thus' of being-thus is nothing but an imperceptible 'halo' (Agamben 1993b, 52–5), a manifestation of a *being beside itself*. Similarly, just as the pure experience of language is only possible by stripping language of all presuppositions, the community of whatever being is constituted not through presupposition, but rather in what Agamben terms 'exposure':

> Exposure, in other words being-such-as, is not any of the real predicates (being red, hot, small, smooth, etc.), but neither is it other than these (otherwise it would be something else added to the concept of a thing and therefore still a real predicate). That you are exposed is not one of your qualities, but neither is it other than them (we could say, in fact, that it is none-other than them). Whereas real predicates express relationships within language, exposure is pure relationship with language itself, with its taking place. (Agamben 1993b, 96)

It is evident that a community exhausted in the shared exposure to the being of language is, in Nancy's formulation (1991), entirely 'inoperative', simply because the 'whatever singularities' that inhabit it have bracketed off all presuppositions that might have constituted the 'work' or 'task' of this community. For Agamben, nonetheless, this condition marks not the end but the very beginning of ethical life, which, to be worthy of the name, must be entirely dissociated from any positive identitarian project. 'There is no essence, no historical or spiritual vocation, no biological destiny that humans must enact or realise. This is the only reason why something like ethics can exist, because it is clear that if humans were or had to be this or that substance, this or that destiny, no ethical experience would be possible – there would be only tasks to be done.' (Agamben 1993b, 42) The only possible ethical injunction in this 'post-historical' condition is for human beings to maintain this experience of 'being (one's own) potentiality, of being (one's own) possibility' rather than appropriate this potentiality as a substantive foundation for a positive

identity, which, as we recall, would be equivalent to a passage into a 'deficit of existence' (ibid., 43).

The similarities between this vision of the coming community and Foucault's ontology of concrete freedom are obvious, despite the evident difference in the philosophical trajectories of the two authors. Indeed, Agamben's ethos of potential 'being-thus' provides an ontological background to Foucault's writings on the aesthetics of existence that permits to appreciate the Foucauldian 'self-fashioning' as entirely heterogeneous to any identitarian project. Instead, Agamben's notion of the 'use of the self' posits as ethical the very experience of being-thus that engenders us as irreducibly potential beings: 'That manner is ethical that does not befall us and does not found us but engenders us.' (Agamben 1993b, 28) It is precisely the experience of our continual being engendered by ourselves, of our *taking place*, entirely without regard for the positive properties of what takes place, that marks freedom as a moment of transcendence within the immanence of the diagram that expropriates the linguistic being of human beings by turning it into a foundation of identity (ibid., 78–80).

Yet, besides the similarity of this vision to Foucault's ontology of freedom, our reading of Agamben's 'coming politics' reveals another, rather more paradoxical similarity. Does not the idea of the irreparable abandonment of human beings, their absolute exposure in their 'being-thus' strangely resonate with Agamben's own description of the sovereign ban (cf. Thurschwell 2002)? There is an uncanny resemblance between what Agamben finds intolerable and what he describes in terms of a messianic redemption. Indeed, isn't a form of life exhausted in bare life precisely the form of sovereign abandonment, in which it is now the sovereign itself that is abandoned by his subjects? *Pace* Mills (2004), for whom Agamben's post-messianic 'happy life' is the opposite of bare life, we may rather approach it as constituted entirely on its basis. To risk a simplistic formula, Agamben's 'happy life' is simply bare life that finds in its state of abandonment the conditions for its happiness. Agamben's affirmative strategy is therefore elegantly paradoxical – on countless occasions, he demonstrates the possibility of a radically different life on the basis of precisely the same things that he sets out to criticise: the state of exception that has become the rule and is therefore unable to function (2005), the sovereign ban which leaves the subjects in a state of bare life that is suspiciously similar to the 'whatever' condition that Agamben affirms (1998), the 'globalisation' project of the 'planetary petty bourgeoisie', which is bent on destroying the very distinctions and identities that sustain its form of political order (1993b), etc. In an interesting twist on Marxist dialectics, Agamben paints a convincingly gloomy picture of the present state of things only to undertake a majestic reversal at the end, finding hope and conviction in the very despair that engulfs us. Our very destitution thereby turns out be the condition for the possibility of a radically different life, whose description is in turn entirely devoid of fantastic mirages. Instead, as Agamben repeatedly emphasises, in the redeemed post-messianic existence 'everything will be as is now, just a little different' (Agamben 1993b, 57), no momentous transformation will take place aside from a 'small displacement' (Agamben 1999, 164) that will nonetheless make all the difference.

> If instead of continuing to search for a proper identity in the already improper and senseless form of individuality, humans were to succeed in belonging to this impropriety as such, in making of the proper being-thus not an identity and individual property but a singularity without identity, a common and absolutely exposed singularity – if humans could, that is, not be thus in this or that particular biography but be only *the* thus, their singular exteriority and their face, then they would for the first time enter into a community without presuppositions and without subjects. (Agamben 1993b, 64. Emphasis original.)

Agamben's dialectic is best exemplified by his discussion of Guy Debord's (1994) thesis on the 'society of the spectacle', which he considers to be the most adequate representation of contemporary world politics. In Agamben's eschatological vision, the arrival of the post-messianic life of whatever being is actually accelerated by the destructive power of global politics itself: as human beings are ever more alienated from their linguistic being and as language in the condition of nihilism increasingly reveals Nothing, 'for the first time it is possible for humans to experience their own linguistic being – not this or that content of language, but language itself. […] Contemporary politics is this devastating *experimentum linguae* that all over the planet unhinges and empties traditions and beliefs, ideologies and religions, identities and communities.' (Agamben 1993b, 82) Once this destruction is carried to completion, we will be able to become 'first citizens of a community with neither presuppositions nor a State' (ibid.).

It is now clear that Agamben's vision of a 'form of life that is entirely exhausted in bare life' posits the possibility of the reappropriation by human beings of their bare life as linguistic beings from the positive, identitarian order of the diagram, which will lead to the constitution of a *bios* (community) that is wholly exhausted in its own *zoe*. Bare life is neither biological, 'nutritive' life that precedes all politics nor a mere horrifying product of 'biopolitical sovereignty' but rather the potentiality of human being as such, which is abducted by the diagram that contains human beings in a deficit of existence. What Agamben affirms, contrary to misreadings motivated by the excessive focus of his readers on the abject figure of *homo sacer*, is *the becoming-subject of bare life*, which is equivalent to its assertion of sovereignty over itself. However, it is at this point that things become complicated. It remains entirely unclear how this vision relates to the confrontation with sovereign power that Agamben's more critical writings appear to call for. As we have suggested above, the source of confusion might be Agamben's original move of conflating sovereignty and biopolitics, which is evident in 'Tiananmen', the concluding fragment of *The Coming Community* that anticipates the thesis of *Homo Sacer*: 'Whatever singularity, which wants to appropriate belonging itself, its own being-in-language, and thus rejects all identity and every condition of belonging, is the principal enemy of the State. Wherever these singularities peacefully demonstrate their being in common, there will be a Tiananmen, and sooner or later tanks will appear.' (Agamben 1993b, 86) Leaving aside the question of whether Tiananmen demonstrations are an adequate illustration for Agamben's non-identitarian politics, let us attempt to specify what exactly this politics is actually the enemy of. For Agamben, what is absolutely threatening to the 'State', what the 'State' 'cannot tolerate in any way' is not any particular claim for identity, which can always be recognised, but rather the

possibility of human beings co-belonging in the absence of any identity: 'A being radically devoid of any representable identity would be absolutely irrelevant to the State.' (Agamben 1993b, 85)

While we are fully in agreement with this thesis, it appears necessary at this point to rigorously distinguish, in this figure of the State, between sovereignty and biopower. As we have argued at length at the beginning of this chapter, it is biopolitical investment rather than sovereign subjection that endows the subject with a diagrammatic identity. It is only in the context of modern biopolitics that the identity of the subject becomes *relevant* to power in the first place. Thus, the 'irrelevance' of a non-identitarian subject of bare life would only constitute a threat to the state in its biopolitical aspect. Conversely, nothing is less relevant to sovereign power than the identity of its subjects, which is a priori contained entirely in the fact of their subjection. As a transgressive foundation of order, sovereignty itself remains without identity, exhausted in its constitutive exteriority to the diagram. What Agamben describes as the central conflict of the coming politics, 'a struggle between whatever singularity and the State organisation' (ibid.), must therefore be qualified as a confrontation with the *biopolitical* apparatus of the state rather than its pure form of sovereignty. It is in this confrontation that whatever singularities themselves assert sovereignty over their 'being-thus' against the biopolitical reduction of their singularity to positive identitarian predicates. The fact that this resistance might lead to violent reprisals on the part of the state should not obscure for us the fact that what is at stake in these struggles is neither the contest over sovereignty nor a quest for its destruction but rather the revolt against the power that invests its forces and rationalities in the bare life of potentiality, reducing it to actual diagrammatic identities. The conflict of whatever singularities with the state has nothing to do with breaking out of the sovereign 'ban' but rather concerns the reduction of power relations to this originary structure through the dismantlement of the diagrammatic distribution of identities.

Thus, by reducing power to a pure form of sovereignty, bare life itself becomes a sovereign subject of freedom. To be 'exhausted in one's bare life' is to be free of all positive determination, of all identitarian predicates, of all biopolitical care. Bare life is therefore only conceivable in our terms of transcendence within immanence, accessible in its pure, 'non-presupposed' state only as a result of the transgression of all that envelops, or, to push the metaphor, *clothes* it. In other words, bare life is what *remains* when biopolitical immanence is transcended. Thus, as Agamben (2005, 87) insists, bare life is not a natural state of being, colonised by power, but rather a product of power that may eventually gain freedom in confrontation with it. The affirmation of the sovereignty of bare life has therefore nothing to do with any form of naturalism. Although human beings are indeed born bare, the very moment of birth (as well as the prenatal stage) is in contemporary societies biopoliticised to such an extent that it is increasingly difficult to use the metaphor of a new-born infant to describe the subject of bare life.[3] Instead, one can only achieve the liberation

---

3   The metaphor of infancy is crucial to Agamben's vision of a redeemed humanity, which would be marked by a receptivity to the world's 'being-thus' and be able to inhabit its potentiality for being 'without reserve'. Cf. Agamben 1993a, 4–10.

of bare life by first *stripping* all the positive attributes that the diagram has always already instilled in its subjects.

Yet, it is precisely this act of stripping that retains a highly ambiguous status in Agamben's ontological edifice. As we have noted in our discussion of Bartleby and Michael K, the former figure is, for Agamben, an epitome of potential being precisely because his pure refusal is not an act of will or a decision to resist but a state of always already dwelling in pure potentiality, in the suspension of every preference by an absolutised preference-not-to. At this stage, we may reiterate our initial scepticism with regard to this reading, particularly insofar as it is posited as a metaphorical guideline to a 'happy life' that is wholly exhausted in bare life. Any affirmation of potentiality must necessarily traverse the moment of its 'letting itself be' in the actual decision to strip oneself of all biopolitically produced identitarian predicates. As we have argued with regard to the potentiality of sovereignty, this passage of the potential into the act is not equivalent to the effacement of potentiality, which survives its materialisation as the potential *to not not-be*. Moreover, without this sovereign act of 'letting oneself be', Agamben's affirmation of 'being-thus' would degenerate into a resigned acceptance of the tyranny of actuality, whereby nothing at all would be allowed to take place.

It is therefore not surprising that despite the insistence throughout his reading of Melville on Bartleby's 'being capable only without wanting' (Agamben 1999, 254), Agamben finally reintroduces the themes of will and decision, when he addresses the question of how a life of potentiality becomes possible. In order for potentiality not to degenerate into an infinite repetition of what is, Bartleby '*decided* to stop copying', he '*must* stop copying, must give up his work' (Agamben 1999, 268. Emphasis added.).[4] It is precisely in this decision that Bartleby set aside his potentiality *not* to stop copying but has not thereby translated potentiality into actuality, but rather *materialised* it as a possibility that *exists* in its own right between Being and Nothing, affirmation and negation, presence and absence (Agamben 1999, 217–18). This is a perfect example of a decision that, in a Foucauldian formula, affirms nothing positive and nothing negative, a decision to be otherwise that is irreducible to any 'alternative' mode of being and a decision to be 'thus' that is devoid of any positive predicates. Fully congruent with Schmitt's definition, this decision does nothing other than take exception and thereby takes the subject beside itself without taking it anywhere in particular. Beside oneself and 'irreparably astray' (Agamben 1993b, 5), the subject of freedom is no longer consigned to but rather *attains* the experience of bare life.

---

4   Agamben also reintroduces the theme of will in his discussion of Duns Scotus's resolution of the paradox of contingency. For Scotus, 'he who wills experiences his capacity not to will' (Agamben 1999, 262), which entails that the act of willing is able to transcend Aristotle's principle of conditioned necessity, according to which in a given instance a being cannot be otherwise than it is. 'The will is the only domain that is withdrawn from the principle of noncontradiction.' (Ibid.) It therefore appears that potentiality and will are not mutually exclusive and, furthermore, that it is the act of will, rather than a passive suspension, that is the paradigmatic example of the existence of potentiality *in* actuality.

Just as Bartleby *must have* preferred to 'prefer not to', the subject of 'bare life' must actively externalise his diagrammatic identity in order to affirm his 'whatever being' of potentiality. It is precisely this act of decision that marks the assertion of sovereignty on the part of the subject or even the very moment of his becoming-subject, insofar as the subject is always formed beside itself as its own meto-homonym. This emphasis on the necessarily presupposed act of decision should not be equated with the critique of Agamben's reading by e.g. Michael Hardt and Antonio Negri (2000, 204), for whom Bartleby's refusal is only a first step in the construction of 'new forms of life and a new community'. What we are interested in is not what follows the first step of refusal, but what precedes it, i.e. what marks this step as a *step*, rather than a standstill. The decision to strip off one's diagrammatic identity must be *taken* as an act of will, and it is at this moment that potentiality and actuality become indistinct and mark the locus of the emergence of the sovereign subject of bare life.

It is in this affirmation of the sovereignty of life itself that Agamben's discourse may genuinely move beyond the horizon of 'human rights', which he so steadfastly opposes. As both *Homo Sacer* (1998) and *State of Exception* (2005) demonstrate so disconcertingly, the valorisation of human rights and the sacralisation of human life mean nothing more that the perpetual abandonment of human being to the Law that no longer signifies anything and can only maintain itself in a murderous state of exception. Agamben clearly finds insufficient the Derridean deconstruction of the law that leaves it in its nullified state. 'Obviously, it is not a question […] of a process of infinite deconstruction that, in maintaining the law in a spectral life, can no longer get to the bottom of it.' (Agamben 2005, 64) Such a 'petrified or paralysed messianism' (Agamben 1999, 171) would still be marked by the logic of presupposition, posing the very negativity of the law in force without significance as the undecidable foundation of politics (see ibid., 134–36; 112–15). In Agamben's messianic vision, even this spectral form of the law must be overturned entirely so that human life ceases to be the object of power, whether sovereign or biopolitical, and finally becomes able to 'reach the perfection of *its own* power' (Agamben 2000, 114).

We may finally understand the 'little difference' or 'small displacement' that Agamben has in mind in his vision of the coming politics. The difference in question has nothing to do with the destruction of sovereignty but rather consists in the simple displacement of its hierarchical structure. What is effected in Agamben's messianic overturning of the law 'in force without significance' is not an effacement of sovereignty, but rather its assignment to life itself, which frees itself from its abduction in a state of exception (Agamben 2005, 88). Rather than being an *object*, presupposed by sovereign power, bare life becomes a *subject* that no longer presupposes anything, but rather wholly exposes itself in its irreducibly potential being-thus. To recall Agamben's parable on the inhabitants of limbo, the subjects of bare life exist in 'divine abandon' without any consciousness of their abandonment and thus capable of experiencing it as freedom. Thus, the caesura between 'sovereign power' and 'bare life' that has defined modern politics as we know it is mended in the emergence of the sovereign power *of* bare life, which remains abandoned, but no longer to anything external, but merely to its own potentiality and hence to its

own freedom. Thus, we may finally define 'sovereign life' as a life that is wholly and irreparably abandoned to *itself*.

This discussion has demonstrated that sovereignty is not so much a *target* of Agamben's 'coming politics' as a *stake* in the confrontation of human being with the diagram that abducts its potentiality and orders it in accordance with its biopolitical rationalities. In other words, sovereignty is not dismantled but rather reappropriated by the subjects of bare life in their refusal of biopolitical care. The fact that sovereignty remains even after the dissolution of the diagram as a result of anti-biopolitical resistance only means that the power of the diagram has been successfully reduced to its pure, originary form, maintaining its *presence* but losing all its *substance*. Insofar as what threatens freedom is precisely the positive substance of the diagram, under which human existence is subsumed in the act of its abduction, the persistence of the pure form of sovereignty merely testifies to the liberation of whatever being, wholly exhausted in bare life, which itself becomes sovereign by being abandoned only to itself. Thus, sovereignty must be reaffirmed simultaneously at two levels, as the transgressive foundation of every diagram and as the stake in the struggle for its expulsion from the lives of its subjects.

On the basis of our brief analysis of Agamben's affirmative vision of the 'coming politics', we may argue that Foucault and Agamben arrive at a rather similar understanding of freedom and resistance despite their radically different philosophical strategies. While Agamben can be credited with bringing the concept of biopolitics back into fashion, his studies actually tell us little about the historical development of biopolitical governmentality, being more concerned with the messianic suspension of the entire history of Western politics, exemplified by the simultaneous 'end of history' and the 'end of the state' (Agamben 1998, 60). The problematic of resistance to specifically modern rationalities of biopolitical government is therefore of little interest to him, just as the question of overcoming the Occidental ontopolitical tradition at large might have appeared nonsensical for Foucault, given his distaste for grand narratives (see e.g. Foucault 1980b, 1980d, 1988b, 1988f, 1991c, 1996c). While Foucault's philosophy of freedom prescribes a politics of 'uneasy' twisting loose from concrete historical modes of diagrammatic confinement, Agamben offers a depiction of the redeemed state of 'ease' (Agamben 1993b, 25) that might come as a result of these practices.

In a sharp contrast to Foucault, Agamben is a genuinely eschatological or even an apocalyptic thinker, with a proviso that what is left after the apocalypse is human life as such, not the ruins thereof (Agamben 1993b, 6–7). Since 'bare life is a product of the machine and not something that pre-exists it' (Agamben 2005, 87), it is only the destruction of the machine of governmentality that allows us to glimpse human life in its purity *for the first time,* as a product of biopolitics liberated from the rationality of its production. In this sense, Agamben may be said to describe, in an eschatological utopia, the condition of life made possible by Foucauldian practices of freedom. While Foucault's experiments in free thought demonstrate to us what can be done to assert our freedom but are determined to remain silent on where these practices will eventually take us, Agamben is remarkably prolific in his description of the future, but stops short of telling us how to get there. Perhaps then, one should read the two thinkers together with full recognition of the heterogeneity of their

styles and ambitions. Thus, Foucault's critics, exasperated by Foucault's resistance to elaborating a normative ideal, might turn to Agamben, while Agamben's readers, left dissatisfied by vague revelations on the coming politics, might find in Foucault's historical ontologies a wide range of historical examples of twisting loose from the diagrammatic enfolding and affirming one's potentiality for whatever being.

As this chapter has demonstrated, the strategy of resistance that ensues from the Foucauldian ontology of concrete freedom is the very opposite of the conventional critical quest of the purification of political order from its obscene excess of sovereignty. Instead, the ontological affirmation of sovereign freedom rather leads us to reasserting this constitutive excess of order while refusing its very positivity. In the next chapter we shall elaborate our strategy of refusal of biopolitical care through its contrast with what is arguably the most influential discourse on resistance to biopower – Michael Hardt's and Antonio Negri's theory of Empire and the multitude, which is marked by the immanentist drive to efface sovereignty from global government. Through a critical engagement with the authors' attempt to develop an emancipatory project of the multitude on the basis of the destruction of 'Imperial sovereignty', we shall both account for the profound impossibility of such 'liberation' and offer alternative pathways of resisting global biopolitical investment on the basis of the reaffirmation of sovereign freedom.

Chapter 6

Counterproductivity: How to Empty Out the Enemy's Power

Two Senses of Impossibility: The Autoimmunity of Emancipation

It has frequently been observed that Hardt and Negri's optimistic assessment of the possibilities of resistance to the global network of biopower that they term Empire is highly counter-intuitive and strongly contrasts with the largely gloomy disposition of the contemporary Left (see various contributions to Balakrishan 2003). Indeed, the authors' affirmation of the 'irrepressible lightness and joy of being communist' (Hardt and Negri 2000, 413) and their prophecy of a 'real political act of love' that would bring about the emancipation of the multitude (Hardt and Negri 2004, 358) sound decidedly odd in the present political, if not intellectual, crisis of the radical Left (see Zizek 2001; Balakrishan 2001; Brown et al 2002). As Slavoj Zizek ironically suggests, 'it is as if *everything is already here*, in the 'postmodern' capitalism […] – all that is needed is just an act of purely formal conversion' (Zizek 2006, 263. Emphasis added.). Similarly, Paolo Virno has criticised Negri for writing 'as if we have already won without realising it' (Virno in Neilson 2004, 76).

One certainly wonders how 'being communist' could give anyone any measure of lightness or joy these days, unless of course this optimism has no connection whatsoever to the actual political reality of our time but is entirely self-enclosed in its militant passion for the impossible. Indeed, what strikes us as singular about Hardt and Negri's project is its profound *impossibility* in the context of contemporary world politics, which makes its blueprint for emancipation both instantly attractive and utterly implausible. Our critical reading of Hardt and Negri's project of emancipation in this chapter certainly makes no attempt at a full overview of their complex theoretical project that has deservedly become the object of a vibrant debate (see e.g. Balakrishan 2000; Brown et al 2002; Moreiras 2001; Thoburn 2003; Boron 2005; Zizek 2001, 2006), but, similarly to our reading of Agamben in the previous chapter, merely targets a single move that the authors make in its elaboration – the conflation of sovereignty and biopower in the figure of Empire. We shall argue that it is precisely this conflation that accounts for the impossibility of the project of the liberation of the multitude or, more correctly, its impossibility *as* a project of liberation.

Let us begin by distinguishing two modal forms of impossibility. Something may be held to be *contingently impossible*, if its actualisation is foreclosed in the present condition by fundamental obstacles that define our horizon of possibilities. In contrast, something is *necessarily impossible* if it cannot be actualised even in the absence of all obstacles or, as we shall argue in more detail below, if it is

internally barred from full self-actualisation. Thus, a contingent impossibility retains its potentiality to be, whose actualisation is dependent on the removal of contingent obstacles, while a necessary impossibility is a priori impotential. It is evident that there are numerous empirical obstacles that mark the contingent impossibility of Hardt and Negri's global democratic project, from the continued relevance of particularistic forces of statism, nationalism or religion that prevent the actualisation of the global 'common' to the intensifying social, political and economic inequality, which entails that however much we share the common of our lifeworld, we do not share it equally (see e.g. Di Nardo 2002; Moreiras 2001; Boron 2005). Nonetheless, all these well-meaning objections, which seek to return the theoretical imagination down to earth, posit Hardt and Negri's project as impossible for contingent empirical reasons, which ultimately does little more than intensify the temptation to overcome these obstacles. Positing something as contingently impossible always invites attempts at transgression by rendering the impossible merely *prohibited*, i.e. possible on the condition of overcoming the fundamental prohibition. Yet, what if something is necessarily impossible, i.e. impossible even in the absence of any constraint or prohibition? In this case, a phenomenon is barred from actualisation for purely internal reasons, i.e. *it is its own condition of impossibility*. This mode of impossibility has nothing to do with external limitations and makes transgression utterly meaningless, insofar as it becomes tantamount to self-destruction. It is therefore only a necessary impossibility that produces a sense of impasse, while contingent impossibility is rather a permanent incitement to transgression.

The argument about the necessary impossibility of the democracy of the multitude in the absence of the obscene excess of Empire has been forcefully made by Slavoj Zizek. Focusing on Hardt and Negri's orthodox-Marxist argument that the very development of forces of production makes capitalist relations of production and its political superstructure redundant, paving the way for absolute democracy, Zizek points out that the authors fail to acknowledge how their fantasy of the multitude ruling itself on the immanent plane of productivity is strictly internal to the figure of Empire which they conjure as the object of transgression:

> Is their notion of the pure multitude ruling itself not the ultimate capitalist fantasy, the fantasy of capitalism's self-revolutionising perpetual movement freely exploding when freed of its inherent obstacle? In other words, is the capitalist form (the form of the appropriation of surplus-value) not the necessary form, formal frame/condition, of the self-propelling productive movement? (Zizek 2006, 263)

> What Marx overlooked is that, to put it in the standard Derridean terms, *this inherent obstacle/antagonism as the 'condition of impossibility' of the full deployment of the productive forces is simultaneously its 'condition of possibility'*: if we abolish the obstacle, the inherent contradiction of capitalism, we do not get the fully unleashed drive to productivity finally delivered of its impediment, but we lose precisely this productivity that seemed to be generated and simultaneously thwarted by capitalism (Zizek 2006, 266. Emphasis added.)

Derrida (2005) has systematically addressed this logic of necessary impossibility with the help of the concept of *autoimmunity*, which sums up an entire series of

quasi-transcendental concepts that have marked his work over four decades (trace, supplement, iterability, spectre, etc.). Recalling the Freudian figure of the 'death drive', autoimmunity refers to the permanent presence within a subject, a phenomenon or a system of a force of negativity that drives it to its self-destruction or suicide. In accordance with the general logic of Derrida's deconstruction, the concept of autoimmunity asserts the irreducible presence within any positivity of an 'internal contradiction', a 'nondialectisable antinomy' (ibid., 35) that from the outset destroys every possibility of there being a 'pure' phenomenon and inscribes in its existence an ever-present 'pervertibility' (ibid., 34). In accordance with Agamben's notion of potentiality, anything can always (turn out to) be (radically) other than what it is: 'autoimmunity is always, in the same time without duration, cruelty itself, the autoinfection of all autoaffection. It is not some particular thing that is affected in autoimmunity but the self, the *ipse*, the *autos* that finds itself infected.' (Ibid., 109)

Importantly for our present discussion, Derrida's text is a meditation on the same problem that haunts the work of Hardt and Negri, i.e. the possibility of a genuine global democracy without the presupposition of the inherent 'radical evil' that may at any moment lead to its transformation into its opposite. With regard to the question of democracy, Derrida notes that well-known historical examples of democracy mutating into its opposite under the slogans of its 'defense' belong to the very structure of the concept, so that a 'pure' democracy, a 'democracy itself', a 'democracy as such', spared from the 'autoimmune process', is necessarily impossible. (Ibid., 33–37)

> To immunise itself, to protect itself against the aggressor (whether from within or without), democracy thus secreted its enemies on both sides of the front so that its only apparent options remained murder and suicide; but the murder was already turning into suicide and the suicide as always let itself be translated into murder. (Ibid., 35)

The concept of autoimmunity starkly demonstrates the relevance of Derrida's deconstructive logic to any understanding of politics, as it highlights the ever-present possibility of our best designs for a perfect order going terribly wrong, not because of any outside intervention, but entirely *by themselves*. Derrida's discussion of contemporary international politics of the 'war on terror' emphasises that Western liberal democracy faces an ever-present danger of 'losing itself by itself' or 'going down on its own' (Derrida 2005, 123), as the fear of the suicide of democracy due to its inaction against its enemies drives its defenders to the murder of democracy itself. Thus, in any affirmation of any ideal we must always presuppose the irreducible presence of 'this strange illogical logic by which a living being can spontaneously destroy, in an autonomous fashion, the very thing within it that is supposed to protect it against the other, to immunise it against the aggressive intrusion of the other' (ibid.).

In accordance with the more general logic of Derrida's writings, autoimmunity points to the infinite risk of our best intentions turning into 'radical evil'. However, this risk is simultaneously the condition of possibility of any genuine decision, responsibility and democracy that must take this risk in order to take place: after all, auto-critique is in itself a variant of autoimmunity (Derrida 2005, 72). Yet, at the same

time as it affirms unforeseeable and unknowable possibilities, Derrida's approach simultaneously insists on the necessary rather than merely contingent impossibility of any political form purified of all autoimmunity. Similarly to Foucault, Derrida renders a priori suspect any design of a perfect order, pointing to the 'autoinfection' of every auto-affective discourse of transcendental narcissism. Thus, in Hardt and Negri's terms, the multitude is always capable of becoming Imperial and Empire itself may be nothing other than an effect of the project of the multitude 'going down on its own'. The authors' inattention to this possibility results in the uneasy impression that the excessive optimism of their affirmation of the 'democracy of the multitude' leaves. As we shall argue in this chapter, Hardt and Negri's emancipatory blueprint suffers from the disavowal of the autoimmunity of its valorised objects, which leads to the resurfacing in their discourse of Manichean binary oppositions that posit clear guidelines for resistance to the locus of power that is purely phantasmatic. Before going into this argument, let us briefly recapitulate the key differences of Hardt and Negri's approach from the Foucauldian reading of biopolitics and sovereignty.

At first glance, Hardt and Negri's discourse on the 'democracy of the multitude', which descends from the *autonomia* tradition in Italian Marxism, appears to accord with our Foucauldian strategy of refusal of care, which of course resonates with the discourse of 'refusal of work' in the latter tradition (see Thoburn 2003). However, in contrast to our argument in Chapter 5, Hardt and Negri do not make a clear distinction between sovereign and biopolitical forms of power, choosing instead to speak of the *sovereignty of biopower* as transcendent in relation to the plane of *biopolitical production*: 'Biopower stands above society, transcendent, as a sovereign authority, and imposes its order.' (Hardt and Negri 2004, 94) From this perspective, which is diametrically opposite to Foucault's own conception of biopower, it becomes possible to articulate a politics of resistance in rather traditional emancipatory terms that despite the authors' claims do not veer far away from e.g. Habermas's affirmation of the emancipatory potential of communicative action (cf. Hardt and Negri 2000, 33–4; 2004, 261). In such an account, constituted by the grand dichotomy of the biopolitics of *production* and the biopower of *domination*, resistance to biopower targets the transcendent locus of sovereignty by affirming the 'self-government' of the immanent social forces. For all the Spinozian-Deleuzian monism of Hardt and Negri's political ontology, we end up with a conventional and convenient dualism between the immanent domain of biopolitical production and the transcendent apparatus of biopower that restrains or 'territorialises' its productivity. The conventional dualism between the sovereign and his subjects is restored despite the authors' apparent allegiance to the Foucauldian thesis on the productivity of biopower.

In their valorisation of production, Hardt and Negri do not merely return to the traditional Marxist focus on the economy, which is a laudable corrective to the increasingly vacuous 'post-Marxism' of Anglo-American cultural studies, but also adopt a strikingly orthodox perspective on this question. In their timely critique of the neo-Gramscian thesis on the relative autonomy of the sociopolitical (see Laclau and Mouffe 1985), Hardt and Negri remove the possibility of theorising a politics of freedom separately from the domain of production. At the same time, however, the authors appear to turn this thesis upside down in arguing that this very domain

is somehow a priori driven towards autonomy so that all that is required for the liberation of the multitude is the assault on the transcendent sovereignty of the Empire (see Thoburn 2003, chapter 5). In a stark contrast to the earlier trends in the *autonomia* approach, which sought to establish marginal or minor spaces of freedom *outside* the immanent plane of production, in Hardt and Negri's work this space itself suddenly becomes a site of autonomy: 'In effect, by working, the multitude produces itself as singularity.' (Hardt and Negri 2000, 395) In Thoburn's interpretation, this radical reorientation is owing to the failures of the *autonomia* movement in the 1970s, which made the cultivation of a marginal minoritarian politics no longer viable: 'Realising the increased difficulty of an autonomous culture of the margins – as state oppression of autonomia induced a self-defeating, increasingly militarised defense of marginal spaces – it is as if Negri flips over to see the social itself – the counterculture subsumed – as the site of autonomous creativity.' (Thoburn 2003, 120) Yet, generalised all across the societal 'plane of immanence', the autonomy of the multitude becomes entirely devoid of any concrete sense and may only be maintained by theoretical sleight-of-hand. While Foucault's affirmation of our being 'much freer than we feel' directs our practices of freedom to the fashioning of our own meto-homonyms at the exterior limit of the diagram, Hardt and Negri are engaged in elaborate conceptual manoeuvres to posit our thoroughly biopoliticised existence in the diagrammatic realm of production as somehow *synonymous* with freedom.

In the logic of Hardt and Negri's argument, the autonomous and creative singularity of the multitude that is constituted in the process of production is only controlled *from the outside* by a transcendent biopower, whose control is increasingly 'external' and 'empty' as labour becomes immaterial. In the Foucauldian approach, this thesis would correspond to the gradual displacement of sovereign transcendence by the proliferation of immanent biopolitical governmentalities that should by no means be viewed as generative of autonomy. However, Hardt and Negri's insistent equation of immanence and autonomy leads them instead to a conclusion that all that is necessary for the emancipation of the multitude is the final removal of this *already vacuous* transcendent control, analogous to Agamben's 'law in force without significance'.[1] As the very idea of sovereignty is presently theorised into decline in almost all quarters of political and IR theory, we may begin to understand Hardt and Negri's quaint optimism that is so alien to the low spirits on the contemporary Left: if sovereignty is the primary obstacle to the democratic project of the multitude, there is apparently not much left to be done to fulfil it, as history is, as it were, already on our side (Hardt and Negri 2000, 411–13; 2004, 341–58. Cf. Thoburn 2003, 144–45). In an ironic confirmation of Foucault's (1990a, 10, 83–91) criticism of the 'repressive hypothesis' in mainstream political theory, which remains transfixed on

---

1   The linkage between immanence and autonomy is also characteristic of Agamben's work (1993b), which nonetheless remains aware of the autoimmune ambiguity of positing, in a Deleuzian manner, 'absolutely immanent life' as a conceptual equivalent of freedom: 'We will have to discern the matrix of desubjectification itself in the very principle that allows for the attribution of a subjectivity; we will have to see the element that marks subjection to biopower in the very paradigm of a possible beatitude.' (Agamben 1999, 238)

the 'head of the king', Hardt and Negri mount an attack on the form of power, whose ontic manifestations have become increasingly insignificant.

Yet, the enthusiasm about the vacuity of sovereign 'control' is entirely misplaced. As we have argued above, sovereignty is indeed vacuous at its core, not merely at the present historical conjuncture, but in its very paradigm. However, the perceived ontic 'vacuity' of sovereignty in contemporary politics does nothing to dismantle its ontological structure but rather allows us to glimpse it in its pure form. This, of course, does not mean that all power, all control and all exploitation are vacuous, precisely because the history of power relations is a history of their gradual *substantialisation*, whereby power relations are grafted onto the immanent processes of life. To be meaningful in the contemporary period of immanent governmentality, resistance must target precisely the biopolitical rationalities of power relations and the proof of its success would be the reduction of all power to its pure form of sovereignty. What Hardt and Negri describe as the actual contemporary situation (the autonomous domain of the multitude, controlled, with little effectiveness or meaning by a transcendent sovereign power) is rather a possible, but by no means guaranteed, *effect* of resistance, whereby immanent rationalities of biopower would be externalised from human existence. It is only when power can only control or intervene *from the outside* that we will know that biopolitics has expired. The problem with Hardt and Negri's argument is not merely that they mistake for the actual situation what is only a potential effect of future resistance but, more seriously, that this confusion does not permit the authors to posit the externalisation of biopower as a *task* of resistance, which entails that practices of resistance, stuck to the model of transcendent sovereignty, are inevitably going to systematically miss their target.

In the next section we shall argue that the authors' dualism between biopolitical production and biopower obscures the dimension of biopolitical subjection in a self-gratifying denigration of power relations to their empty paradigmatic form. We shall attempt to demonstrate that Hardt and Negri's conceptual edifice is composed of necessarily impossible objects, i.e. objects whose inherent autoimmunity is explicitly disavowed and transferred to the transcendent locus of Empire, which thereby becomes an impossible object as well, a purely phantasmatic monster that condenses in itself all that which the multitude must renounce in order to actualise itself. In the conclusion we shall return to the distinction between necessary and contingent impossibility to argue that it is the very traversal of the necessary impossibility of Hardt and Negri's project that opens up pathways of resistance whose present impossibility is contingent.

The Museum of Impossible Objects: Biopolitics, Multitude, Empire

Hardt and Negri's simultaneous conflation of sovereignty and biopolitics and the demarcation, within the biopolitical terrain, of the space of biopolitical production from the obscene excess of 'sovereign biopower' grants the constitutive concepts of their theory (biopolitics, multitude, Empire) a highly paradoxical status arising out of the disavowal of their autoimmune, inherently pervertible character. In this section we shall briefly describe this conceptual edifice as a 'museum of impossible objects',

an imposing display of extraordinary political possibilities that must nonetheless remain entirely virtual to continue to produce this dazzling impression.

Let us begin with the authors' generalisation of the concept of biopolitics far beyond its original articulation by Foucault. The key feature of Hardt and Negri's argument is their perception of biopolitics as a *recent* phenomenon, almost synonymous with the concept of post-Fordism in economic sociology (see Hardt and Negri 2000, 24–30; 2004, 81–3), and at the same time, as an *epochal* phenomenon, marking a historical rupture that requires redefinition of all major concepts of social theory, from power to production.

> Material production – the production, for example, of cars, televisions, clothing and food – creates the means of social life. Modern forms of social life would not be possible without these commodities. Immaterial production, by contrast, including the production of ideas, images, knowledges, communications, cooperation and affective relations, tends to create not the means of social life, but social life itself. (Hardt and Negri 2004, 146)

This distinction between material and immaterial, or biopolitical, production nonetheless appears problematic precisely in the context of the 'epochal transformation' that forms the background of both *Empire* and *Multitude*: if 'biopolitical production' is a recent historical phenomenon, then how was social life, the means for which are produced materially, itself produced prior to the advent of biopolitics? Either it did not exist at all (and then the production of means for it appears absurd) or it was produced biopolitically, which means that material and immaterial production are entirely contemporaneous and, more importantly, there is nothing epochal about the contemporary transformation. Surely ideas, images and affective relations existed before post-Fordism, which in Hardt and Negri's argument means that they must have been produced biopolitically. Moreover, this 'immaterial production' can hardly be considered to be formerly peripheral and only recently emerging as the main 'historical tendency' – logically, the production of 'social life itself' must precede the production of material means for it and one can hardly envision any form of production that is not sustained by 'ideas, images, knowledges, communications, cooperation and affective relations'. If biopolitics is defined as broadly as the 'production of social life itself', then it has existed from time immemorial and there is absolutely nothing novel about it.

As a result we end up with a remarkably general concept of biopolitics, well exemplified by the following statement: 'We will call this kind of production biopolitical to highlight how general its products are and how directly it engages social life in its entirety.' (Hardt and Negri 2004, 94) While biopolitics does indeed concern itself with 'life in general', what is lost in this account is the highly specific way in which biopolitics *engages* with life, i.e. by means of decentred and productive governmentality, whose radical novelty has been addressed by Foucault. The radical generalisation of the concept to embrace literally everything permits Hardt and Negri to subsequently isolate from the immanent plane of biopolitical production the 'transcendent' locus of biopower and posit it as somehow external to the former, i.e. as a mere 'expropriation of the common' (Hardt and Negri 2004, 150). Ironically, while Foucault's concept of biopolitics emphasised the emergence

of productive rather than restrictive 'powers over life', Hardt and Negri's adaptation of the concept entirely effaces its specificity as a form of power. The constitutive character of biopower is obscured by a sweeping conception of biopolitical production as embracing all human existence rather than being a particular mode of its disposition that we have termed *investment* to distinguish it from the negative and restrictive connotations implied in the notion of *expropriation*. As a result, Hardt and Negri's argument threatens to collapse into incoherence: we should either dispense with Foucault and return to orthodox Marxism or dispense with the dualism between biopolitical production and biopolitical power. Taking the latter option would entail a thorough *devalorisation of production* as always already suffused by biopower and hence radically unsuitable as a site of autonomy.[2]

To the extent that it is impossible to dissociate biopower from biopolitical *production*, the vision for the democracy of the multitude, proposed in the following statement by Hardt and Negri, begins to appear problematic:

> The autonomy of the multitude and its capacities for economic, political and social self-organisation take away any role for sovereignty. Not only is sovereignty no longer the exclusive terrain of the political, the multitude banishes sovereignty from politics. When the multitude is finally able to rule itself, democracy becomes possible. (Hardt and Negri 2004, 340)

Ironically, this vision of a purely immanent self-organising and self-governing community of men may be read as a *manifesto* of biopower rather than an articulation of resistance to it. Hardt and Negri's somewhat perverse fascination with the biopolitical productivity of global capitalism leads them to an unconditional valorisation of the plenitude of biopoliticised existence as a conceptual equivalent of freedom (see Thoburn 2003, 108–12). The vision of the democracy of the multitude in terms of the liberation of the immanence of biopolitical production from the supplementary excess of sovereign transcendence appears to be nothing other than a demand for the absolute *closure* of the space of biopolitical investment, a call for a 'pure Empire' rather than an Empire ridden with demonic contradictions between biopolitics and sovereignty. Thus, the notion of biopolitics generalised in terms of the inherently autonomous 'production of social life' appears autoimmune from the outset, driven towards the closure of the biopolitical plane of immanence, which would have no need for any external authority, since the machine of biopower would now *run by itself*:

> The common, in fact, appears not only at the beginning and the end of production but also in the middle, since the production processes themselves are common, collaborative and communicative. Labor and value have become biopolitical in the sense that *living and producing tend to be indistinguishable*. Insofar as life tends to be completely invested by acts of production and reproduction, *social life itself becomes a productive machine*. (Hardt and Negri 2004, 148. Emphasis added.)

---

2   From this perspective, Agamben's (1993b, 2000) affirmation of 'inoperosity' or 'worklessness' as a condition of the coming community is considerably more faithful to the *autonomia* tradition of 'refusal of work' than Negri's own recent writings. See Franchi 2004 for a detailed discussion of this concept in Agamben's work.

What remains entirely unclear is why this reduction of life to a productive machine is to be celebrated.[3] Even if we adopt the authors' own curiously 'neo-Puritan' valorisation of production, it must be reminded that what is produced in this 'lifelong labour' is nothing other than Empire itself. Biopolitical productivity is immediately appropriated by the Empire or, more precisely, it constitutes the Empire as such as a global space of production. After all, Empire is also what we share *in common*. The split between Empire and the autonomous productivity of the multitude obscures the autoimmunity inherent in the latter – doesn't the fact that our 'common, collaborative and communicative' labour results in the formation of a global structure of domination and exploitation testify to the ever-present possibility of the multitude 'becoming Imperial'? Even if we continue to view biopolitical production as driven towards autonomy, this very drive appears entirely indistinguishable from the restless construction of Empire.

Thus, if the Foucauldian assumption of the immanence of biopower to the life of the multitude is taken seriously, the pathway of resistance must consist in the gesture opposite to that of Hardt and Negri, i.e. not the reclamation of biopolitics from an external control, but a refusal of biopolitical production as such, as always already suffused by biopower and impossible in its absence. The difference between the two approaches echoes the divergence between the traditions of 'self-management' and the 'refusal of work' in Italian Marxism. According to the 'councilist' tradition of self-management, the 'working class' was already, in itself, a communist subject that could evade exploitation simply by managing its own work in the absence of external control. In contrast, the *autonomia* tradition of the 'refusal of work' viewed the 'working class' as entirely constituted in capitalist power relations, and therefore a class, whose revolutionary liberation must traverse the stage of its own negation, the deconstruction of one's own subjectivity as a 'worker'.[4]

Similarly to the latter tradition, the Foucauldian approach precludes any possibility of a positive locus of autonomy and redirects the thought of freedom away from positivity as such towards a radical negation of biopolitical subjectification, the negation that Hardt and Negri also appear to evoke in their discussion of 'being-against' as the constitutive principle of 'counter-Empire' (Hardt and Negri 2000, 210–14). In this refusal of the biopolitical *agape* one denies oneself as a productive force in the biopolitical terrain and thereby diminishes (rather than enhances, as in Hardt and Negri's utopia) the productivity of the biopolitical investment. Ironically, Hardt and Negri frequently describe their strategy of resistance in similar terms, e.g. when they define resistance in terms of 'the emptying out of the enemy's power' (Hardt and Negri 2004, 69). At the same time, this fortunate formulation runs entirely

---

3   Hardt and Negri's valorisation of 'biopolitical' labour becomes increasingly bewildering, when we attempt to concretise its purely theoretical affirmation. To use the authors' own examples, it is quite unfathomable how the work of 'legal assistants, flight attendants and fast food workers' (Hardt and Negri 2004, 108) can '[provide], in the expression of its own creative energies, the potential for a kind of spontaneous and elementary communism' (Hardt and Negri 2000, 294).

4   Cf. Thoburn 2003, 111: 'Politics is hence not a reclamation of work against an 'external' control, but a refusal of work and the very subject of worker'. See more generally chapter 5.

contrary to the authors' valorisation of biopolitics against sovereign transcendence, since such a goal can only be achieved by emptying out the biopolitical *content* of power, leaving it in its pure form of sovereignty, and not, as the authors claim, by eliminating the sovereign excess from the immanent plenitude of biopolitical production. Sovereignty cannot be emptied out, since it is always already devoid of all positive content. Any resistance to biopower must therefore abandon all valorisation of production and productivity. Hardt and Negri's concept of biopolitical production as anterior and exterior to biopower, and hence capable of autonomous self-rule, is therefore necessarily impossible, its autonomous productivity always plagued from within by the imperatives of biopower that make production possible and thus cannot be purged outside its domain.

The second in the series of impossible objects is the figure of the multitude, which is central to Hardt and Negri's emancipatory project that is explicitly designed as an alternative to any particularistic 'identity politics'. The notion of the multitude connects with a series of recent attempts in continental philosophy to rethink the relation between the singular and the universal (Nancy 1991; Badiou 2003; Agamben 1993b; Zizek 2006). As a community of the singular, the multitude is posited as a universal subject of the 'global common' that is nonetheless nothing other than an irreducible multiplicity.

> A multitude is an irreducible multiplicity; the singular social differences that constitute the multitude must always be expressed and can never be flattened into sameness, unity, identity or indifference. The multitude is not merely a fragmented and dispersed multiplicity. […] The fracturing of modern identities does not prevent the singularities from acting in common. This is the definition of the multitude […]: singularities that act in common. The key to this definition is the fact that there is no conceptual or actual contradiction between singularity and commonality. (Hardt and Negri 2004, 105)

We may agree that there is no conceptual contradiction between singularity and commonality: after all, in a state of absolute diversity *one's difference from everyone else* is precisely what all the singularities that compose the multitude *have in common*. The question is whether one may envision any politics of 'self-rule' on the basis of this abstract 'commonality-in-diversity'. At stake here is the distinction between a *space* of social practices and their *subjects*. If the 'multitude' is posited as a name for the plenitude of differences inhabiting the social realm, then Hardt and Negri do not veer far away from the classical liberal conception of civil society that comprises a multiplicity of irreducible differences. We must recall, however, that a liberal civil society (as opposed to e.g. post-Marxist and Habermasian theories of civil society) does not act in common but rather makes possible the uninhibited expression of differences by virtue of the absence of any attribution of agency to the society as a whole, a postulate succintly expressed in Margaret Thatcher's (in)famous claim that 'there is no such thing as society'. In contrast, Hardt and Negri are specifically preoccupied by the problem of collective action on the global scale that transcends the particularistic forms of identity politics. Thus, the authors insistently posit the multitude as a *subject* of collective action and social transformation, a subject that opposes and ultimately overcomes 'imperial biopower' in order to finally 'rule itself'. It is at this point that the non-identitarian understanding of the multitude

becomes problematic, insofar as any rule, including self-rule, must presuppose some positivity of order and correlate forms of identity. Moreover, as much as Hardt and Negri wish to evade endowing the multitude with an identity, they do so in positing it as the subject of the biopolitical production of social life, which is by definition positive and concerns precisely the formation of the diagrammatic distribution of identities.

> This *common social being* is the powerful matrix that is central in the production and reproduction of contemporary society and has the potential to create a *new alternative society*. We should regard this common social being as a new flesh, *amorphous flesh that as yet forms no body*. […] The power of the flesh is the power to transform ourselves through historical action and create a *new world*. (Hardt and Negri 2004, 159. Emphasis added.)

The authors' valorisation of biopolitical productivity disables their initial desire to liberate the 'amorphous flesh' of the multitude from any identity by locating the multitude squarely within the biopolitical terrain of the diagram. It is impossible to simultaneously assert that biopolitics produces 'social life itself' and that the multitude somehow escapes this production, particularly insofar as it is the multitude that is the only productive force in Hardt and Negri's scheme, Empire being a purely negative instrument of expropriation and exploitation. Once the multitude is identified as the driving force of biopolitical production, it is deprived, in an autoimmune fashion, from its free non-identitarian singularity. All that is required for its 'liberation' from now on is merely the removal of the transcendent locus of 'sovereign biopower' that prevents its immanent biopolitical self-government, its becoming *wholly diagrammatic*. It is thus not a coincidence that in their discussion of the 'power of refusal', exemplified by the figures of Bartleby and Michael K, Hardt and Negri (2000, 204) distance themselves from this nonpositive affirmation of freedom as 'empty', 'hanging on the edge of the abyss' and 'treading on the verge of suicide'. This hyperbolic dismissal is somewhat quaint, considering that Bartleby did not actually commit suicide, while Michael K even succeeded in his flight out of the camps. It is not that these exemplars of non-identitarian whatever being are doomed to tragic failure but rather that in their desire to remain purely 'amorphous flesh' they pose a permanent danger to Hardt and Negri's own goal of 'creating a new social body, which is a *project* that goes well beyond refusal' (ibid.). Bartleby's 'I would prefer not to' may always suddenly resound in the idyllic space of the liberated productivity of the multitude and Michael K could always sabotage the demand for productivity by looking for the exit from Hardt and Negri's 'new world'. It is precisely because Hardt and Negri's project casts the emancipation of the multitude in terms of the construction of a perfect order that these symbols of a properly negative freedom are ultimately radically Other to this project or, for that matter, to any project whatsoever. It is thus the a priori exclusion of these singular figures from the community of 'irreducible singularity' that testifies to the autoimmunity of the multitude.

However, if we abandon Hardt and Negri's search for freedom within the domain of biopolitical production, the concept of the multitude can be salvaged and the problem of identity overcome. In terms of our Foucauldian ontology of freedom the

multitude would then simply be a name for the multiplicity of subjects of freedom, whose resistance is driven by their being beside their diagrammatic identities, and it is this affirmation of meto-homonymous potential being that they share in common. The members of the multitude are thus the same not merely in being wholly different from each other but also, and much more importantly, in being non-identical to themselves. To recall Camus, it is in the very singularity of their revolt that these subjects affirm the universal availability of freedom. In Nancy's brilliant formulation, 'community is, in a sense, *resistance itself*: namely, resistance to immanence'. (Nancy 1991, 35) What this means is that in order to become a singular-universal subject of resistance to biopolitical investment, the multitude must be thought in Agamben's terms of 'bare life' that, as we have discussed above, is capable of asserting its own sovereignty by stripping itself of all identitarian determination and exposing itself in its irreducibly potential being.

However, this understanding of the multitude requires that this concept be spatialised in a manner radically different from Hardt and Negri's: the multitude must have its locus not within the immanent plane of biopolitical production, but at the opening of this diagram onto its outside. Consequently, it must seek not to re-appropriate biopolitical production but rather to exit its domain. The figure of the *exodus* that Hardt and Negri repeatedly deploy as a means of resisting sovereignty (Hardt and Negri 2000, 212–17; 2004, 332–34) is thus more appropriate for designating resistance to biopolitics through the refusal of its care:

> In politics as in economics, one weapon that is constantly at the disposal of the ruled, in other words, is the threat to refuse their position of servitude and subtract themselves from the relationship. This act of refusing the relationship with the sovereign is a kind of exodus, fleeing the forces of oppression, servitude and persecution in search of freedom. It is an elemental act of liberation and a threat that every form of sovereignty constantly has to manage, contain or displace. If sovereign power were an autonomous substance, then the refusal, subtraction or exodus of the subordinated would only be an aid to the sovereign: they cannot cause problems who are not present. (Hardt and Negri 2004, 334)

Ironically, this strategy of exodus is, contrary to Hardt and Negri, entirely harmless to sovereignty, whose formal presence 'in force without significance' remains intact irrespectively of the non-participation of the governed. However, the metaphor of exodus is entirely appropriate with regard to resistance to biopolitics – the refusal of care leaves power entirely devoid of all positive content and reduces it to the pure form of sovereignty. In this very process, the multitude in our meaning of the term would do nothing other that assert its *own* sovereignty, the sovereign freedom of whatever being. Yet, it is precisely this assertion of sovereignty that is prohibited by Hardt and Negri in their insistence on the radical heterogeneity between the two concepts: '[T]he multitude cannot be sovereign. The sovereign is defined, positively, as the one above whom there is no power and who is thus free to decide, and, negatively, as the one potentially excepted from every social norm and rule.' (Hardt and Negri 2004, 330–31) Nonetheless, given the authors' interest in the figure of the exodus, it appears that *both* of these definitions are perfectly applicable to the multitude, whose very subtraction of itself from biopolitical production with its 'social norms and rules' entails that above the multitude there indeed is 'no power'.

It is only by virtue of a failure to distinguish between sovereignty and positive authority that the multitude is barred from the possibility of asserting its sovereign freedom in the ecstatic exodus from the biopolitical diagram and remains resigned to the autoimmune degeneration into its own apparent opposite, the fully biopoliticised 'pure Empire'.

Indeed, there is an important connection between Hardt and Negri's prohibition of the sovereignty of the multitude and their explicit refusal to conceive of the latter in Agamben's terms of bare life (Hardt and Negri 2000, 366, 421). Both the notions of sovereignty and bare life introduce to the immanent plane of biopolitical production a dimension of negativity that the authors have purged outside to the transcendent locus of 'biopower' to preserve the space of biopolitical production as a site of wholly positive, immanent power. This immanentist desire for positivity, presence and plenitude is best exemplified by Hardt and Negri's insistent use of the concept of 'constituent power' (Hardt and Negri 2000, 184–85; 2004, 351–54) *in opposition* to sovereignty as the expression of the wholly immanent creativity of the 'living labour' of the multitude (see Neilson 2004, 65–70). In this striking recasting of what is arguably a synonym of sovereignty (Schmitt 1985a; Agamben 1998) as its antonym, the multitude is both endowed with an active social identity that sharply distinguishes it from the destitute image of bare life and disabled from transgressing this identity in a sovereign fashion. Redefining the multitude in terms of bare life would thus restore the dimension of transcendence within immanence to the heart of Hardt and Negri's political ontology and profoundly alter the very direction of their emancipatory project, leading to the abandonment of all valorisation of production and a greater appreciation of the purely negative 'being-against'.

The final 'impossible object' in Hardt and Negri's conceptual edifice must then ultimately be Empire itself, which has been present in our discussion so far as a spectral supplement of biopolitical production that appears to lack any ontological consistency of its own. Indeed, given the authors' commitment to a Deleuzian 'absolute immanence', it is unclear how a transcendent locus of imperial biopower (Hardt and Negri 2004, 94) is possible at all. In fact, the actual description of the workings of Empire is strongly dissonant with any idea of transcendence. It is precisely the dissolution of sovereign transcendence in contemporary global politics that leads the authors to a curious appreciation of Empire as a 'step forward' (Hardt and Negri 2000, 43). Hardt and Negri assert that the non-exclusive*,* all embracing power of biopolitical Empire is to be celebrated as more conducive to the liberation of the multitude than the Westphalian model of territorial exclusivity:

> In Empire, since it is an expansive, inclusive biopolitical system, the entire global population tends to become necessary to sovereign power not only as producers but also as consumers or as users or participants in the interactive circuits of the network. Empire creates and rules over a truly global society that *becomes ever more autonomous while Empire relies on it ever more heavily*. […] The exclusion of any population from the processes of biopolitical production tends to become a self-defeating act for Empire. Those over whom Empire rules can be *exploited* – in fact their social productivity must be exploited – and for this reason they can't be *excluded*. […] The rulers become every more parasitical and *sovereignty becomes increasingly unnecessary*. Correspondingly, the

ruled become increasingly autonomous, capable of forming society on their own. (Hardt
and Negri 2004, 336. Emphasis added.)

While this statement may well be plausible as a description of the contemporary
tendency in global politics, it is entirely unclear why this tendency is laudable,
particularly given the authors' previous recourse to the metaphor of exodus that
presupposes that resistance to Empire must take the form of a certain 'self-exclusion'
from its operation. When the multitude remains *exploited* but can no longer be
excluded and, since the system is global, cannot even *exclude itself* via exodus, as
there are no more places to flee, domination becomes a closed system, which indeed
makes sovereignty as a power of exclusion entirely superfluous. This, however,
would be an indicator of progress for Empire, but not for a democratic counter-
imperial project: if exploitation can now proceed with no threat of refusal and no
possibility of flight, then it is unclear how the ruled become autonomous, as the
very line of flight towards autonomy is now foreclosed. This celebratory diagnosis
can only be sustained if all that is required for the liberation of the multitude is the
complete embrace of the globe by the network structure of imperial governance that
entirely effaces all traces of sovereignty. Yet, if this is so, then we are left with a
gnawing suspicion that Empire and counter-Empire are close to the point of absolute
indistinction. In the following statement Hardt and Negri seem to be veering towards
this bizarre conclusion, when they argue that the present system is *already* largely in
correspondence with their account of the 'democracy of the multitude':

> Suddenly, with our new perspective, it appears that not only is it not necessary for one to
> rule, but in fact that *the one never rules*! In contrast to the transcendental model that poses
> a unitary sovereign subject standing above society, biopolitical social organisation begins
> to appear absolutely immanent where all the elements interact on the same plane. In such
> an immanent model, in other words, instead of an external authority imposing order to
> society from above, the various elements present in society are able collaboratively to
> organise society themselves. (Hardt and Negri 2004, 337. Emphasis added.)

Considering that the preceding hundreds of pages did everything to convince the
reader that the present imperial structure is sustained precisely by the sovereign
transcendence of biopower, it will be a dubious relief to find out that *in fact* imperial
exploitation and warfare are wholly immanent to the domain of biopolitical production
that we formerly considered a site of autonomy. It is as if Hardt and Negri stick with
their straw figure of 'sovereign biopower' as long as possible in their narrative only
to abandon it at the end for the decentred and immanent model of biopolitics that was
more appropriate for their analysis from the outset, and present this conclusion as an
indicator of the looming victory of the multitude. However, this conclusion is simply
a more adequate description of contemporary global biopolitical governmentality
than the one that Hardt and Negri began with. It is *this* situation rather than the
chimerical 'sovereign biopower' that practices of resistance should have targeted in
the first place. While the authors present the 'non-necessity' of sovereignty in this
system as a sign of imminent liberation, what it actually points to is the fact that
the global biopolitical diagram is sufficiently effective to function as a closed self-
immanent system. In other words, the dispensability of sovereignty to the operations

of Empire entails that as a locus of transcendent biopower, Empire does not really exist, since in its actual operations it is entirely indistinct from the immanent plane of biopolitical production that was originally posited as its antagonist (cf. Di Nardo 2002, Moreiras 2001).

This thesis permits us to view in a different light the authors' initial depiction of the relation between Empire and the multitude: 'The multitude is the real productive force of our social world, whereas Empire is a mere apparatus of capture that lives only off the vitality of the multitude – as Marx would say, a vampire regime of accumulated dead labour that survives only by sucking off the blood of the living.' (Hardt and Negri 2000, 62) This statement is a perfect expression of what Foucault has termed 'the repressive hypothesis', a fantasy that conjures the image of a wholly exterior, negative and restrictive power, an 'anti-energy' that is ultimately cast as alien to life itself. The strange reappearance of the repressive hypothesis in the discourse on biopolitics suggests that Hardt and Negri's argument ends up reaffirming what it set out to criticise, namely the contemporary global structure of biopolitical rule. In this vision of emancipation, the biopolitical diagram of global governance must no longer be escaped or destroyed, but rather *completed* by the elimination of its constitutive excess of sovereignty, which is already present in the diagrammatic positivity only in the spectral form of a vampire.

Mangez votre Empire!: Counterproductivity and the Fulfilment of Power

On the basis of our analysis of Hardt and Negri's conceptual edifice, we may, at the risk of simplification, reduce their theoretical project to the formula 'biopolitics without sovereignty', which belongs squarely to the immanentist metaphysics that in Foucault's argument conditioned the possibility of the rise of biopower. From this perspective, Hardt and Negri may be read not as the *critics*, but rather as the great *metaphysicians* of the age of biopolitical immanence. In other words, Empire and counter-Empire are ultimately *one and the same*. The counter-imperial 'democracy of the multitude' is simply Empire that has been purified of all trace of autoimmunity, of its own transgressive foundation of sovereignty. At the same time, this immanentist metaphysics is plagued by its own autoimmune drive toward the closure of its plane of immanence into a self-propelling machine of biopolitical government. What the project of 'biopolitics without sovereignty' ultimately comes down to is a disconcerting vision of a thoroughly depoliticised community without any exteriority of either power or resistance. Hardt and Negri's vision of the democracy of the multitude is therefore best understood not as an alternative to the present-day biopolitical Empire, but rather as its teleological utopia.

At this stage, we may fully appreciate that strange optimism of Hardt and Negri's conclusions. Indeed, if the project of the multitude comes down to the purification of Empire through the destruction of its sovereign excess, then in the present conditions of the rapid expansion of 'post-sovereign' forms of governmentality not much actually remains to be done to achieve this goal. At the same time, the claim that such a 'pure Empire' would mark the moment of emancipation clearly illustrates the 'transcendental narcissist' disavowal of the inherent autoimmunity of biopolitical

production. If, in our positive identities as 'biopolitical producers', we are always already positioned in the realm of autonomy, then our empirical sense of unfreedom must be owing to its expropriation by the Other, exemplified by the 'vampire regime' of 'sovereign biopower'. Hardt and Negri's discourse is suffused by a vindictive resentment towards this mysterious agency of power, repeatedly described as a purely negative force of deprivation and death, which is entirely heterogeneous to the living plenitude of the multitude, characterised by 'love, simplicity, innocence' (Hardt and Negri 2000, 413). For Hardt and Negri there is simply no way that the biopolitical labour of the multitude could have itself *produced* the contemporary Empire. The latter is simply posited as a contingent obscene excess, which is merely reactive in relation to the autonomous practices of the multitude and whose elimination will complete the emancipation of that, which is always already free. In this logic, the multitude emerges as a heroic figure that reclaims its object of desire (biopolitical productivity) from the Other through a radical transgression, which makes the impossible possible by eliminating the contingent obstacle in the Other, i.e. the sovereign excess of Empire. Hardt and Negri appear to, firstly, mistake the space of production of *us* as subjects of the diagram for the space of *our* autonomous productivity, and, secondly, mistake the constitutive excess of the diagram for a mere external obstacle to our full self-actualisation within it. Through a conceptual sleight-of-hand the biopolitical diagram turns into a site of autonomy, while the manifest absence of this autonomy is blamed on a monstrous transcendent figure of 'sovereign bio-power'. What is at stake here is a double illusion that one can reclaim what one never had by transgressing something that does not really exist.

The reason why Hardt and Negri's eschatology of emancipation ultimately comes down to 'anticlimactic' reform proposals, 'fluctuating between formal emptiness and impossible radicalisation' (Zizek 2001, 192–93. See Hardt and Negri 2000, 393–407), is because their discourse arrives at its own conditions of impossibility in its design for the great transgression. While it at first appears that nothing much 'must' be done to achieve the liberation of the multitude due to the ontic decline of sovereign power, it quickly becomes apparent that nothing actually *can* be done to achieve it, since the object of transgression keeps vanishing into thin air. Just when it seems that the reappropriation of biopolitical productivity must take the form of a frontal assault on Imperial sovereignty, it turns out that 'the one never rules' and the rationalities of biopower are entirely immanent to the diagram, which, moreover, appears to be a closed self-immanent structure that is impossible to escape. Purging all transcendence, including the immanent transcendence of sovereignty, from their conceptual edifice, Hardt and Negri leave us with no possibility of flight from the diagrammatic space of biopolitical production, a 'world that knows no outside' (Hardt and Negri 2000, 413). If freedom is only thinkable on the basis of biopolitical productivity, the emancipatory project of the multitude does not amount to more than a reiteration of intra-diagrammatic reformist measures in the guise of self-styled radicalism. Thus, the project of the multitude is in a strict sense a pseudo-transgression, insofar as it lacks that very limit that it claims to cross. In a world that *knows no outside*, in a metaphysical system that has banished all transcendence, any 'exodus' logically comes down to going round in circles, consoling ourselves with a proud affirmation of our biopolitical productivity and a spiteful resentment towards the non-existent

'vampire regime' that keeps expropriating it. In this manner, the biopolitical diagram is sustained by a paradoxical combination of voluntary servitude to the immanent rationalities of government and a resentful denial of the purely formal excess of sovereignty that is represented as a contingent external obstacle rather than an inherent transgressive foundation of the diagram itself. In other words, Empire is maintained and reproduced as an immanentist diagram of biopolitical investment by virtue of a ceaseless incitement to the necessarily impossible transgression of its sovereign foundation.

Thus, a critique of Hardt and Negri's metaphysics of biopolitical immanence might borrow its slogan from Lacanian psychoanalysis: *Mange ton Dasein!* (see Lacan 1972). The effect of the necessary impossibility of Hardt and Negri's emancipatory project must be the traversal of the fantasy of 'biopolitics without sovereignty' that liberates the subject from this fixation by demonstrating its implication in the system that it ventures to resist. Lacan's writings persistently evoke the Hegelian derision for the 'beautiful souls' 'that live (in every sense, even the economic sense of making a living) precisely on the disorder that [they] denounce' (Lacan 2001, 139. See also ibid., 21–2, 86–9). It is certainly regrettable that the radical discourse of the Left has virtually abandoned the pathos of the revolutionary *act*, yielding instead to the dominant narrative of victimisation, whereby there is always an Other that denies us access to our self-actualisation and thereby functions as a fetishised object of resentment, something we love to hate. To say, as we have, that Empire and counter-Empire are one is not to accuse Hardt and Negri of conceptual inconsistency but to emphasise the need to overcome the misrecognition of the necessary implication of our desire in the workings of the biopolitical apparatus of Empire, whose formal sovereign excess we blame for our unfreedom.

As both Foucault and Lacan argue, in their own distinct ways, the fundamental ethical experience lies in the realisation that 'we are much freer than we feel' and that, consequently, our empirical servitude or tutelage is largely voluntary and self-incurred (Foucault 1984f, 1993), so that we may finally cease 'throw[ing] back on to the world the disorder of which [our] being is composed' (Lacan 2001, 22. See also Lacan 1992). Once we dispense with transcendental narcissism through a Foucauldian problematisation of the self as always already diagrammatised and biopoliticised, it becomes clear that the object of the struggle for freedom is nothing other than *ourselves*, i.e. our 'selves' that have been wholly diagrammatised, biopoliticised and disciplined within the very 'plane of immanence' that Hardt and Negri view as the space of emancipation. Despite criticism from the more orthodox Left that the Foucauldian ethos of self-fashioning prevents engagement with the 'social' conditions of power relations, we must venture that no meaningful politics of freedom can bypass a problematisation of ourselves as subjects of resistance. This is crucial both because of the present historical conjuncture, when governmentality increasingly operates through individualisation and subjectification, and, more importantly, because no diagram can sustain itself without installing appropriate modes of subjectivity as its carriers. Any discourse of resistance, which views 'us' as unproblematic subjects of freedom in opposition to external forces of subjection, is always capable of degenerating, in an autoimmune fashion, into its own opposite, as it tries to pass any actual identity as somehow synonymous with freedom. Does

not Hardt and Negri's project unwittingly legitimise the infinite enhancement of the productivity of biopolitical investment of life while perversely encouraging us to struggle heroically against the phantasmatic 'vampire' of Empire, which in the authors' own description is already dead?

From this perspective, Foucault's historical ontologies perform the opposite gesture to Hardt and Negri's identification of our unfreedom with its expropriation by the sovereign Other. While the authors of *Empire* disavow the necessary impossibility of their project as merely contingent by dissociating the constitutive excess of the global order as its redundant antithesis, theorising sovereignty as an external locus of oppression, Foucault's studies disturb the claims of order to necessity by demonstrating how order has no existence apart from the historically contingent practices of those subjectified by it (see Sharpe 2005; Fillion 2005, May 2006). Insofar as the ways in which we live, speak, labour and desire are not necessary, they exist only by virtue of our frequently unwitting acquiescence in them and lose all air of self-evidence once we refuse them. We are therefore less free than we might be because we erroneously locate the cause of our unfreedom outside our own subjectivity as a mere external obstacle, while our freedom is in fact necessarily impossible as long as we remain subjects of the diagram. To render our present unfreedom contingent is to restore contingency to our very being rather than assign it to an external locus. Thus, the benefit of the Foucauldian affirmation of freedom is, *pace* malevolent accusations of aestheticism, precisely its inwardness. Rather than divert our forces to confronting the phantasmatic external sovereign in a transgression that is always easy, since its object is entirely fictitious, this disposition reorients the question of freedom, resistance and, ultimately, global transformation to our everyday existence, which is itself thoroughly suffused by biopolitical rationalities. It is thus our actions, habits, lifestyles or forms of self-fashioning that serve to maintain the condition that Hardt and Negri have brilliantly depicted as intolerable.

Thus, the refusal of biopower amounts to little more than Foucault's proverbial 'refusal of what we are', but prior to this refusal, its subject must necessarily traverse the fantasy of the external sovereign Other who denies its freedom and accept that the 'big Other does not exist' (see Lacan 1992). We may note a parallel between Foucault's ethos of freedom and the political reconstruction of Lacanian ethics by Slavoj Zizek (2000, 2002, 2004a), who similarly emphasises the experience of 'subjective destitution', the refusal of one's positive identity in the symbolic order, as a necessary condition for a genuinely free act.[5] To practice exodus from the biopolitical

---

5   As Ian Parker (2004, 70–71, 78–81) notes, Zizek appears to endorse as a guideline for radical politics the condition of subjective destitution or symbolic 'dis-investiture' that in the clinical practice of psychoanalysis actually calls for treatment, as it recalls, almost to the letter, the symptoms of psychosis. 'In the case of psychotic structure, the direction of the treatment will be towards the elaboration of a sense of self and symbolic reality, a work of construction rather than deconstruction.' (Ibid., 74) This curious analogy points to the problematic nature of attempts to link psychoanalysis and radical politics that was already evident to Foucault (1990a, 4–7, 129–31). However, the radical divergence between political and medical receptions of such a *passage a l'acte* confirms our basic argument: concrete freedom has no locus in the diagram and may only be reinscribed in its discourse as literally or figuratively a state of madness. We need only recall the *treatment* of both Bartleby and

diagram in a serious sense it is first necessary to recognise the extent to which its rationalities have already penetrated our existence. It is in this cathartic movement beside ourselves that we can refuse our voluntary servitude to the diagram rather than ceaselessly attempt to 'liberate' the diagram itself from its obscene excess. It is only by dissociating our desire for freedom from the biopolitical productivity that we are engaged in and simultaneously possessed by that we may come to the realisation that as a big Other, Empire does not exist. It is we and none Other that sustains it and it is by virtue of our refusal that Empire may be destroyed, not as a phantasmatic excess that hinders the liberation of our always-already autonomous productivity but as the very space, in which we live, produce, consume and sometimes pensively daydream of the destruction of that Other, which we ceaselessly recreate in our everyday practices.

In contrast to Hardt and Negri's utopia of 'biopolitics without sovereignty', the strategy of refusal of care that we have outlined in the previous chapter may now be summed up as the inversion of this formula, i.e. 'sovereignty without biopolitics'. What is at stake in this strategy that we may now label *counterproductive* is not the emancipation from exterior power but rather the relegation of power itself to a position of exteriority with regard to human existence. By ceasing to be mere living material for biopolitical investment, the sovereign power of bare life leaves governmental power with nothing more than negativity on its side and thereby 'empties it out'. However unsavoury the prospect of the exteriority of a self-consciously *careless* power may be, we must always bear in mind Foucault's claim that the historical displacement of sovereign forms of power by biopolitical ones was due to the manifest ineffectiveness and inefficiency of the former (see Foucault 1990a, 85–106; 1977b, 86–7; 1991a). The exteriority of power posits a stumbling-block to any positive intervention into human existence. However spectacular, the violence of sovereign power is always already a symptom of its impotence, its utter incapacity to mend the caesura between law and life, the diagram and the subject.

Thus, the refusal of biopolitical care logically implies the reduction of power to an empty shell of impotent sovereignty, which certainly makes it a problematic prospect. It is hardly a debatable fact that the biopolitical government of the last two centuries has made genuine advances in medical and social care of the population, the provision of education and the establishment of certain guarantees of positive equality. To seek liberation from biopolitics in a serious sense is indeed to seek liberation from *all that*, at least in the sense of a radical destabilisation of the biopolitical apparatus if not its total destruction. At the same time, recalling Agamben's messianic vision of the coming community of whatever singularities that have deactivated power and freed its instruments from their canonical use, we may suggest that the stakes of any politics of freedom consist precisely in *enacting*, through experimental praxis, the possibilities of life outside biopolitical camps, 'a life, for which living itself would be at stake in its own living' (Agamben 2000, 9).

Michael K by narrator figures in respectively Melville's and Coetzee's texts. Zizek's bizarre move of modelling free praxis on psychosis simultaneously marks the limits of the political deployment of psychoanalysis and takes politics beyond its limits in affirming the subject's exodus from the symbolic order as the epitome of the political act.

We will know that this politics has been successful when such meto-homonymous forms of life render the existing biopolitical apparatuses redundant, when these apparatuses of power are left to their own devices and when their demise appears to be of little concern or consequence to the lives of the subjects. In other words, anti-biopolitical resistance weakens power to such an extent that, even if it remains in force, its force is entirely without significance.

In his reading of the global Empire, which assumes the retreat of biopolitics in the purely exploitative project of neoliberal globalisation, Ojakangas suggests that 'this exploitation is the result of the *weakening* of power, of *all* power, at least if we believe Nietzsche who says that it is precisely weakness that produces the harshest forms of violence' (Ojakangas 2005b, 52. Emphasis original). Since, in contrast to Ojakangas, we assert, that the retreat of biopolitics is not immanent to the rationality of Empire but rather a potential effect of resistance to it, the conclusion about the weakening of all forms of power must similarly be reconstructed. If it ever takes place, this weakening would be not an 'objective' historical process but a result of resistance to biopolitics through the refusal of its care and the consequent reduction of power to the pure form of sovereignty. A power reduced to pure sovereignty is in its own existential status a *zoe* without a *bios,* a power that simply *is* without *being anything,* a presence with no capacity for action, a power that is, strictly speaking, meaningless, because meaning concerns the finality of power and is thus to be found only within the positivity of the diagram. Thus, it is precisely the reduction of power to sovereignty that achieves a *weakening of all power*.

This strategy of resistance is evidently a radical gamble. After all, if power is productive and productivity is, in turn, an effect of power, the weakening of power must logically entail the decrease of productivity in the broadest sense of the word – a prospect entirely different from Hardt and Negri's utopia of unrestrained biopolitical production. Besides, insofar as biopower does indeed care and provide welfare, however dubious or exploitative, and fosters life, however sterile and regulated, its refusal exposes living beings to dangers that they were spared by virtue of the biopolitical embrace. The very idea of securing the processes of life as a telos of politics arises only with the advent of biopower and has no meaning outside the biopolitical diagram. It is all very well to refuse enslavement, domination, exploitation and even work, but to refuse care, and particularly *effective care*, is a different matter altogether that involves concrete costs and losses. Finally, the desire for the weakening of all power marks a departure from most emancipatory projects of humanity which were rather animated by the desire to liberate and mobilise in men and citizens the power necessary for the creation of better worlds. Since power is not alien to human existence, then the weakening of all power ultimately means that it is, in a sense, also *our* power that is diminished.

It is now clear why the Foucauldian ontology of freedom is so perplexing to his critics. It necessitates a rethinking of the entire tradition of emancipatory thought, which, however much it cast power in negative terms, never wished to weaken power but only to *seize* it, appropriate it, redirect its efforts towards the construction of a 'better future'. Ironically, it is Foucault, for whom power is positive and productive, who ultimately desires to weaken it, precisely because its productivity is the source of its violence. While sovereign power merely abandons human beings

to its unremitting force without significance, biopower abducts human existence as the object of transformation in accordance with its productive rationalities and in its very gesture is violent, for all its best intentions. To recall our argument above, Foucault's key insight is that we should neither hate nor love power, as any passionate attachment to it is bound to turn every attempt at liberation into a new, possibly more intense form of subjection. Instead, our resistance to power must be conditioned by our fundamental indifference to it in order not to degenerate, at the very moment of its apparent success, into the construction of yet another diagram. If we resist power from the perspective of indifference, we thereby reduce it to a pure form, which can only be indifferent to our own existence. Thus, rather than incite us to 'take power' in order to utilise it for better ends, the Foucauldian affirmation of freedom seeks to externalise power from our existence. The most radical aspect of Foucault's thought consists in his recasting of freedom in terms of *dispossession* rather than plenitude and his insistence on the practice of 'risking one's deformation as a subject by resistance not to the constraining principles per se, but to one's attachment to them, insofar as they constitute one's identity' (Hoy 2004, 10. See also Butler 1997; Bernauer 1990, 175–82).

What is at stake in practices of freedom is thus the cathartic realisation of the full extent of our implication in our own subjection, of our voluntary servitude to the diagram that we misrecognised as our autonomy, and, secondly, the ecstatic refusal of all our attachments to the diagram, including the positive powers that it grants us. Evidently, this experience of subjective destitution stands in sharp contrast with the canonical image of the liberated subject, empowered by its new-found freedom to pursue self-fulfilment in the absence of all external obstacles. Nonetheless, to say that our power is diminished in the practices of resistance does not mean that our resistance has not been successful. The life of a finite being is a finite force and must logically *expend* its own power in every struggle so that every victory marks a correlate exhaustion of power – only a most lifeless metaphysics could assert that man becomes *more* powerful in the course of struggle. Resistance is not an exercise in production and accumulation, but rather an unproductive expenditure of forces, so that a certain exhaustion is a necessary outcome of liberation from the diagram.

Nonetheless, this exhaustion or 'powerlessness' that Agamben calls 'the impotent omnivalence of whatever being' (Agamben 1993b, 10) is not an abject state of privation, but rather an experience of that strange 'lightness and joy' that characterised Michael K's escape from the camps or the 'natural joy' of the inhabitants of limbo. The weakening of our power has nothing to do with frustration and failure but rather marks our *accomplishment* of a life of sovereign freedom, a life that, in Agamben's words, has reached the 'perfection of its own power' (Agamben 2000, 114). Given Agamben's messianic pathos that affirms the destruction of all hierarchies, we should understand 'perfection' in this statement not in the sense of excellence or supremacy, but rather in the sense of fruition or accomplishment. The perfection of the sovereign power of bare life is precisely its *exhaustion through praxis* (Agamben 1999, 171; 2005, 88). The universal weakening of power that will accompany the retreat of biopolitics will therefore not mark a limitation of the human 'will to power' but rather its fulfilment, the achievement of the condition, 'in which a sense of serenity would be finally attained and life truly affirmed' (Deleuze 1988,

96). It is this condition of 'perfect power' that will mark the end of the exodus of the subject of freedom from the diagram, the recovery of one's potentiality for being from its biopolitical confinement. It is only at this point that a community of free beings becomes thinkable, though certainly not inevitable, as a mode of the being-in-common of whatever singularities that does not produce any more diagrams and hence does not generate any resistance. A truly 'perfect order' would only be an order that has completely exhausted its ordering powers. *Being beside oneself and yet serene* – this tranquil ecstasy is the perfection that practices of freedom strive to accomplish.

Conclusion

Why Want Freedom?

We have concluded the second part of this book with an outline of an anti-biopolitical strategy of the counterproductive 'refusal of care' that runs against the dominant tendencies in contemporary critical thought. While today's critical discourse in political and international relations theory is constituted by a diverse critique of sovereignty of both the state and the subject, we have reaffirmed sovereignty as, in a strict sense, another name for freedom, its rigorous ontopolitical counterpart. Whereas the critique of the 'demonic project' of modernity tends to focus on its disavowed sovereign foundation, we have suggested that freedom is rather jeopardised by the immanent rationalities of biopolitical rule, resistance to which must necessarily traverse the stage of the reaffirmation of the sovereignty of bare life. Finally, we have highlighted the radical heterogeneity of concrete freedom to any form of immanentism, which, intentionally or unwittingly, betrays the experience of freedom through its subsumption under a positive form of political order, which would *itself* be 'free', so that the freedom of its subjects would become redundant. In contrast, we have defined freedom as a necessarily transgressive experience, a rupture of the transcendence of the undecidable decision within the immanence of the diagram, which simultaneously effects a rupture in the subject itself between its diagrammatic identity and its meto-homonym of irreducibly potential being that can never be subsumed under any diagram. It is precisely that which cannot be subsumed that, to recall Schmitt, is *sovereign*, and it is resistance to such subsumption that constitutes the *subject* as a being that is always beside itself.

Nonetheless, when concretised as a mode of political practice, the ethos of sovereign freedom does not posit a teleology of our *empowerment* as sovereigns in the positive sense, but rather invokes the possibility of the weakening of *all* power as the outcome of our ceaseless resistance to the diagrammatic abduction of our existence. The state of exhausted destitution that awaits us when we twist loose from the diagram is certainly a poor contender in a rhetorical competition with the eschatological visions of triumphant emancipation that have successfully tempted humanity throughout modernity and continue to do so, as we are invited to transcend modernity, albeit in a typically modern fashion. Moreover, this exhausted fulfilment of our sovereign power is unlikely ever to be complete or final, hence the struggle for freedom will always be a complex strategic game of advances and retreats, states of capture and moments of liberation. The Foucauldian politics of freedom is thus entirely in accordance with Foucault's own description of himself as an 'active pessimist', clearly aware that 'everything is dangerous' but nonetheless devoted to deciding, every day, on 'which is the main danger' (Foucault 1984b, 343). Yet, why should a pessimist be active? Why do we still resist, if our experience, including the experience of reading Foucault, teaches us that promises of a 'better tomorrow'

at best disappoint and at worst deceive, that projects of emancipation may always lead to more effective enslavement and that no perfect order can ever be built on our desire for freedom? The question we must address in the conclusion to this book is: *why want freedom?*

In answering this question we may undertake another 'transvaluation' of contemporary critical discourse. On the basis of our previous discussion we may claim that the desire for freedom is determined not by the orientation towards a 'brighter future', but by the experiences of the *past*. This thesis differentiates our account from the so-called 'messianic' turn in continental philosophy, primarily associated with the later work of Jacques Derrida (1992b, 1995, 1996. See also Badiou 2003; Agamben 2004). In this approach, the concept of the messianic is divorced both from the concrete figure of the messiah and from the theological tradition in general. This 'messianism without messianism' (Derrida 2005, 86–92) only seeks to retain in the messianic tradition the experience of a pure event that ruptures the existing order of being, radically reshaping one's conditions of existence. More specifically, in Derrida's influential work on the 'democracy to come' (1994, 1996, 2005), the messianic dimension refers to the temporal structure of democracy as a *promise* that is indefinitely deferred and, by virtue of its very semantic structure, may never be actually fulfilled: a democracy to come will never be actually present at any determinate moment in the future. 'The 'to-come' not only points to the promise but suggests that democracy will never exist, in the sense of present existence, not because it will be deferred but because it will always remain aporetic in its structure.' (Derrida 2005, 86) Although Derrida takes particular care to differentiate this notion from a Kantian or a Habermasian 'regulative idea' and insists that despite its 'promissory' structure 'democracy to come' must guide our actions in the 'here and now', he nonetheless affirms this ideal as an orientation towards the future: 'the *to* of the 'to come' wavers between imperative injunction (call or performative) and the patient perhaps of messianicity (nonperformative exposure to what comes, to what can always not come or has already come' (ibid., 91). Whether 'democracy to come' is something we must venture to establish or patiently wait for, it is nonetheless something that is structurally, i.e. necessarily, impossible at present.

In contrast to Derrida, Foucault's ontology of freedom contains no messianic expectation, as freedom is and has always been present as the condition of possibility of any form of order. No diagram *could* ever be established in any other manner than by a free sovereign decision. Moreover, no diagram *need* ever have been established, were its subjects not sovereign to themselves prior to its establishment. The diagram is entirely dependent on the freedom of its subjects, which it abducts and orders in accordance with its positive rationalities. The experience of freedom is therefore entirely independent of the future and is always instantly available in the here and now as a transgression of the limits of our own diagrammatic identities. Even when the diagram appears fully closed unto self-immanence and all possibilities of freedom seem to be foreclosed, the very genealogy of this diagram permits us to hear, behind its claims to truth and morality, 'the distant roar of battle' (Foucault 1977b: 308) that made it possible. Freedom is therefore not 'always *to come'* but rather 'always *has been*'. We must pay attention to the grammatical structure of the present perfect tense, which indicates the *inclusive* character of predication: the action, described by

the present perfect, started in the past and continues in the present. This grammatical structure corresponds exactly to our ontology of freedom in its affirmation of both the *antecedence* of the freedom of human beings to any order of government and its continuing *existence* even under the worst forms of oppression. Thus, in a strict sense, we should speak not of our desire *for* freedom, whose advent lies in the future, but of the desire *of* our freedom to escape its captivity in the deficit of existence. It is by virtue of our always already having been free in the ontological sense that we resist and it is this ontological freedom that finds its ontic manifestation in every concrete act of resistance. The singularity of Foucault's thought consists not in the eschatological promise of future liberation but in its demonstration of the infinite range of possibilities of freedom in the here and now.

In this sense, the Foucauldian position is heterogeneous to Derrida's messianism but accords with what may be called a 'post-messianic' philosophy of Agamben (see Ojakangas 2005b; Mills 2004). Whereas Derrida conceives of the messianic as always 'to come', present in our present only as a deferred promise or injunction, for Agamben the messianic moment has already arrived or, more precisely, there is no need to wait for its arrival since its experience is entirely available to us in our present existence. While Derrida's messianism does not seek to dismantle the existing diagrams but rather to highlight their undecidability and the presence of the messianic promise within them, Agamben's approach seeks to dispense with the existing structure of the political order as such in a self-consciously apocalyptic prophecy of a profane 'happy life' beyond the reach of power.

As we have remarked above, Agamben's key difference from Foucault is the eschatological pathos, wholly alien to the latter philosopher. Nonetheless, both of these approaches emphasise the universal availability of the experience of freedom in the here and now and thereby dismantle the messianic horizon of expectation. Our freedom is neither the *task* of the bright future nor even the *instrument* for bringing it about. For both Foucault and Agamben, the experience of freedom must rather involve a certain liberation from the future, insofar as any determinate image of the future, any telos of political practice, functions as an instrument of our subjection in the present. Instead, the experience of freedom is available to us all in our present existence as an ever-present potentiality of our present to be otherwise than it is. At the same time, ontic practices of freedom remain rare, their availability all too frequently obscured by the diagram's claims to truth and morality, necessity and self-evidence, and most insidiously, to liberation. Thus, Foucault's claim that we are *ontologically* much freer than we feel entails that *ontically* we have not been as free as we might have been. The desire of our freedom is therefore animated by our realisation of the full extent of our subjection in the past that has made us what we are in the present.

We have started this book with describing Foucault's thought on freedom as an exemplar of free thought, an experience of thought that itself liberates us from our identity. We may now conclude that this experience of flight can hardly be conceived as a blissful state of contentment. The ecstatic exodus of thought from the confinement of our historical ontologies ultimately finds freedom at the exterior limit of *every* diagram as the excess of human being over any attempt to reduce it to a positivity, an identity or a project. This experience of the universal availability of freedom leads to

a sobering realisation of the full extent of our unfreedom in the past. Moreover, given that freedom can never be granted by any diagram but can only be reclaimed from it, we begin to recognise that all too often we only have ourselves to blame for our unfreedom. Indeed, many of the practices we have previously engaged in under the assumption that there was 'no alternative' only succeeded in governing us because of the absence of our resistance to them. Being freer than one felt before, the ecstatic experience of Foucault's thought, does not open to us a horizon of 'bright future' but, rather less eminently, reveals to us the full extent of our voluntary servitude in the past. The practice of concrete freedom in the present is therefore driven by the failures to be free in the past – the subjection and suffering incurred as necessary and self-evident, the possibilities foregone due to the claims for their impossibility, the attachment to diagrammatic artefacts that promised us access to our authentic identity. The experience of free thought leaves us with scars that we did not know we ever had, the scars left by the wounds that we never perceived as wounding. These scars mark our prior deficit of existence, making us painfully perceive that we 'could have been otherwise', were our potentiality not abducted by the diagram and reduced to the actuality of our positive identity. If, as Zizek (2004b) correctly claims, 'liberation hurts', this is not merely because liberation necessarily presupposes a violent confrontation, but rather because the very moment of liberation leaves us with a bitter regret about all that 'could have been'.

In this sense, Foucault's ethos of freedom resonates with Walter Benjamin's understanding of political struggle in Thesis 9 of his 'Theses on the Philosophy of History' (1973) as driven by the awareness of the tragedies and oppressions of the past rather than aspirations for a better future.

> A Klee painting named 'Angelus Novus' shows an angel looking as though he is about to move away from something he is fixedly contemplating. His eyes are staring, his mouth is open, his wings are spread. This is how one pictures the angel of history. His face is turned toward the past. Where we perceive a chain of events, he sees one single catastrophe, which keeps piling wreckage and hurls it in front of his feet. The angel would like to stay, awaken the dead, and make whole what has been smashed. But a storm is blowing in from Paradise; it has got caught in his wings with such a violence that the angel can no longer close them. The storm irresistibly propels him into the future to which his back is turned, while the pile of debris before him grows skyward. This storm is what we call progress. (Benjamin 1973, 257)

This powerful image of history accords with the cathartic experience of thought in Foucault's historical ontologies, which, as histories of the present, look back into history, in which our present was constituted, to witness and testify to the violence and destruction implicated in its constitution, the barbarism inherent in the making of our civilisations. 'In every era the attempt must be made anew to wrest tradition away from a conformism that is about to overpower it. The Messiah comes not only as the redeemer, he comes as the subduer of Antichrist. Only that historian will have the gift of fanning the spark of hope in the past who is firmly convinced that *even the dead* will not be safe from the enemy if he wins.' (Benjamin 1973, 255. Emphasis original.)

Although they lack Benjamin's messianic pathos of redemption, Foucault's histories similarly serve to reanimate the 'subjugated knowledges' that Benjamin refers to as the 'tradition of the oppressed' (ibid.), not as a positive alternative to our established histories, but rather as an experience of thought that has fled the diagram that subjugated it and in its flight towards the infinite potentiality of whatever being regretfully recalls its past as a series of defeats, failures and lost chances. The profane angel of Foucault's historical ontologies surveys our 'present perfect' as a scene of disaster, a space of formerly unacknowledged confinement that has now become intolerable to inhabit. This is the present of myriad subjections to biopolitical care that now suffocates and nauseates us, the present that must be purged from our existence for it to have any potential. This is what makes reading Foucault a cathartic experience irrespectively of the specific content of his histories. The point is not that the past was 'in fact' different from the dominant narrative about it, but rather that our present diagrams themselves end up utterly destabilised, as the 'counter-memory' of our subjection to them is reactivated. To view history in terms of lost struggles and foregone possibilities is to rethink the very notion of 'tradition', turning the past, which is always appropriated by the diagram as a Golden Age of achievements and victories, into the past of struggles, whose wounds are still inscribed in us in the present. This affirmation of freedom breaks with all future-oriented emancipatory pathos, which is always capable of degenerating into a diagrammatic teleological project, and rather privileges the past as the locus of repressed potentialities that animates the desire for freedom in the present.

In this manner, Foucault's philosophy of freedom makes a singular move of the ecstatic negation of the voluntary servitude that has made our past and present subjection possible. For Foucault, we are not so much oppressed by the diagram as we *give in* to its temptations of self-discovery and self-actualisation. It is therefore only through an experience of our meto-homonymous being beside ourselves at the limit of the diagram, that we may free ourselves from our historical conditioning and affirm our sovereign subjectivity as the infinite potentiality for being that cannot be subsumed under any identity. In this manner, practices of freedom that refuse the temptations of biopolitical care perform that 'small displacement' in the diagram that simultaneously reveals to us the scars of prior subjection and renders impotent its continuing attempts to govern our existence. It is only through a bitter realisation of all that we could have been but were not that we may restore the contingency of our potential being from the past subjunctive to the present modality, whereby a resentful 'I could have been' turns into a euphorically sovereign 'I can'.

***

One morning, awakening from a long slumber at the door of the law, Kafka's 'man from the country' glances around with a mild curiosity, trying in vain to remember what he is doing here. Having waited so long for access to the law, he has apparently forgotten why he so insistently sought to enter through that door in the first place. He gets up from this bench, picks up his tattered belongings, takes a final glimpse of the door and the doorkeeper, mutters a barely audible profanity and begins to walk away. The doorkeeper calls after him but his words, once so daunting, now ring hollow and vanish into thin air. The man from the country walks away from the door of the law,

slowly and cautiously at first but, as he leaves the law behind, his pace quickens. Shaking his head in annoyance, he curses himself for almost wasting his life away because of his silly fascination with the empty majesty of the law. His thoughts turn to all the things in life he has foregone because of his attachment to the law and all the things he might do now that the law no longer has any hold on him. The wind is rising, and, from afar, he can hear the door of the law slamming back and forth, no longer letting anyone in or keeping anyone out. Elated by the infinite expanse of possibilities now available to him, he breaks into a run, eager to return to a life he never had. It begins to look like a beautiful day.

Bibliography

Agamben, G. (1991), *Language and Death: The Place of Negativity* (Minneapolis: The University of Minnesota Press).

Agamben, G. (1993a), *Infancy and History: Essays on the Destruction of Experience* (London: Verso).

Agamben, G. (1993b), *The Coming Community* (Minneapolis: The University of Minnesota Press).

Agamben, G. (1998), *Homo Sacer: Sovereign Power and Bare Life* (Stanford: Stanford University Press).

Agamben, G. (1999), *Potentialities: Selected Essays in Philosophy* (Stanford: Stanford University Press).

Agamben, G. (2000), *Means without End: Notes on Politics* (Minneapolis: The University of Minnesota Press).

Agamben, G. (2002), 'What is a Paradigm?' European Graduate School Lecture: <http://www.egs.edu>, accessed 31 May 2006.

Agamben, G. (2004), *The Time that Remains: A Commentary on the Letter to the Romans* (Stanford: Stanford University Press).

Agamben, G. (2005), *State of Exception* (Chicago: The University of Chicago Press).

Allen, A. (2000), 'The Anti-Subjective Hypothesis: Michel Foucault and the Death of the Subject', *The Philosophical Forum* 31:2, 113–30.

Badiou, A. (2003), *Saint Paul: The Foundation of Universalism* (Stanford: Stanford University Press).

Balakrishan, G. (2000), 'Virgilian Visions: Hardt and Negri's Empire', *New Left Review* 5, 142–8.

Balakrishan, G. (ed.) (2003), *Debating Empire* (London: Verso).

Balke, F. (2005), 'Derrida and Foucault on Sovereignty', *German Law Journal* 6:1, 71–85.

Bartelson, J. (1995), *A Genealogy of Sovereignty* (Cambridge: Cambridge University Press).

Bartelson, J. (2001), *The Critique of the State* (Cambridge: Cambridge University Press).

Bataille, G. (1993), *The Accursed Share,* vol. 3 (New York: Zone Books).

Benjamin, W. (1973), 'On the Concept of History' in Arendt, H. (ed.), *Illuminations* (London: Fontana).

Bennett, J. (1996), 'How Is It, Then, That We Still Remain Barbarians: Foucault, Schiller and the Aesthetisation of Ethics', *Political Theory* 24:4, 653–72.

Berard, T.J. (1999), 'Michel Foucault's 'The History of Sexuality' and the Reformulation of Social Theory', *Journal for the Theory of Social Behaviour* 29:3, 203–27.

Berlin, I. (2002), *Liberty* (Oxford: Oxford University Press).

Bernauer, J. (1990), *Michel Foucault's Force of Flight: Towards an Ethics for Thought* (Atlantic Highlands: NJ Humanities Press).

Bernauer, J. (1992), 'Beyond Life and Death: On Foucault's Post-Auschwitz Ethic' in Armstrong, T.J. (ed.), *Michel Foucault: Philosopher* (New York: Harvester Wheatsheaf).

Bernauer, J. (1994), 'Foucault's Ecstatic Thinking' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 1 (London: Routledge).

Bernauer, J. (2005), 'Confessions of the Soul: Foucault and Theological Culture', *Philosophy and Social Criticism* 31:5–6, 557–72.

Blanchot, M. (1987), 'Michel Foucault as I Imagine Him' in *Foucault/Blanchot* (New York: Zone Books).

Boron, D. (2005), *Empire and Imperialism: A Critical Reading of Hardt and Negri* (London: Zed Books).

Brigg, M. (2001), 'Empowering NGOs: The Microcredit Movement Through Foucault's Notion of Dispositif', *Alternatives* 26:3, 233–59.

Brown, N. et al. (2002), 'The Global Coliseum: On Empire', *Cultural Studies* 16:2, 177–92.

Bryant, R.L. (2002), 'Non-Governmental Organisations and Governmentality: 'Consuming Biodiversity' and Indigenous People in the Philippines', *Political Studies* 50, 268–93.

Burchell, G. et al. (eds) (1991), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf).

Burchell, G. (1991), 'Peculiar Interests: Civil Society and Governing 'The System of Natural Liberty'' in Burchell, G. et al. (eds.), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf).

Burchell, G. (1996), 'Liberal Government and Techniques of the Self' in Barry, A. et al. (eds), *Foucault and Political Reason: Liberalism, Neoliberalism and Rationalities of Government* (London: UCL Press).

Butler, J. (1997), *The Psychic Life of Power: Theories in Subjection* (Stanford: Stanford University Press).

Butler, J. (2004), *Precarious Life: The Powers of Mourning and Violence* (New York: Verso).

Calhoun, C. (2003), 'The Class Consciousness of Frequent Travellers: Towards a Critique of Really Existing Cosmopolitanism' in Archibugi D. (ed.), *Debating Cosmopolitics* (London: Verso).

Camus, A. (2006), *The Rebel* (Harmondsworth: Penguin).

Caputo, J. (1993), 'On Not Knowing Who We Are: Madness, Hermeneutics and the Night of Truth in Foucault' in Caputo, J and Yount, M (eds), *Foucault and the Critique of Institutions* (University Park: Pennsylvania State University Press).

Caputo, J. (2000), *More Radical Hermeneutics: On Not Knowing Who We Are* (Bloomington: Indiana University Press).

Chambers, S. (2001), 'Foucault's Evasive Manoeuvres: Nietzsche, Interpretation, Critique', *Angelaki: Journal of Theoretical Humanities* 6:3, 101–23.

Coetzee, J. M. (1985), *The Life and Times of Michael K* (Harmondsworth: Penguin).

Connolly, W. (1998), 'Beyond Good and Evil: The Ethical Sensibility of Michel Foucault' in Moss, J. (ed.), *The Later Foucault: Politics and Philosophy* (London: Sage).

Connolly, W. (2004), 'The Complexity of Sovereignty' in Edkins, J., Pin-Fat, V. and Shapiro, M. (eds), *Sovereign Lives: Power in Global Politics* (New York: Routledge).

Cooke, B. and Kothari, U. (eds) (2001), *Participation: The New Tyranny?* (London: Zed Books).

Cristi, R. (1998), *Carl Schmitt and Authoritarian Liberalism* (Cardiff: University of Wales Press).

Critchley, S. (1992), *The Ethics of Deconstruction: Derrida and Levinas* (Oxford: Blackwell).

Critchley, S. (1997), *Very Little… Almost Nothing: Death, Philosophy, Literature* (London: Routledge).

Cruikshank, B. (1996), 'Revolutions Within: Self-Government and Self-Esteem' in Barry, A. et al. (eds), *Foucault and Political Reason: Liberalism, Neoliberalism and Rationalities of Government* (London: UCL Press).

Cruikshank, B. (1998), 'Moral Disentitlement: Personal Autonomy and Political Reproduction' in Hänninen, S. (ed.), *Displacement of Social Policies* (University of Jyväskylä: SoPhi).

Cruikshank, B. (1999), *The Will to Empower: Democratic Citizens and Other Subjects* (Ithaca: Cornell University Press).

Deacon, R. (2002), 'Truth, Power and Pedagogy: Michel Foucault on the Rise of the Disciplines', *Educational Philosophy and Theory* 34:4, 435–58.

Dean, M. (1996a), 'Foucault, Government and the Enfolding of Authority' in Barry, A. et al. (eds), *Foucault and Political Reason: Liberalism, Neoliberalism and Rationalities of Government* (London: UCL Press).

Dean, M. (1996b), 'Putting the Technological into Government', *History of the Human Sciences* 9:3, 47–68.

Dean, M. (1998), 'Neo-liberalism as a Counter-Enlightenment Cultural Critique' in Hänninen, S. (ed.), *Displacement of Social Policies* (University of Jyväskylä: SoPhi).

Dean, M. (1999), *Governmentality: Power and Rule in Modern Society* (London: Sage).

Dean, M. (2002a), 'Liberal Government and Authoritarianism', *Economy and Society* 31:1, 37–61.

Dean, M. (2002b), 'Powers of Life and Death Beyond Governmentality', *Cultural Values* 6:1–2, 119–38.

Debord, G. (1994), *The Society of the Spectacle* (New York: Zone Books).

Deines, T. (2006), 'Bartleby the Scrivener, Immanence and the Resistance of Community', *Culture Machine* 8, <http://culturemachine.tees.ac.uk>, accessed 31 May, 2006.

Deleuze, G. (1988), *Foucault* (London: The Athlone Press).

Deleuze, G. (1992), 'What is a *Dispositif*?' in Armstrong, T.J. (ed.), *Michel Foucault: Philosopher* (New York: Harvester Wheatsheaf).

Deleuze, G. (1997), 'Bartleby, or the Formula' in *Essays Critical and Clinical* (Minneapolis: The University of Minnesota Press).

Derrida, J. (1972), *Writing and Difference* (Chicago: The University of Chicago Press).

Derrida, J. (1981), *Positions* (Chicago: The University of Chicago Press).

Derrida, J. (1992a), 'Before the Law' in Attridge, D. (ed.), *Acts of Literature* (London: Routledge).

Derrida, J. (1992b), 'Force of Law: The 'Mystical Foundations of Authority'' in Cornell, D. et al. (eds), *Deconstruction and the Possibility of Justice* (London: Routledge).

Derrida, J. (1994), *Spectres of Marx: The State of the Debt, the Work of Mourning and the New International* (London: Routledge).

Derrida, J. (1995), *The Gift of Death* (Chicago: The University of Chicago Press).

Derrida, J. (1996), *Politics of Friendship* (London: Verso).

Derrida, J. (1998), *Of Grammatology* (Baltimore: Johns Hopkins University).

Derrida, J. (1999a), *Adieu to Emmanuel Levinas* (Stanford: Stanford University Press).

Derrida, J. (1999b), 'Justice, Law and Philosophy: An Interview with Jacques Derrida', *South African Journal of Philosophy* 18:3, 279–86.

Derrida, J. (2001), *On Cosmopolitanism and Forgiveness* (London: Routledge).

Derrida, J. (2005), *Rogues: Two Essays on Reason* (Stanford: Stanford University Press).

Dews, P. (1995), 'Power and Subjectivity in Foucault' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 5 (London: Routledge).

Dillon, M. (1995), 'Sovereignty and Governmentality: From the Problematics of the 'New World Order' to the Ethical Problematics of the World Order', *Alternatives* 20:3, 323–68.

Dillon, M. (1998), 'Criminalising Social and Political Violence Internationally', *Millennium* 27:3, 543–67.

Dillon, M. (2005), 'Cared to Death? The Biopoliticised Time of Your Life', *Foucault Studies* 2: 37–46.

Di Nardo, P. (2002), 'The Empire Does Not Exist: A Critique of Toni Negri's Ideas', Marxist.com, <http://www.marxist.com/theory>, accessed 31 May, 2006.

Dolan, F. (2005), 'The Paradoxical Liberty of Biopower: Hannah Arendt and Michel Foucault on Modern Politics', *Philosophy and Social Criticism* 31:3, 369–80.

Donnelly, M. (1992), 'On Foucault's Uses of the Notion 'Biopower'' in Armstrong, T.J. (ed.), *Michel Foucault: Philosopher* (New York: Harvester Wheatsheaf).

Dooley, M. (1999), 'Private Irony vs. Social Hope: Derrida, Rorty and the Political', *Cultural Values* 3:3, 263–90.

Dreyfus, H. L. and Rabinow, P. (1982), *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: The University of Chicago Press).

Du Gay, P. (2002), 'A Common Power to Keep Them All in Awe: A Comment on Governance', *Cultural Values* 6:1–2, 11–27.

Dumm, T. (1994), 'The Politics of Postmodern Aesthetics: Habermas contra Foucault' in Smart, B (ed.), *Michel Foucault: Critical Assessments*, vol. 3 (London: Routledge).

Dumm, T. (1996), *Michel Foucault and the Politics of Freedom* (London: Sage).

Edkins, J. (2000), 'Sovereign Power, Zones of Indistinction and the Camp', *Alternatives* 25:1, 3–26.

Edkins, J and Pin-Fat, V. (2005), 'Through the Wire: Relations of Power and Relations of Violence', *Millennium* 34:1, 1–24.

Edwards, R. et al. (2001), 'Include Me Out: Critical Readings of Social Exclusion, Social Inclusion and Lifelong Learning', *International Journal of Lifelong Education* 20:5, 417–28.

Edwards, R. (2002), 'Mobilising Lifelong Learning: Governmentality in Educational Practices', *Journal of Education Policy* 17:3, 353–65.

Ewald, F. (1992), 'A Power Without an Exterior' in Armstrong, T.J. (ed.), *Michel Foucault: Philosopher* (New York: Harvester Wheatsheaf).

Fillion, R. (2005), 'Freedom, Truth and Possibility in Foucault's Ethics', *Foucault Studies* 3, 50–64.

Flynn, T. (1991), 'Foucault and the Spaces of History', *Monist* 74:2, 165–87.

Flynn, T. (1999), 'The Philosopher-Historian as Cartographer: Mapping History with Michel Foucault', *Research in Phenomenology* 29, 31–51.

Flynn, T. (2005), 'Philosophy as a Way of Life: Foucault and Hadot', *Philosophy and Social Criticism* 31:5–6, 609–22.

Foucault, M. (1967), *Madness and Civilisation* (London: Tavistock).

Foucault, M. (1970), *The Order of Things: An Archaeology of the Human Sciences* (London: Tavistock).

Foucault, M. (1976), *Birth of the Clinic: An Archaeology of Medical Perception* (London: Routledge).

Foucault, M. (1977a), 'A Preface to Transgression' in Bouchard, D.F. (ed.), *Language, Counter-Memory, Practice: Selected Essays and Interviews* (Ithaca: Cornell University Press).

Foucault, M. (1977b), *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books).

Foucault, M. (1977c), 'Language to Infinity' in Bouchard, D.F. (ed.), *Language, Counter-Memory, Practice: Selected Essays and Interviews* (Ithaca: Cornell University Press).

Foucault, M. (1977d), 'Theatrum Philosophicum' in Bouchard, D.F. (ed.), *Language, Counter-Memory, Practice: Selected Essays and Interviews* (Ithaca: Cornell University Press).

Foucault, M. (1979), 'The Life of Infamous Men' in Foss, P. and Morris, M. (eds), *Power, Truth, Strategy* (Sydney: Feral Publications).

Foucault, M. (1980a), 'Confession of the Flesh' in Gordon, C. (ed.), *Power/Knowledge: Selected Interviews and Other Writings: 1972–1977* (New York: Pantheon Books).

Foucault, M. (1980b), 'Power and Strategies' in Gordon, C. (ed.), *Power/Knowledge: Selected Interviews and Other Writings: 1972–1977* (New York: Pantheon Books).

Foucault, M. (1980c), 'Prison Talk' in Gordon, C. (ed.), *Power/Knowledge: Selected Interviews and Other Writings: 1972–1977* (New York: Pantheon Books).

Foucault, M. (1980d), 'The History of Sexuality' in Gordon, C. (ed.), *Power/ Knowledge: Selected Interviews and Other Writings: 1972–1977* (New York: Pantheon Books).

Foucault, M. (1980e), 'Two Lectures' in Gordon, C. (ed.), *Power/Knowledge: Selected Interviews and Other Writings: 1972–1977* (New York: Pantheon Books).

Foucault, M. (1981), 'The Order of Discourse' in Young, R. (ed.), *The Post-Structuralist Reader* (London: Routledge).

Foucault, M. (1982), 'The Subject and Power' in Dreyfus, H.L. and Rabinow, P., *Michel Foucault: Beyond Structuralism and Hermeneutics* (Chicago: The University of Chicago Press).

Foucault, M. (1984a), 'Nietzsche, Genealogy, History' in Rabinow, P. (ed.), *The Foucault Reader* (New York: Pantheon Books).

Foucault, M. (1984b), 'On the Genealogy of Ethics: An Overview of the Work in Progress' in Rabinow, P. (ed.), *The Foucault Reader* (New York: Pantheon Books).

Foucault, M. (1984c), 'Politics, Problematisations and Polemics' in Rabinow, P. (ed.), *The Foucault Reader* (New York: Pantheon Books).

Foucault, M. (1984d), 'Truth and Power' in Rabinow, P. (ed.), *The Foucault Reader* (New York: Pantheon Books).

Foucault, M. (1984e), 'What is an Author?' in Rabinow, P. (ed.), *The Foucault Reader* (New York: Pantheon Books).

Foucault, M. (1984f), 'What is Enlightenment?' in Rabinow, P. (ed.), *The Foucault Reader* (New York: Pantheon Books).

Foucault, M. (1987), 'The Thought from Outside' in *Foucault/Blanchot* (New York: Zone Books).

Foucault, M. (1988a), 'An Aesthetics of Existence' in Kritzman, L.D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings: 1977 –1984* (London: Routledge).

Foucault, M. (1988b), 'Critical Theory/Intellectual History' in Kritzman, L.D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings: 1977–1984* (London: Routledge).

Foucault, M. (1988c), 'On Power' in Kritzman, L.D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings: 1977–1984* (London: Routledge).

Foucault, M. (1988d), 'Politics and Reason' in Kritzman, L.D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings: 1977 –1984* (London: Routledge).

Foucault, M. (1988e), 'Power and Sex' in Kritzman, L.D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings: 1977–1984* (London: Routledge).

Foucault, M. (1988f), 'Practicing Criticism' in Kritzman, L.D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings: 1977 –1984* (London: Routledge).

Foucault, M. (1988g), 'Social Security' in Kritzman, L.D. (ed.), *Michel Foucault: Politics, Philosophy, Culture. Interviews and Other Writings: 1977–1984* (London: Routledge).

Foucault, M. (1988h), 'Truth, Power, Self: An Interview' in Martin, L.H. et al. (eds), *Technologies of the Self: A Seminar with Michel Foucault* (London: Tavistock).

Foucault, M. (1989), *Archaeology of Knowledge* (London: Routledge).

Foucault, M. (1990a), *History of Sexuality. Volume One: An Introduction* (Harmondsworth: Penguin).

Foucault, M. (1990b), *History of Sexuality. Volume Two: The Use of Pleasure* (New York: Random House).

Foucault, M. (1990c), *History of Sexuality. Volume Three: The Care of the Self* (New York: Random House).

Foucault, M. (1991a), 'Governmentality' in Burchell, G. et al. (eds), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf).

Foucault, M. (1991b), 'Politics and the Study of Discourse' in Burchell, G. et al. (eds), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf).

Foucault, M. (1991c), 'Questions of Method' in Burchell, G. et al. (eds), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf).

Foucault, M. (1993), 'Kant on Enlightenment and Revolution' in Gane, M. and Johnson, T. (eds), *Foucault's New Domains* (London: Routledge).

Foucault, M. (1996a), 'The Archaeology of Knowledge' in Lotringer, S. (ed.), *Foucault Live: Interviews, 1961–1984* (New York: Semiotext(e)).

Foucault, M. (1996b), 'Friendship as a Way of Life' in Lotringer, S. (ed.), *Foucault Live: Interviews, 1961–1984* (New York: Semiotext(e)).

Foucault, M. (1996c), 'Intellectuals and Power' in Lotringer, S. (ed.), *Foucault Live: Interviews, 1961–1984* (New York: Semiotext(e)).

Foucault, M. (1997), 'Madness, the Absence of Work' in Davidson, A. I. (ed.), *Foucault and His Interlocutor*s (Chicago: The University of Chicago Press).

Foucault, M. (2003), *'Society Must be Defended': Lectures at the College de France, 1975–1976* (New York: Picador).

Fox, N.J. (1998), 'Foucault, Foucauldians and Sociology', *British Journal of Sociology* 49:3, 415–33.

Franchi, S. (2004), 'Passive Politics', *Contretemps* 5, 30–41.

Fraser, N. (1994a), 'Foucault's Body-Language: A Post-Humanist Political Rhetoric?' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 3 (London: Routledge).

Fraser, N. (1994b), 'Michel Foucault: a 'Young Conservative'?' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 3 (London: Routledge).

Fraser, N. (1995), 'Foucault on Modern Power: Empirical Insights and Normative Confusions' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 5 (London: Routledge).

Freund, J. (1995), 'Schmitt's Political Thought', *Telos* 102, 11–43.

Giddens, A. (1992), *The Transformation of Intimacy: Sexuality, Love and Eroticism in Modern Societies* (Cambridge: Polity Press).

Gordon, C. (1991), 'Governmental Rationality: An Introduction' in Burchell, G. et al. (eds), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf).

Habermas, J. (1995), 'Some Questions Concerning the Theory of Power: Foucault Again' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 5 (London: Routledge).

Habermas, J. (2001), *The Postnational Constellation* (Cambridge: Polity Press).

Hacking, I. (1995), 'Self-Improvement' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 5 (London: Routledge).

Hacking, I. (2002), *Historical Ontology* (London: Harvard University Press).

Hallward, P. (2000), 'The Limits of Individuation, or How to Distinguish Foucault and Deleuze', *Angelaki: Journal of Theoretical Humanities* 5:2, 93–111.

Hamann, P. (2005), 'Foucault's Wake', *Foucault Studies* 3: 77–82.

Han, B. (2002), *Foucault's Critical Project: Between the Transcendental and the Historical* (Stanford: Stanford University Press).

Han-Pile, B. (2005), 'Is Early Foucault a Historian? History, History and the Analytic of Finitude', *Philosophy and Social Criticism* 31:5–6, 585–608.

Hardt, M. and Negri, A. (2000), *Empire* (Cambridge: Harvard University Press).

Hardt, M. and Negri, A. (2004), *Multitude: War and Democracy in the Age of Empire* (New York: Penguin).

Harrison, R. (2000), 'Learner-Managed Learning: Managing to Learn or Learning to Manage', *International Journal of Lifelong Education* 19:4, 312–21.

Heiner, B.T. (2003), 'The Passions of Michel Foucault', *Differences: A Journal of Feminist Cultural Studies* 14:1, 22–52.

Held, D. (1995), *Democracy and the Global Order: From the Modern State to Cosmopolitan Governance* (Cambridge: Polity Press).

Hindess, B. (1996a), *Discourses of Power: From Hobbes to Foucault* (Oxford: Blackwell).

Hindess, B. (1996b), 'Liberalism, Socialism and Democracy' in Barry, A. et al. (eds), *Foucault and Political Reason: Liberalism, Neoliberalism and Rationalities of Government* (London: UCL Press).

Hindess, B. (1998), 'Politics and Liberation' in Moss, J. (ed.), *The Later Foucault: Politics and Philosophy* (London: Sage).

Hindess, B. (2001), 'The Liberal Government of Unfreedom', *Alternatives* 26:2, 93–112.

Hooke, A. (1994), 'The Order of Others: Is Foucault's Antihumanism against Human Action?' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 3 (London: Routledge).

Horowitz, G. (1995), 'The Foucauldian Impasse: No Sex, No Self, No Revolution' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 6 (London: Routledge).

Hoy, D.C. (2004), *Critical Resistance: From Poststructuralism to Post-Critique* (Cambridge: The MIT Press).

Hoy, D.C. (2005), 'Reflections on *Critical Resistance*', *Foucault Studies* 3, 101–106.

Huijer, M. (1999), 'The Aesthetics of Existence in the Work of Michel Foucault', *Philosophy and Social Criticism* 25: 2, 61–85.

Koselleck, R. (1988), *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society* (Oxford: Berg).

Lacan, J. (1972), 'Seminar on *The Purloined Letter*', *Yale French Studies* 48, 20–72.

Lacan, J. (1992), *The Seminar of Jacques Lacan. Book VII: The Ethics of Psychoanalysis* (New York: Norton).

Lacan, J. (2001), *Ecrits: A Selection* (London: Routledge).

Laclau, E. and Mouffe, C. (1985), *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (London: Verso).

Lefort, C. (1988), *Democracy and Political Theory* (Cambridge: Polity Press).

Lemke, T. (2001), 'The Birth of Bio-Politics: Michel Foucault's Lecture at the College de France on Neoliberal Governmentality', *Economy and Society* 30:2, 190–207.

Marinetto, M. (2003), 'Who Wants to be an Active Citizen? The Politics and Practice of Community Involvement', *Sociology* 37:1, 103–20.

May, T. (2000), 'Philosophy as a Spiritual Exercise in Foucault and Deleuze', *Angelaki: Journal of the Theoretical Humanities* 5:2, 223–29.

May, T. (2005), 'Foucault Now?', *Foucault Studies* 3: 65–76.

McCormick, J. (1997), *Carl Schmitt's Critique of Liberalism: Against Politics as Technology* (Cambridge: Cambridge University Press).

McGushin, E. (2005), 'Foucault and the Problem of the Subject', *Philosophy and Social Criticism* 31:5–6, 623–48.

McQuillan, C. (2005), 'The Political Life in Giorgio Agamben', *Kritikos* 2, <http://garnet.acus.fsn.edu>, accessed 31 May, 2006.

Megill, A. (1985), *Prophets of Extremity: Nietzsche, Heidegger, Foucault, Derrida* (Berkeley: University of California Press).

Melville, H. (1986), 'Bartleby the Scrivener: A Tale of Wall Street' *in Billy Budd and Other Stories* (Harmondsworth: Penguin).

Miller, J. (1990), 'Carnivals of Atrocity: Foucault, Nietzsche, Cruelty', *Political Theory* 18:3, 470–91.

Mills, C. (2004), 'Agamben's Messianic Politics: Biopolitics, Abandonment and Happy Life', *Contretemps* 5, 42–62.

Moran, D. (2002), 'Decisions, Decisions: Derrida on Kierkegaard and Abraham', *Telos* 123, 107–30.

Moreiras, A. (2001), 'A Line of Shadow: Metaphysics in Counter-Empire', *Rethinking Marxism* 13, 216–26.

Mouffe, C. (ed.) (1999), *The Challenge of Carl Schmitt* (London: Verso).

Mouffe, C. (2000a), 'Rorty's Pragmatist Politics', *Economy and Society* 29: 3, 439–53.

Mouffe, C. (2000b), *The Democratic Paradox* (London: Verso).

Muller, J. (1999), 'Carl Schmitt's Method: Between Ideology, Demonology and Myth', *Journal of Political Ideologies* 4:1, 61–86.

Nancy, J-L. (1991), *The Inoperative Community* (Minneapolis: The University of Minnesota Press).

Neilson, B. (2004), '*Potenza Nuda*? Sovereignty, Biopolitics, Capitalism', *Contretemps* 5, 62–78.

Nietzsche, F. (1977), *A Nietzsche Reader* (Harmondsworth: Penguin).

Nietzsche, F. (2001), *The Gay Science* (Cambridge: Cambridge University Press).

Nietzsche, F. (2003), *Beyond Good and Evil: Prelude to the Philosophy of the Future* (Harmondsworth: Penguin).

Nigro, R. (2005), 'Experiences of the Self between Limit, Transgression and the Explosion of the Dialectical System', *Philosophy and Social Criticism* 31:5–6, 649–64.

Nikoll, K. and Edwards, R. (2000), 'Reading Policy Texts: Lifelong Learning as Metaphor', *International Journal of Lifelong Education* 19:3, 460–69.

Norris, A. (2000), 'Carl Schmitt's Political Metaphysics: On the Secularisation of the 'Outermost Sphere'', *Theory & Event* 4:1, http://muse.jhu.edu/journals/theory_and_event>, accessed 5 May, 2005.

Ojakangas, M. (2000), 'Existentially Something Other and Strange: On Carl Schmitt's Philosophy of Concrete Life' in Hänninen, S. and Vähämäki, J. (eds), *Displacement of Politics* (Jyväskylä: SoPhi).

Ojakangas, M. (2001), 'Sovereign and Plebs: Michel Foucault meets Carl Schmitt', *Telos* 119, 32–40.

Ojakangas, M. (2004), *A Philosophy of Concrete Life: Carl Schmitt and the Political Thought of Late Modernity* (Jyvaskyla: SoPhi).

Ojakangas, M. (2005a), 'Impossible Dialogue on Biopower: Agamben and Foucault', *Foucault Studies* 2, 5–28.

Ojakangas, M. (2005b), 'The End of Biopower: A Reply to My Critics', *Foucault Studies* 2, 47–53.

Oksala, J. (2005), *Foucault on Freedom* (Cambridge: Cambridge University Press).

O'Malley, P. et al. (1997), 'Governmentality, Criticism, Politics', *Economy and Society* 26:4, 501–17.

Parker, I. (2004), *Slavoj Zizek: A Critical Introduction* (London: Pluto).

Pasquino, P. (1991), 'Theatrum Politicum: The Genealogy of Capital – Police and the State of Prosperity' in Burchell, G. et al. (eds), *The Foucault Effect: Studies in Governmentality* (London: Harvester Wheatsheaf).

Patton, P. (1995), 'Taylor and Foucault on Freedom and Power' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 5 (London: Routledge).

Patton, P. (1998), 'Foucault's Subject of Power' in Moss, J. (ed.), *The Later Foucault: Politics and Philosophy* (London: Sage).

Patton, P. (2000), *Deleuze and the Political* (London: Routledge).

Piccone, P. and Ulmen, G. (2002), 'The Uses and Abuses of Carl Schmitt', *Telos* 122, 3–32.

Pizzorno, A. (1992), 'Foucault and the Liberal View of the Individual' in Armstrong, T.J. (ed.), *Michel Foucault: Philosopher* (New York: Harvester Wheatsheaf).

Prozorov, S. (2004a), *Political Pedagogy of Technical Assistance: A Study in Historical Ontology of Russian Postcommunism* (Tampere: Studia Politica Tamperensis).

Prozorov, S. (2004b), 'Three Theses on Governance and the Political', *Journal of International Relations and Development* 7:3, 267–93.

Prozorov, S. (2005), 'X/Xs: Toward a General Theory of the Exception', *Alternatives* 30:1, 81–112.

Prozorov, S. (2006a), 'The Unrequited Love of Power: Biopolitical Investment and the Refusal of Care', *Foucault Studies* 4.

Prozorov, S. (2006b), *Understanding Conflict between Russia and the EU: The Limits of Integration* (Basingstoke: Palgrave).

Prozorov, S. (2007a), 'Liberal Enmity: The Figure of the Foe in the Political Ontology of Liberalism', *Millennium* 35:1.

Prozorov, S. (2007b), 'The Ethos of Insecure Life: Reading Carl Schmitt's Existential Decisionism as a Foucauldian Ethics' in Odysseos, L. and Petito, F., *The International Political Thought of Carl Schmitt* (London: Routledge).

Rajan, T. (2000), 'The Mask of Death: Foucault, Derrida, the Human Sciences and Literature', *Angelaki: Journal of the Theoretical Humanities* 5:2, 211–21.

Rajchman, J. (1985), *Michel Foucault: The Freedom of Philosophy* (New York: Columbia University Press).

Rajchman, J. (1992), 'Foucault: The Ethic and the Work' in Armstrong, T.J. (ed.), *Michel Foucault: Philosopher* (New York: Harvester Wheatsheaf).

Rajchman, J. (1994a), 'Ethics after Foucault' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 3 (London: Routledge).

Rajchman, J. (1994b), 'Foucault's Art of Seeing' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 1 (London: Routledge).

Ranciere, J. (1995), *On the Shores of Politics* (London: Verso).

Ranciere, J. (2001), 'Ten Theses on Politics', *Theory & Event* 5:3, <http://muse.jhu.edu/journals/theory_and_event>, accessed 5 May, 2005.

Rankin, K. (2001), 'Governing Development: Neoliberalism, Microcredit and Rational Economic Woman', *Economy and Society* 30:1, 18–37.

Rasch, W. (2000), 'Conflict as a Vocation: Carl Schmitt and the Possibility of Politics', *Theory, Culture and Society* 17:6, 1–32.

Rasch, W. (2003), 'Human Rights as Geopolitics: Carl Schmitt and the Legal Form of American Supremacy', *Cultural Critique* 54:1, 121–41.

Rimke, H. M. (2000), 'Governing Citizens Through Self-Help Literature', *Cultural Studies*, 14:1, 61–78.

Robinson, K. (2003), 'The Passion and the Pleasure: Michel Foucault's Art of Not Being Oneself', *Theory, Culture and Society* 20:2, 119–44.

Rorty, R. (1986), 'Foucault and Epistemology' in Hoy, D.C. (ed.), *Foucault: A Critical Reader* (Oxford: Basil Blackwell).

Rorty, R. (1992), 'Moral Identity and Private Autonomy' in Armstrong, T.J. (ed.), *Michel Foucault: Philosopher* (New York: Harvester Wheatsheaf).

Rorty, R. (1995), 'Beyond Nietzsche and Marx' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 5 (London: Routledge).

Rorty, R. (1999), *Philosophy and Social Hope* (Harmondsworth: Penguin).

Rose, N. (1990), *Governing the Soul: The Shaping of the Private Self* (London: Routledge).

Rose, N. and Miller, P. (1995), 'Political Thought and the Limits of Orthodoxy', *British Journal of Sociology* 46:4, 590–97.

Rose, N. (1996a), 'Governing 'Advanced' Liberal Democracies' in Barry, A. et al. (eds), *Foucault and Political Reason: Liberalism, Neoliberalism and Rationalities of Government* (London: UCL Press).

Rose, N. (1996b), *Inventing Our Selves: Psychology, Power and Personhood* (Cambridge: Cambridge University Press).

Rose, N. (1998), 'The Crisis of 'the Social': Beyond the Social Question' in Hänninen, S. (ed.), *Displacement of Social Policies* (University of Jyväskylä: SoPhi).

Rose, N. (1999), *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press).

Rose, N. (2000), 'Community, Citizenship and the Third Way', *American Behavioural Scientist* 43:9, 1395–411.

Rose, N. (2001), 'The Politics of Life Itself', *Theory, Culture and Society* 18:6, 1–30.

Salskov-Iversen, D. et al. (2000), 'Governmentality, Globalisation and Local Practice: Transformations of a Hegemonic Discourse', *Alternatives* 25:2, 183–223.

Sawicki, J. (1994), 'Heidegger and Foucault: Escaping Technological Nihilism' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 3 (London: Routledge).

Scheuerman, W. (1999), *Carl Schmitt: The End of Law* (Boulder: Roman and Littlefield Publishing).

Schmitt, C. (1976), *The Concept of the Political* (New Brunswick: Rutgers University Press).

Schmitt, C. (1985a), *Political Theology: Four Chapters on the Concept of Sovereignty* (Cambridge: The MIT Press).

Schmitt, C. (1985b), *The Crisis of Parliamentary Democracy* (Cambridge: The MIT Press).

Schmitt, C. (1986), *Political Romanticism* (Cambridge: The MIT Press).

Schmitt, C. (1999), 'Ethic of State and Pluralistic State' in Mouffe, C. (ed.), *The Challenge of Carl Schmitt* (London: Verso).

Sharpe, M. (2002), 'The Descent of the Doves: Camus's *Fall*, Derrida's Ethics', *Philosophy and Social Criticism* 28:2, 173–89.

Sharpe, M. (2005), 'Critique as Technology of the Self', *Foucault Studies* 2, 97–116.

Simons, J. (1995), *Foucault and the Political* (London: Routledge).

Simons, J. (2000), 'Modernist Misapprehensions of Foucault's Aesthetics', *Cultural Values* 4:1, 40–57.

Stenson, K. (1998), 'Displacing Social Policy through Crime Control' in Hänninen, S. (ed.), *Displacement of Social Policies* (University of Jyväskylä: SoPhi).

Strauss, L. (1976), 'Comments on Carl Schmitt's *Der Begriff des Politischen*' in Schmitt, C., *The Concept of the Political* (New Brunswick: Rutgers University Press).

Taylor, C. (1986), 'Foucault on Freedom and Truth' in Hoy, D.C. (ed.), *Foucault: A Critical Reader* (Oxford: Basil Blackwell).

Thoburn, N. (2003), *Deleuze, Marx and Politics* (London: Routledge).

Thurshwell, A. (2002), 'Specters of Nietzsche: Potential Futures for the Concept of the Political in Agamben and Derrida', mimeo, <http://www.law.csuohio.edu/faculty/thurschwell/nietzsche.pdf> , accessed 4 March 2006.

Triantafillou, P. and Nielsen, M.R. (2001), 'Policing Empowerment: The Making of Capable Subjects', *History of the Human Sciences* 14:2, 63–86.

Ulmen, G. (2001), 'Between the Weimar Republic and the Third Reich: Continuity in Carl Schmitt's Thought', *Telos* 119, 18–31.

Veyne, P. (1992), 'Foucault and Going Beyond (or the Fulfilment of) Nihilism' in Armstrong, T.J. (ed.), *Michel Foucault: Philosopher* (New York: Harvester Wheatsheaf).

Veyne, P. (1993), 'The Final Foucault and his Ethics', *Critical Inquiry* 20, 1–9.

Veyne, P. (1997), 'Foucault Revolutionises History' in Davidson, A. I. (ed.), *Foucault and His Interlocutors* (Chicago: The University of Chicago Press).

Wain, K. (2000), 'The Learning Society: Postmodern Politics', *International Journal of Lifelong Education* 19:1, 36–53.

Walzer, M. (1986), 'The Politics of Michel Foucault' in Hoy, D.C. (ed.), *Foucault: A Critical Reader* (Oxford: Basil Blackwell).

Weintraub, J. (1997), 'The Theory and Politics of the Public/Private Distinction' in Weintraub, J. and Kumar, K. (eds), *Public and Private in Thought and Practice: Perspectives on a Grand Dichotomy* (Chicago: The University of Chicago Press).

Wendt, A. (2003), 'Why a World State is Inevitable', *European Journal of International Relations* 9:4, 491–542.

White, H. (1994), 'Foucault's Discourse: The Historiography of Anti-Humanism' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 3 (London: Routledge).

Wilson, A. L. (1999), 'Creating Identities of Dependency: Adult Education as a Knowledge-Power Regime', *International Journal of Lifelong Education*, 18:2, 85–93.

Wolin, R. (1992a), 'Carl Schmitt: The Conservative Revolutionary Habitus and the Aesthetics of Horror', *Political Theory* 20:3, 424–47.

Wolin, R. (1992b), *The Terms of Cultural Criticism: The Frankfurt School, Existentialism, Poststructuralism* (New York: Columbia University Press).

Wolin, R. (1994), 'Foucault's Aesthetic Decisionism' in Smart, B. (ed.), *Michel Foucault: Critical Assessments*, vol. 3 (London: Routledge).

Ziarek, K. (1998), 'Powers to Be: Art and Technology in Heidegger and Foucault', *Research in Phenomenology* 28, 162–94.

Zizek, S. (1998), 'The Inherent Transgression', *Cultural Values* 2:1, 1–17.

Zizek, S. (1999), *The Ticklish Subject: The Absent Centre of Political Ontology* (London: Verso).

Zizek, S. (2000), *The Fragile Absolute, or Why is the Christian Legacy Worth Fighting For?* (London: Verso).

Zizek, S. (2001), 'Have Michael Hardt and Antonio Negri Rewritten the Communist Manifesto for the 21st Century?', *Rethinking Marxism* 13:3–4, 190–98.

Zizek, S. (2002), *Welcome to the Desert of the Real* (London: Verso).

Zizek, S. (2003), *The Puppet and the Dwarf: The Perverse Core of Christianity* (Cambridge: The MIT Press).

Zizek, S. (2004a), *Iraq: The Borrowed Kettle* (London: Verso).

Zizek, S. (2004b), 'Liberation Hurts: An Interview with Slavoj Zizek', *Electronic Book Review*, <http://www.electronicbookreview.com>, accessed 31 May 2006.

Zizek, S. (2004c), 'What is to be Done (with Lenin)'*, In These Times*, January 21.

Zizek, S. (2006), *The Parallax View* (Cambridge: The MIT Press).

This page intentionally left blank

Index