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## A Small, Additional, Added – on Life Speaking. Remarks on the Vitalism in Giorgio Agamben's Critical Theory<sup>1</sup>

L'homme est indestructible, et cela signifie qu'il  
n'y pas de limite à sa destruction.

Maurice Blanchot<sup>2</sup>

...and the commandment, which was ordained  
to bring life, I found to be unto death.

Saint Paul (*Romans* 7: 10)

The core idea of Giorgio Agamben's political philosophy, as developed in *Homo Sacer* – in the book as well as in the larger project of that name<sup>3</sup> – is well known. It is an inquiry into the logic of sovereignty which, according to Agamben, rules the entire political thought of the West, from politics in Antiquity to modern and post-modern bio-politics. That logic implies the ever present possibility of a reduction of the political subject to “bare life”, to the position of “*homo sacer*” who “can be killed but not sacrificed”. Even language as such is secretly ruled by that logic, Agamben several times adds. Even our daily speaking is virtually able to reduce us to the position of “bare life”, of “*homo sacer*”. In this essay, I go into the passages in *Homo Sacer* that treat about language, it is because, there, Agamben's thesis shows its most radical – if not to say untenable – shape. These pas-

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<sup>1</sup> A first draft of this essay has been presented at the IPS (International Philosophical Seminar), “Reading Agamben, *Homo Sacer*”, Kastelruth (Italy), 28. 06 – 07. 07. 2009.

<sup>2</sup> M. Blanchot, *L'entretien infini* (Paris: Gallimard, 1969), quoted in: Agamben, *Ce qui reste d'Auschwitz* (Paris: Rivages, 1999), p. 146.

<sup>3</sup> *Homo Sacer*, indeed, is the title, not only of one book, but of a still unfinished series of books, including *Homo Sacer* (I) (1995), *State of Exception* (II,1) (2003), *Le règne et la gloire* (II,2) (2007), *Remnants of Auschwitz* (III) (1998) and a fifth volume (part IV) – the “*pars construens*” of the project – which is still to be written. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, translated by Daniel Heller-Roazen (Stanford: Stanford University Press, 1998 [abbreviation HS]); *The State of Exception*, translated by Kevin Attell (Chicago: The University of Chicago Press, 2005); *Remnants of Auschwitz: The Witness and the Archive*, (New York: Zone Books, 2002); *Le règne et la gloire, Homo Sacer, II,2*, traduit par Joël Gayraud & Martin Rueff, (Paris: Seuil, 2008).

sages also compel us to reconsider the theory of the subject, implied in Agamben's "logic of sovereignty". For Agamben, to be subjected to the logic of sovereignty implies a desubjectivation or, what amounts to the same thing, an exclusion of the subject. At least, this is what Agamben states in *Homo Sacer* (the book). In *Remnants of Auschwitz*, however, he adds that this desubjectivation, although ruled by the logic of sovereignty, nonetheless hides a possibility of escaping that very logic. There he explains how, as witness, the victim implies a positive subject definition. Again, a reflexion on language and on subject theory will be at the core of his reflexion. If, in my comments on this aspect of Agambenian thought, I make a comparison with the language and subject theory of Jacques Lacan, it is mainly to clarify the vitalistic presuppositions underlying Agamben's theory of the subject.

### 1. Inclusive exclusion

According to Michel Foucault, the logic of sovereignty characterizes the ancient, medieval and early modern way to legitimize political power. Power, then, was the power over a territory, the power to take possession and to levy toll from people, the power symbolized by death since it allowed itself to take people's life.<sup>4</sup> In the late 18<sup>th</sup> and early 19<sup>th</sup> century, things changed. Power, then, becomes power over a population, power founded in the wealth of the population's economic capacity, power legitimizing itself by managing the care for that wealth. This new kind of power is not symbolized by death but by life, since the population's life is now political power's main concern. Life – the life of the people – becomes the very *raison d'être* of political power. Politics became basically bio-politics. This, however, is not to say that power turns more positive or humane. It only means, thus Foucault, that the strategies of power change. The 'micro mechanisms of power' only become more subtle, more secret and concealed, but not less effective.

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Agamben agrees with Foucault, except about the idea that the paradigm of sovereignty should have been left behind and replaced by the one of bio-politics. Unlike Foucault, Agamben sees the sovereign paradigm still fully operative within our bio-political age. One of his arguments is that, in politics, the appeal

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<sup>4</sup> Michel Foucault, *Sécurité, territoire, Population. Cours au Collège de France, 1977–1978* (Paris: Gallimard, 2004).

to the state of exception has only increased during the last century. Carl Schmitt's emphasis on this term as defining the characteristic property of politics as such is only one of the signs pointing in that direction. Put in a situation threatening its foundation, any (bio)political power has to appeal on the state of exception. Not only the persistence of war in the bio-political 20<sup>th</sup> century gives evidence of this, the proliferation and persistence of camps during that century point in the same direction. The state's ultimate power over people's lives is shown in the clearest way where that state gathers people – illegal immigrants and “*sans papiers*” for instance – in a camp being entirely left, not to the laws of that state (since they are not citizens of that state), but to the grace of its sovereign power, a power that, in that case, indifferently, can decide about their lives, also in the negative sense. Founded in itself, the state remains founded in the sovereign decision about who is inside and who is outside. *Virtually*, once threatened (or feeling threatened), the state can act against all its citizens as a threat from outside, as an enemy to be eliminated. So, even the state's intention to care for its people is in fact based in the possibility to eliminate them. The state of exception is the real paradigm of its rules.

Behind that “state of exception” paradigm, the old logic of sovereignty keeps on ruling, a logic that defines power as the power rather to take life than to take care of it (as all kinds of bio-political power legitimizations claim). It is, more precisely, the power to exclude people from the public life, from life as shaped by its social/political condition, i.e. from βίος (*bios*) in the sense Aristotle gave to the ancient Greek term for human, social life. Sovereign power is the power that, indifferently, can let people in or out the realm of the “bios”. It is the power to sovereignly reduce or not people to ζοή (*zoè*), mere natural life, “bare life”.

Crucial is that, for Agamben, “bare life” is not simply natural life, as Aristotle states. If someone's life is reduced to its “bare” condition, it is not because it has become simply natural. On the contrary, “*la nuda vita*” is the result of a political decision, more precisely of an exclusion. It is an exclusion from “bios”, from political life. And that exclusion shows the fully sovereign nature of that political decision – and of political power in general. For, even if excluded, someone is still completely at the mercy of that power. In other words, the exclusion is an inclusive one. The most fundamental structure of sovereign power is to be defined as “*esclusione inclusiva*”, an inclusive exclusion.

Agamben discerns that structure in the oldest forms of political power. For instance in one of Ancient Rome's most severe sanctions, the "*sacer esto*" curse. It is an excommunication excluding the malefactor from both the profane and the sacred order. Anyone is allowed to kill him unpunished, but nobody is allowed to sacrifice him (HS: 8; 71). Expelled from the human world, the "*homo sacer*" is dedicated to the gods and, in that sense "sacred". Expelled, however, even from the realm of religious practices, he cannot sacrificially be dedicated or offered to the gods. That curse shows the limits of both the human and divine law. And it shows as well how both laws sovereignly dominate their limits *and, consequently, the beyond of these limits*. Excluded from the human, the cursed malefactor remains subjected to that law – and thus, in his very exclusion, included within the law's field. Similarly, his exclusion from the religious power is not contradictory to the fact that he is entirely included in the realm of divine power.

Political power over people is sovereign insofar as it dominates its own limits and, thus, includes even the ones it excludes. It dominates the difference defining its realm, i.e. the difference between who is inside and who is outside – which in principle implies: between the living ones and the ones condemned to death. The space where power can decide sovereignly between who is to live and who is to die, is the genuine political space of sovereign power. It is a space marked by difference (inside/outside, life/death), but about which power decides indifferently, unbound by its own laws. And since it includes the excluded "outside", the space of sovereign power is virtually infinite. As is its power as well.

Did this kind of sovereign power not disappear since, historically, the sovereign rulers – dukes, counts, kings and emperors – were kicked out from the political scene? Is the legitimization of political power not transferred now to the people, and more exactly to the population's life? In other words, is bio-politically legitimized and organized power not freed from the inclusively exclusive logic characteristic for political power founded in sovereignty?

On the contrary, Agamben emphasises. Since modern politics is explicitly based in life, its power has to master life's boundaries and, thus, what is *beyond* those boundaries. The basic procedure underlying the political space it generates as well as its power, is still the "ban", i.e. the inclusive exclusion by which it creates and regulates limitlessly its own limits (HS: 28–29; 49–50). Like the Roman political space once created its space where it decided about its outside (i.e. about

the space of the *homo sacer*), modern politics creates a similar place: the camp. Concentration camps, camps for refugees, for illegal immigrant, for *sans-papiers*, for those suspected of terrorism, et cetera: there, the political power shows the paradigm of its rule, i.e. the state of exception, that allows it to sovereignly decide who is in and who is out. In a globalized world, supposing the boundaries between countries overcome by the universal human rights each “world citizen” possesses, the paradigm of political powers comes to light where people who only possess those “human rights” are enclosed behind the barbed wire of a camp being delivered to the mercy of sovereign decisions.

If modern biopolitics is still ruled by the logic of sovereignty, then, also ancient sovereign power always has been biopolitical. Agamben refers to Aristotle who, in order to define the life of the city (πολις, *polis*) distinguishes good life (εὖ ζῆν, *eu zèn*) from (mere, bare) life (ζῆν, *zèn*). Here already, at the very beginning of Western political history, bare life is excluded from – and, as excluded, included in – “bios” (βίος), the life as occurring in – and regulated by – the city (πολις, *polis*). “What is the relation between politics and life, if life presents itself as what is included by means of exclusion?” (HS: 7) This “bio-political” question par excellence secretly dominates the entire political thought of the West, without ever being put on the agenda in all clarity. Agamben’s larger *Homo Sacer* project is an attempt to rethink the political proceeding from that very question.

## 2. Language, ...

In the context of the quote just cited, Agamben’s *Homo Sacer* (the book) mentions a first time of the formal parallel between the logic of both politics and language. Commenting a passage from Aristotle’s *Politica*, Agamben writes:

It is not by chance, then, that a passage of the *Politics* situates the proper place of the *polis* in the transition from voice to language. [...] The question: “In what way does the living being have language?” corresponds exactly to the question ‘In what way does bare life dwell in the *polis*?’ The living being has *logos* by taking away and conserving its own voice in it, even as it dwells in the *polis* by letting its own bare life be excluded, as an exception, within it. [...] In the “politicization” of bare life – the metaphysical task *par excellence* – the humanity of living man is decided. In assuming this task, modernity does nothing other than declare its own faithfulness to the essential structure of the metaphysical tradition. The fundamental categorical pair of

Western politics is not that of friend / enemy, but that of bare life / political existence, *zoè* / *bios*, exclusion / inclusion. (HS: 7–8)

In order to become a citizen, man has to give up the singularity of his voice and to subject himself to the discourse of the city, to the “political” language, the “logos”. The “voice” as the “sign of pain and pleasure”, the voice speaking of a life’s singularity is supposed to be not compatible with the “logos”, i.e. with what is “manifesting the fitting and the unfitting and the just and the unjust”<sup>5</sup>. Only, and this is the crucial point in Agamben’s analysis, this non-compatibility is a declaration *done by the logos*, by the logic ruling the city/*polis*. The “logos” *excludes* the voice of non-political life and, in the same gesture, *includes* it in its realm. It is a way to declare the voice to be bare life, i.e. to be subjected to a sovereign power that, indifferently, decides whether it may live or must die. The difference laying at the base of politics is not the one between friend and enemy, a difference on the level of attitude, as Carl Schmitt’s central thesis claims<sup>6</sup>, but the difference between political and bare life, between *bios* and *zoè*, a difference which already operates on the level of speaking, of the “logos” people share with one another. So, already on the level of language (*logos*), the logic of sovereignty operating by the paradigm of *inclusive exclusion* is overpowering.

A few pages further, Agamben’s thesis on language sounds still more radical and provocative. Referring to Hegel’s theory of language in the *Phenomenology of the Spirit*, he writes:

150 We have seen that only the sovereign decision on the state of exception opens the space in which it is possible to trace borders between inside and outside and in which determinate rules can be assigned to determinate territories. In exactly the same way, only language as pure potentiality to signify, withdrawing itself from every concrete instance of speech, divides the linguistic from the non-linguistic and allows for the opening of areas of meaningful speech in which certain terms correspond to certain denotations. Language is the sovereign who, in a permanent state of exception, declares that there is nothing outside language and that language is always beyond itself. The particular structure of law has its foundation in this presuppositional

<sup>5</sup> Quotes from the passage Agamben cites from Aristotle’s *Politica* (1253 a 10–18) (HS: 7–8).

<sup>6</sup> Carl Schmitt *The Concept of the Political*, translated by George Schwab, foreword by Tracy B. Strong, commentary by Leo Strauss, (Chicago: Chicago University Press, 1996).

structure of human language. It expresses the bond of inclusive exclusion to which a thing is subject because of the fact of being in language, of being named. To speak is, in this sense, always to “speak the law”, *ius dicere*. (HS: 21)

The context reflects on the validity of legal norms, telling this cannot be traced back to their applicability in concrete cases. Norms need a legitimacy on their own, independent from all applicability and referring to a merely sovereign instance. Which they have. This is what decisions made in cases of exception make clear. Then, it becomes obvious that, on the most fundamental level, legal norms function by reference to the authority of a self-made sovereign law. Similarly, language cannot be traced back to its applicability in concrete situations. Words can only designate concrete things insofar they have a meaning on their own, independent from their designating function. In the last resort (which becomes obvious in states of exceptions), it is language that decides about the sense of things, not the things themselves. The things’ *bare* existence is first *excluded* from language and, in that very quality, at the same time *included* within language’s realm. The sense of things is only based in that “second” moment. This, indeed, shows language’s sovereign power, organising a never ending “state of exception” with regard to *bare* reality. “Language is the sovereign who, in a permanent state of exception, declares that there is nothing outside language and that language is always beyond itself.” So, that there is nothing outside of language is not a simple observation. It tells that language sovereignly decides about what is outside or inside. When Hegel states that “language [...] is the perfect element in which interiority is as external as exteriority is internal” (as quoted on p. 21), he does not describe the situation of language as it is, but of how it acts, of its activated capacity, i.e. of its power to decide whether something “is” or “is not”, whether something/someone is given life or not. Being subjected to language, all things are virtually its victims. To speak equals “to speak the law” and to be condemned by that law.

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In the fourth paragraph of Part 1, Agamben develops another reference to language. The passage is on Kafka’s famous short story “Before the Law” which, as he says, is an excellent illustration of the Law that, being explicitly not applied to any concrete case, shows the sovereign logic it is ruled by. For, precisely, the “man from the country” is not *in* the Law’s realm, he is outside. From that outside position he intends to enter it – an entrance which seems even facilitated by the open door leading to it, and by a guard who promises to do nothing if one

walks through that door. At the end of the story we learn that precisely this open door was the man of the country's personal obstacle that has kept him for ever excluded from the Law's domain. "The open door destined only for him includes him in excluding him and excludes him in including him", Agamben writes (HS: 50). In other words, Kafka's story reveals the logic of the "ban" underlying the relation between the Law and its subject. In an additional paragraph, Agamben continues:

In an analogous fashion, language also holds man in its ban insofar as man, as speaking being, has always already entered into language, without noticing it. Everything that is presupposed for there to be language (in its forms of something non-linguistic, something ineffable, etc.) 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. [...] As the pure form of relation, language (like the sovereign ban) always already presupposes itself in the figure of something nonrelational, and it is not possible either to enter into relation or to move out of relation with what belongs to the form of relation itself. This means not that the non-linguistic is inaccessible to man but simply that man can never reach it in the form of a nonrelational and ineffable presupposition, since the non-linguistic is only ever to be found in language itself. (HS: 50)

The previous quote said that the ground upon which language rests is language's own construction, its product or supposition excluding/including *bare* reality. This quote is even more provocative, telling explicitly that this logic goes also for the subject of language, for the one making use of it. Contrary to what we suppose, we do not precede the language we use in order to talk about ourselves. We are ourselves a supposition made by the sovereign language we use – or, more exactly, that makes use of us.

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It is not man who holds language in its ban, it is language that "holds man in its ban". Enabling us to relate to others and to ourselves, language operates in a logical form inclusively excluding us and, thus, reducing us to "bare life" about which can be decided indifferently, sovereignly. The mere logic of our speaking might reduce us to the possibility to become "bare life" living by the grace of language that decides sovereignly whether we are in or out its realm, in or out the life that lives thanks to language's sovereign grace. Relating to people (including himself) in and through language, man is subjected to that language as to an autonomously operating Relation, a kind of transcendental "relationality" to which



he cannot relate (in this sense, it is “nonrelational”), while it makes all his relations possible. To that “condition of possibility” man is subjected as to a Law – a Law that owes its ground, sense and meaning only to itself and whose logic is the one of sovereignty, so Agamben stresses. That Law is to be defined as “*Geltung ohne Bedeutung*”, “being in force without significance”, thus Agamben, quoting Gershem Scholem’s comment of Kafka’s short story (HS: 51):

Nothing better describes the ban that our age cannot master than Scholem’s formula for the status of law in Kafka’s novel. What, after all, is the structure of the sovereign ban if not that of a law that *is in force* but does not signify? Everywhere on earth men live today in the ban of a law and a tradition that are maintained solely as the “zero point” of their own content, and that include men within them in the form of a pure relation of abandonment. All societies and all cultures today (it does not matter whether they are democratic or totalitarian, conservative or progressive) have entered into a legitimation crisis in which law (we mean by this term the entire text of tradition in its regulative form, whether the Jewish Torah or the Islamic Shariah, Christian dogma or the profane *nomos*) is in force as the pure “Nothing of Revelation”. But this is precisely the structure of the sovereign relation, and the nihilism in which we are living is, from this perspective, nothing than the coming to light of this relation as such. (HS: 51)

So, man’s position vis-à-vis language is but an illustration of the one vis-à-vis the entire tradition and culture ruled by the logic of sovereignty. Although we think that, since modernity, it is up to us to decide about the sense of our tradition and culture, it is in fact still the other way round. And, what is more: if tradition and culture do decide about the sense of *our* existence, it is not because they rest on a more solid ground or have a firmer legitimation than we do. On the contrary, they are founded in “Nothing” and illustrate strikingly modernity’s nihilism. But still they hold man in their ban. Whatever the content of tradition and culture might be, they relate to man with the logic of sovereignty. Supposing himself to be a free subject having control over tradition and culture and using it for the benefit of his and others’ life (as is the case under biopolitical conditions), he is always already trapped in a logic that virtually reduces him to a victim subjected to the capriciousness of a sovereign power. Tradition, culture, politics, and even language as such might be groundless, they are still ruled by the logic of sovereignty, excluding man from their domain in order to include him in it *as excluded*, as *bare life*, as the one about whom, indifferently, any decision can be taken.

In spite of what modernity claims, we have not become free, independent and self-grounding subjects. On the contrary, the old theory of the subject is still highly valid. We are still first of all *subjected to* a law, and that law is ruled by the old logic of sovereignty, reducing us virtually all to a radically “de-subjectivised” “bare life”, to the life of a *homo sacer*, a life that can be killed but not sacrificed, a life delivered to the deadly grace of an indifferent, sovereign decision.

### 3. ... and representation in general

So far the theory of the subject Agamben criticizes in his *Homo sacer* and in many other of his books. The subject involved in Western thought is not the “free actor” as liberal democracy likes to believe. It is rather an “object” subjected to an independent, sovereign law reducing man to an included exclusion. Even his language puts him in that includedly excluded position. In Agamben, there is no mention of it, but in fact that theory of the subject is quite near to that other famous/infamous one elaborated by Jacques Lacan between the fifties and the seventies. Certainly when one takes into account the passages in *Homo Sacer* on language, the similarity is striking.

For Lacan the subject is to be defined as subject *of* – and, thus, *subjected to* – language. Put in psychoanalytical terms, this means that, unable to obtain pleasure directly from the real, the libidinal *infans* has to get it from the others with whom it identifies. In order to get an identity, the child more precisely identifies with the “one” the others talk about. It supposes itself to be the subject of their talk. Initially the *infans* understands not one of the signifiers they utter, but even then it knows itself to be the “signified” of those signifiers. This lays the foundation for the “subject” it will remain during its entire life. In a first time, the *infans* supposes itself to be the full meaning of the incomprehensible signifiers uttered by the others (this is the ground for the imaginary Ego). In a second time, it holds itself exclusively to signifiers, which keeps him infinitely referring to other signifiers, thus becoming the subject – bearer, support, in Greek “*hypokeimenon*”, in Latin “*subjectum*” – of a desire. It becomes the subject of a never ending longing for full identity or complete satisfaction.

So, according to Lacan too, language “holds man in its ban insofar as man, as speaking being, has always already entered into language, without noticing it”. This quote from Agamben expresses strikingly the core of the Lacanian theory of

the subject. Forced to be what underlies his desire, the subject is entirely relying on language, on signifiers. Or, as Lacan puts it, the subject is “what a signifier represents to another signifier”.<sup>7</sup> This means that the libidinal being – as *bare life* – is by definition excluded from the order that represents (and *solely* represents) it. The only life it is given is one within the realm *representing* that life (and, thus, excluding life “as such”, “bare life”). The (symbolic) realm in which the libidinal being has to realise itself as a self or an identity, excludes that being, and, by implication, includes it. The “bare” or “real” side of that being is for ever “castrated” from the order in which it lives its life as mere representation. This is what the Lacanian notion of “symbolic castration” is about. And it matches perfectly with the theory of the subject Agamben discovers in the entire tradition of western thought.

Only, for Agamben this theory of the subject illustrates the *evil* logic at work in western politics and in thought in general. If, also for Lacan, this logic is not necessarily the logic of the good, it is however definitely not the one of evil. It is a *tragic* logic defining things as they are; defining what, in things, cannot be changed. If change is needed, it will occur within the boundaries drawn by that tragic logic. It is within the logic of inclusive exclusion that we have to work on justice for today’s biopolitics. The universe in which modernity operates is one of “*Geltung ohne Bedeutung*”, “being in force without significance”: a nihilistic universe lacking any real ground and entirely replaced by representation, i.e. by an independent realm of signifiers which, as such, have no meaning and, therefore, in full sovereignty can allow any meaning. Unlike Lacan, Agamben considers this paradigmatic way of dealing with the world as the source of a profound evil. The analysis *he* makes of it aims at a radically different thought and politics. In his eyes, the logic of representation is a logic of sovereignty and, for that reason, not simply tragic but evil – which is why it has to be demolished and replaced by a better one. Agamben’s paradigmatic enquiry is a contribution to that.

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Here, I think, we face the main target of Agamben’s criticism: the logic of representation. As soon as something is presented *as* something, “*as such*” for in-

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<sup>7</sup> Lacan’s definition of the signifier in seminar IX is in fact a concealed definition of the signifier: “the signifier is what represents the subject to another signifier”. Jacques Lacan, *Seminar IX, L’identification, 1961–62*, the lesson of 6 december 1961, unpublished.

stance, it is involved in a logic of representation and of difference, introducing an incurable split in the thing itself. Intending to grasp the thing as such, one splits off the bare thing, thus creating a zone over which a sovereign decision can be taken. Representing things *as* (whatever) they are is impossible without splitting off a rest, and installing a zone of sovereign power. At the end of *Homo Sacer*, in the last “Threshold”, Agamben writes:

In the syntagm “bare life” bare corresponds to the Greek *haplōs*, the term by which first philosophy defines pure Being. The isolation of the sphere of pure being, which constitutes the fundamental activity of Western metaphysics, is not without analogies with the isolation of bare life in the realm of Western politics. What constitutes man as a thinking animal has its exact counterpart in what constitutes him as political animal. In the first case, the problem is to isolate Being (*on haplōs*) from the many meanings of the term “Being” (which according to Aristotle, “is said in many ways”); in the second, what is at stake is the separation of bare life from the many forms of concrete life. Pure Being, bare life – what is contained in these two concepts, such that both the metaphysics and the politics of the West find their foundation and sense in them and in them alone? What is the link between the two constitutive processes by which metaphysics and politics seem, in isolating their proper element, simultaneously to run up against an unthinkable limit? For bare life is certainly as indeterminate and impenetrable as *haplōs* Being, and one could say that reason cannot think bare life except as it thinks pure Being, in stupor and in astonishment. (HS: 182)

What is supposed to be Being as Being, Being *as such*, is in fact the result of a decision about Being’s borderline, about its “unthinkable limit”. Unthinkable, indeed, because there, without ground or reason, without argument, is decided about what is inside and what is outside Being, about what is and what is not. The outside and the non-existence are excluded and, as excluded, show that Being has power over the whole of what is, including even what is not, even Being’s outside. As is the case in politics, excluding the *homo sacer*, sovereignty reveals its power to include everyone, even the excluded. Thinking of Being as Being, and thinking of the polis as polis (as being sovereignly itself) – or, which amounts to the same thing, ontology and politics – suppose both a decision about an “unthinkable limit” excluding what is beyond that limit and, by so doing, definitely including it. This is to say that ontological thinking, in a way, supposes a *political* decision, a decision as lays at the basis of the typically political logic of sovereignty, a decision supposing an indeterminate zone where

the difference between inside and outside or life and death, only depends on the sovereign capriciousness of power.

#### 4. Vitalist Ontology

So, is pure ontology – ontology kept unspoiled from any politics – not the remedy against the ruses of the logic of sovereignty? To find a way out of the impasses of that logic, should we not strictly separate political thinking from general ontological thought? To avoid the dangerous indeterminateness of representationalist concepts, in case “bare life” and “Being”, should we not remove the political from the ontological? In the paragraph following the one cited above, Agamben suggests the opposite:

Yet precisely these two empty and indeterminate concepts seem to safeguard the keys to the historico-political destiny of the West. And it may be that only if we are able to decipher the political meaning of pure Being will we be able to master the bare life that expresses our subjection to political power, just as it may be, inversely, that only if we understand the theoretical implications of bare life will we be able to solve the enigma of ontology. Brought to the limit of pure Being, metaphysics (thought) passes into politics (into reality), just as on the threshold of bare life, politics steps beyond itself into theory. (HS: 182)

We need ontology to understand what is going on in politics, just as inquiries in the political are indispensable to “solve the enigma of ontology”. For Agamben, the opposition to be made is not the one between ontological and political thought, but between representationalist and ontological thinking. To avoid the traps of representationalist thinking, to avoid thinking based on the inclusive exclusion of “bare life” and/or pure Being, we need an affirmative thought about bare life and being. We need ontology. A vitalist ontology.

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For in being, conceived as life, and even in “bare life”, there is potentiality of resistance, able to make the sovereign look a fool. A few pages further in the last “Threshold” of *Homo Sacer*, Agamben gives a description of the “*Muselman*”, the one in the Nazi concentration camps who illustrates the situation of bare life in the most extreme way. Radically excluded, his bare life still has the capacity to shock the executioner:

Antelme tells us that the camp habitant was no longer capable of distinguishing between pangs of cold and the ferocity of the SS. If we apply this statement to the *Muselmann* quite literally (“the cold, SS”), then we can say that he moves in an absolute indistinction of fact and law, of life and juridical rule, and of nature and politics. Because of this, the guard seems suddenly powerless before him, as if struck by the thought that the *Muselmann*’s behavior – which does not register any difference between an order and the cold – might perhaps be a silent form of resistance. Here a law that seeks to transform itself entirely into life finds itself confronted with a life that is absolutely indistinguishable from law, and it is precisely this indiscernibility that threatens the *lex animata* of the camp. (HS: 185)

The acme of biopolitics is the nazi’s supposition that, by exterminating the Jews, the gypsies, and other “racial” minorities, they were simply assisting the work of Nature. The only law they imposed on those people, so they believed, was the law of natural life, a law as animated by and coinciding with life itself (which is the meaning of *lex animate*, see HS: 183). But that “life itself” meets “itself” in the bare life, in the life excluded from it, in a life that, be it in its own way, is beyond the distinction between law and life, in this case, between order and cold, SS and nature. In the bare life of the *Muselmann*, the executioner might suddenly see what the “full life” he is promoting is about. The victim’s bare life has the potential to finally mirror the life served by the executioner *in a true way*. The lack of distinction between the cold and the SS might show the latter his own lack of distinction (between fact and law). It might show him the zone of indifference created by the sovereign logic of his power. The bare life is able to mirror the sovereign and tell him the truth of his own position, the logic of inclusive exclusion he himself is virtually victim of as well.

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Life, even bare life, can serve as a weapon against sovereign politics. Ontology has the potential to resist representationalist logic and its catastrophes. As numerous are the passages in Agamben where he announces ontological thought to provide the alternative to the logic of sovereignty, as rare are the ones where he extensively elaborates that idea. He once *will* do this, so he promises, in the Part IV of the *Homo Sacer Project*, the “pars construens” in contrast to the “pars destruens”, i.e. the other deconstructing parts elaborating his criticism of sovereign logic.<sup>8</sup> Some of

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<sup>8</sup> Lieven De Caeter quotes from an e-mail Agamben wrote him on November 4, 2003 and in which, talking about the entire *Homo sacer* project, he states that “the final and fourth section

the announcing passages, however, give us already a first insight in the framework of the ontological alternative he proposes.

So does “Forma-di-vita”, “Form-of-life”, a short essay from 1993 that announces a lot of themes elaborated in *Homo Sacer* published two years later.<sup>9</sup> In a way, all is already in the title, both the evil and its solution. The basic “mistake” in Western thought, the logical source of its disastrous (bio)politics, lays in the fact that life has given a form. Just like he does in the introduction of *Homo Sacer*, here, Agamben refers to the distinction Aristotle makes between ζοή (zoè) and βίος (bios). Zoè, natural life has been given a political form, bios. As we know already, the logic of this form-giving is ruled by an inclusive exclusion procedure giving room to a sovereign domination on the difference zoè/bios, i.e. to a power of deciding indifferently on life and death.

And what is the alternative for that disastrous form of life? “Form-of-life”, i.e. a hyphenated “forma-di-vita”. The remedy is a matter of hyphen, so to say.<sup>10</sup> On the first page of his essay, after a short evocation of the zoè/bios distinction, Agamben writes:

By the term *form-of-life* [...], I mean a life that can never be separated from its form, a life in which it is never possible to isolate something such as naked life. [...] It defines a life – human life – in which the single ways, acts and processes of living are never simply *facts* but always and above all *possibilities* of life, always and above all power [*potenza*]<sup>11</sup>. Each behavior and each form of human living is never prescribed by a spe-

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will contain the *pars construens* of the work, on form of life”; Lieven De Cauter, *De capsulaire beschaving. Over de stad in het tijdperk van de angst* (Rotterdam: NAI Uitgevers, 2005), p. 177, note 4.

<sup>9</sup> Giorgio Agamben, *Means without End: Notes on Politics*, translated by Vincenzo Binetti and Cesare Casarino (Mineapolis & London: University of Minneapolis Press, 2000 [abbreviation MWE]), pp. 3–12. In *La règne et la gloire*, Agamben he explicitly calls “la quatrième partie de la recherche [*Homo sacer*] consacrée à la forme de vie »; Giorgio Agamben, *Le règne et la gloire – Homo sacer, II, 2* (Paris: Seuil, 2008), p. 14.

<sup>10</sup> Agamben himself pays explicitly attention to the hyphen (“le plus énigmatique des signe de punctuation dans la mesure où il n’unit que parce qu’il disingue, et vice versa”) in his essay on Deleuze. Giorgio Agamben, “L’immanence absolue”, in: Eric Alliez (éd.), *Gilles Deleuze. Une vie philosophique* (Le Plessis-Robinson: Institut Synthélabo, 1998), p. 167.

<sup>11</sup> “Potenza” (in French “puissance”, in German “Vermögen”) is to be distinguished from “potere” (in French “pouvoir”, in German “Macht”). “Potenza” is the term for the vital potency of life force, “potere” is rather reserved for institutionalised power.

cific biological vocation, or is it assigned by whatever necessity; instead, no matter how customary, repeated, and socially compulsory, it always retains the character of a possibility; it always puts at stake living itself. (MWE: 4)

Form-of-life is not a form given to life *from the outside*, referring to a kind of transcendental “model” or “representation”, imposing itself to the living thing as a Law. It is not a form as the result of a “force of law”, of a “non-relational” Relation that precedes life and mediates its forms (as mentioned above a quote from HS: 50). Form-of-life, hyphenated, is a form *inherent* to life itself, a “form” not to be considered as a passive model, but as an active forming potency (*potenza*). A form as infinite capacity to formation; a form not to be limited to what life biologically needs, but to be considered as life’s infinite possibility to change, to modify life and to create new life. Life, never as a given fact, but always as a vital and inexhaustible possibility, as a possibility of ever new possibilities, or, in the words of Agamben here, as what always “puts at stake living itself”.

The Aristotelian difference between ζην (*zèn*, natural life) and εὐ ζην (*eu zèn*, good, happy life, typical for human beings) is to be read in that sense. Which is to say that the same vital creativity characterizes not only the human individual, but also the human community and the political in general. Or, as Agamben writes in the lines directly following the quote above:

This is why human beings – as beings of power [*potenza*] who can do or not do, succeed or fail, lose themselves or find themselves – are the only beings for whom happiness is always at stake in their living, the only beings whose life is irremediably and painfully assigned to happiness. But this immediately constitutes the form-of-life as political life. (MWE: 4)

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The difference involved here is not the one between life and form, but the difference at work within life itself, provoking incessantly new forms-of-life. That difference, that active form-of-life, cannot be traced back by classical – i.e. representationalist – thinking. Contrary to what representationalist logic pretends, thought is not a matter of abstracting forms from life in order to use them for other representations of life. Agamben coins a new definition of thinking:

I call *thought* the nexus that constitutes the forms of life in an inseparable context as form-of-life. [...] To think does not mean merely to be affected by this or that thing, by



this or that content of enacted thought, but rather at once to be affected by one's own receptiveness and experience in each and every thing that is thought as a pure power [*potenza*] of thinking. [...] Only if I am not always already and solely enacted, but rather delivered to a possibility and a power [*potenza*], only if living and intending and apprehending themselves are at stake each time in what I live and intend and apprehend – only if, in other words, there is thought – only then can a form of life become, in its own factness and thingness, *form-of-life*, in which it is never possible to isolate something like naked life. (MWE: 9)

The act of thinking is, first, to be defined as being affected by the “*potenza*” of the thing thought about, and, secondly, as being affected by the inner “*potenza*” of my receptivity. Even my passive reception is active, has “*potenza*” going beyond what is actualized of it in my particular reception. Agamben uses Aristotle's terms to stress the primacy of thought's potentiality over what it actually thinks – or, what amounts to the same thing, the primacy of the potentiality of experience over what actually is experienced. Fully actualized, thinking always has potency in “rest”, in reserve. And it is the same kind of rest or reserve that reshapes again and again the form a living being has. It is in that sense that thinking has access to the form-of-life (hyphenated), and that “*thought* [is] the nexus that constitutes the forms of life in an inseparable context as form-of-life”. In that sense, too, “community and power [*potenza*] identify one with the other” (MWE: 10).<sup>12</sup>

In Agamben's reflection on the logic of sovereignty and its alternative, a broader debate in current continental philosophy is involved, a debate about whether or not we can/must get beyond the paradigm of representation. On the one hand, there are those who strictly hold on the Kantian caesura, saying that any ontologically based thought – a thought based in Being or reality as such – has become impossible and that we have to stick to representations. 20<sup>th</sup> century linguistic turn in continental philosophy, structuralism, post-structuralism, deconstruction and other discourse theories have made this line very strong (Lévi-Strauss, Foucault, Barth, Derrida). On the other hand, there is an opposite and just as strong line gathering philosophers like Deleuze, Guattari, Hardt and Negri who, following the line of Leibniz and Bergson, take up the ontological and vi-

<sup>12</sup> “Among beings who would always already be enacted, who would always already be this or that thing, this or that identity, and who would have entirely exhausted their power [*potenza*] in these things and identities – among such beings there could not be any community but only coincidences and factual partitions.” (MWE: 10)

talistic thought. Like the ones from the first line, they too emphasise difference, but for them, that difference is an *ontological* one, a difference inherent to being, to reality as such. Reality is difference and multiplicity and, here, the word “is” should be taken in its full ontological sense.

In the critical part of his oeuvre, Agamben embraces the tools of that representationalist tradition, using them to analyse the hidden logic behind Western thought. That kind of criticism is characteristic for that tradition, aware as it is of the dangerous ruses inherent to representationalist logic. Only, their criticism is not based upon the supposition that a radically different logical paradigm is possible. The alternatives they propose still accept the representationalist paradigms.

On this point Agamben quits the line of representationalist thought and puts forward the other, ontological line. For, in his eyes, only a proper ontological thought can deliver us from the evils caused by representationalist logic. This is why “life”, in its quality of being the foundation of politics and thought, is not only the object of criticism, that what is criticized. It is at the same time a positive concept that, at distance, is guiding all critical analyses. The way the West always has founded politics in *life* is wrong, but the right foundation of the politics to come will do the same, be it on the right way. Life, and nothing else than life, once might save us from the “bare life” the ruling logic of sovereignty can reduce that life to.

## 5. Barely speaking, ...

So, is “life” a concept capable of giving us hope in the age that has made – and still makes – camps as Auschwitz possible? Is there hope after Auschwitz? Was there hope in Auschwitz? If for Agamben, there is and there was, then, it is because of a “rest of Auschwitz”. Not only a “rest” *left after* Auschwitz, but first of all a “rest” *present in* Auschwitz. What is that “rest”? It is what Auschwitz is full of, although there was barely one to recognize it for what it was. So, what is that “rest”? “Bare life”, the life the *Muselmänner* lived, the life of the “undead”, deprived of all that makes them human, a life that has changed living in merely surviving, in vegetal, low profiled bare biological life, a life radically reduced to its sheer “*élan vital*”.<sup>13</sup> At the end of chapter 4 in *Remnants of Auschwitz*, after

<sup>13</sup> In his essay on Deleuze, Agamben refers to a quote of Deleuze from Charles Dicken’s *Our a*

mentioning a few examples of metaphorical use of “survive”, he defines the term as “the pure and simple continuation of bare life with respect to truer and more human life” (RA: 133). Which fits with what, in an earlier passage, quoting Des Pres<sup>14</sup>, he had defined as the

small, additional, added-on life for which he [the survivor] is ready to pay the highest price [and which] reveals itself in the end to be nothing other than the biological life as such, impenetrable “priority of the biological element”. (RA: 92–93)

And how can such an “additional”, merely “surviving” life be a factor of resistance in Auschwitz? Not only as a possible mirror, in which the SS perpetrator might have the opportunity to see a life not sovereignly dominated by Law, a life where Law and life are indistinguishable. Remember the quote above, from *Homo Sacer*, about the *Muselmann*:

Here a law that seeks to transform itself entirely into life finds itself confronted with a life that is absolutely indistinguishable from law, and it is precisely this indiscernibility that threatens the *lex animata* of the camp. (HS: 185)

Needless to say that not much effect is to be expected from this vital “rest of Auschwitz”, since it depends completely upon the willingness of the SS.

Yet, this “rest”, this “bare life” surviving in the death camps, has still another force of resistance. It can bear witness. A “rest” of life survives already in Auschwitz and, therefore, can survive in the testimony of the survivors. Thus the basic line of

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*Mutual Friend*, more precisely the story in which Riderhood nearly drowns. “At the last minute, a scoundrel, a bad subject despised by all, is saved as he is dying, and at once all the people taking care of him show a kind of attention, respect, love for the dying man’s smallest signs of life. Everyone tries to save him, to the point that in the deepest moment of his coma, the villainous man feels that something sweet is reaching him. But the more he comes back to life, the more his saviours become cold, and rediscover his coarseness, his meanness. Between his life and his death there is a moment that is nothing other than that of a life playing with death. The life of the individual gives way to an impersonal yet singular life, a life that gives rise to a pure event, freed from the accidents of internal and external life, that is, of the subjectivity and objectivity of what happens. ‘Homo tantum’, for whom everyone feels and who attains a kind of beatitude.” Deleuze quoted in Agamben, *Potentialities – Collected Essays in Philosophy*, translated by Daniel Heller-Roazen (Stanford: Stanford University Press, 1999), pp. 228–229).

<sup>14</sup> Terence Des Pres, *The Survivor, An Anatomy of Life in the Death Camps* (New York: WSP, 1976).

Agamben's theory of the witness, a theory that supplies some insight in Agamben's own ontological theory of the subject.

For Agamben, the problem of bearing witness is indeed particularly intertwined with the one of the subject, to such an extent that it even shapes his definition of the subject. Giving witness, so he writes in the third chapter of *Remnants of Auschwitz* entitled "Shame, or about the subject", is to be conceived as having always two "subjects" involved: the *Muselmann* and the witness. "Testimony", Agamben writes, is

the impossible dialectic between the survivor and the *Muselmann*, the pseudo-witness and the "complete witness", the human and the non-human. Testimony appears here as a process that involves at least two subjects: the first, the survivor, who can speak but who has nothing interesting to say; and the second, who "has seen the Gorgone," who "has touched bottom", and therefore has much to say but cannot speak. Which of the two bears witness? *Who is the subject of testimony?* (RA: 120; Agamben underlines)

"What is the subject of giving witness?" The question is not rhetorical. For the answer is neither the one Agamben, referring to Primo Levi, promotes as the "complete witness", the *Muselmann*, nor the one actually giving witness, the survivor. The subject is not to be defined as a human being at all. If it often seems so, then it is because that human being "by accident" occupies the place of the subject and plays its part.

As many 20<sup>th</sup> century linguists and philosophers, Agamben conceives the subject as the effect of that which it is *subjected to*, the effect of that *of which* it is the subject/bearer. It is the point or platform that, paradoxically, is the product of what occurs on that platform. This is so striking in the most provocative subject theories: like in the story of Baron Munchausen, who, on his horse and sinking in the marshes<sup>15</sup>, draws himself out of the water by pulling (not even his hair but) his wig, the subject bears the whole process although being entirely the effect of that very process.

This is why the subject is never what, since Descartes, it is commonly supposed to be: the self-presence of a *cogito*, a firm ground able to doubt about the entire

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<sup>15</sup> See Marc De Kesel, *The Munchausen Syndrome: Essays on/in Lacanian Theorie*, to appear.

universe but doubtlessly sure about itself. A confrontation with the supposed Cartesian subject will end up facing desubjectivation. So, desubjectivation is an essential part of many current subject theories, including Agamben's. For the latter, "subject" is what occurs between two poles: the supposed Cartesian firm subject and the vanishing point of mere desubjectivation. The subject is *in between*, in between identity and non-identity, or, as Agamben puts here, in between "the human and the non-human". Not as a point, but as process, as a fluctuating power going back and forth between one pole and the other. And does that process come down in a subject *of consciousness*? Desubjectivation as such cannot be appropriated by consciousness. Yet, it can be the object of a testimony, that what a witness is about. And, more precisely, in that case it is its "subject": that which witnesses in a testimony is in the end the desubjectivation pole, the non-identity, the "non-human".

But this means that the one who truly bears witness in the human is the non-human. It means that the human is nothing other than the agent of the non-human, the one who lends the inhuman a voice. Or, that there is no one who claims the title "witness" by right. To speak, to bear witness, is thus to enter into a vertiginous movement in which something sinks to the bottom, wholly desubjectified and silenced, and something subjectified speaks without truly having anything to say of its own [...]. Testimony takes place where the speechless one makes the speaking one speak, and where the one who speaks bears the impossibility of speaking in his own speech, such that the silent and speaking, the inhuman and the human enter in a zone of indistinction in which it is impossible to establish the position of the subject, to identify the "imagined substance" of the "I", and, along with it, the true witness. This can be expressed by saying that the *subject of testimony is the one who bears witness of the desubjectification*. But this expression holds if it is not forgotten that "to bear witness to a desubjectification" can only mean that there is no subject of testimony [...] and that every testimony is a field of forces incessantly traversed by currents of subjectification and desubjectification. (RA: 120–121; Agamben underlines)

Giving witness of desubjectivation: this is what defines a subject. Which is to say that there is no subject "in the proper sense", in the sense of "property", of fixed identity. The subject of the witness is in the end its object, its impossible, ineffable object, speaking through the voice of the survivor who constantly gets "de-centred" by what he has to say, oscillating incessantly between the two poles of the process of which he is the bearer/subject.

## 6. ... and its vitalist subject

In the following pages of *Remnants of Auschwitz*, Agamben seeks for a theoretical background to support his theory of the subject. The one he mentions first is by Émile Benveniste, claiming that “the foundation of subjectivity is in the practice of language” (cited in RA: 128).<sup>16</sup> Only by speaking, the infans becomes a “human” subject. Subjectivity and conscience “rest in what is most precarious and fragile in the world: the event of speech” (RA: 129). Which is to say that it has to retake – and even re-invent – itself in every speaking act that sets in act language by getting lost in it.

There is more: the living being who has made himself absolutely present to himself in the act of enunciation, in saying “I”, pushes his own lived experience back into a limitless past and can no longer coincide with them. The event of language in the pure presence of discourse irreparably divides the self-presence of sensations and experiences in the very moment in which it refers them to a unitary center. Whoever enjoys the particular presence achieved in the intimate consciousness of the enunciating voice forever loses the pristine adhesion to the Open that Rilke discerned in the gaze of the animal; he must now return his eyes inward towards the non-place of language. This is why subjectification, the production of consciousness in the event of discourse, is often a trauma of which human beings are not easily cured; this is why the fragile text of consciousness incessantly crumbles and erases itself, bringing to light the disjunction on which it is erected: the constitutive desubjectification in every subjectification. (RA: 122–123)

If, here, Agamben supposes “the living being” to be able “to be present to himself”, (but on what ground, and how to conceive that presence to itself without consciousness?), he immediately adds that, in an *absolute* way (which means here: in a way that allows to say “I”), he is only so once he is excluded from that which makes presence-to-oneself possible at all, i.e. discourse, language. Presence to itself, identity, subjectivity is only possible by excluding the animal side – sensations, bare living, bare live – and, in the same gesture, including it in the

<sup>16</sup> “le langage enseigne la définition de l’homme. [...] C’est dans et par le langage que l’homme se constitue comme *sujet* ; parce que le langage seul fonde en réalité, dans sa réalité que est celle de l’être, le concept d’ ‘ego’ ”. Émile Benveniste, *Problèmes de linguistique générale* (Paris: Gallimard, 1966), p. 259. Agamben refers to chapter XXI entitled: “De la subjectivité dans le langage” (pp. 258–266).

order of discourse and language. It is the *tragic* condition (it “is often a trauma”) characterizing human being, he concludes, repeating that desubjectification is a constitutive part of each subjectification and of the subject as such.

Although not mentioned by name, the logic here is definitely the one of inclusive exclusion, defined in *Homo Sacer I* as the logic of sovereignty. However, whereas in *Homo sacer* that logic is described as source of Western biopolitical evil, in *Remnants of Auschwitz* it is characterized as tragic and “constitutive”. Desubjectification proper to any subject simply phrases the human condition.

Once again, we are extremely close to that other theory of the subject I mentioned earlier. What else is Lacan’s subject theory about? The Lacanian subject is entirely the subject of language, excluding the real (i.e. any kind of “immediate”, “bare” life) and therefore being totally integrated and included in the autonomously operating signifying system. The subject’s consciousness, i.e. its “absolute” presence to itself, is only possible under the condition of absolute alienation in language. In Lacan, the subject is not a fixed point either: on language’s surface – on the flow of signifiers – it slides back and forth between two similar points as in Agamben: between the ego and the Other.<sup>17</sup> In pursuit of its real self, the subject will find this only in its non-appropriable desubjectivation, i.e. as constitutively alienated in the Other. All this shows the tragic condition we humans are in. And what is more: here, the logic of inclusive exclusion – read: of sovereignty – is one of representation. Mourning for the *real* – for *bare life* – does not invite the real’s rehabilitation, but simply expresses the condition in which we have to deal with it, i.e. as representation. In other words, the logic in which Agamben operates here is the representationalist one he rejects.

So, it might be not a mere coincidence when Agamben, using the logic of inclusive exclusion to characterize the subject, explicitly does *not* mention it. If he had done so, his conclusion could only have been that the logic of sovereignty is the logic of the subject *tout court* and, thus, that representationalist logic remains the one and only with which we have to handle the problems inherent to the universal bio-politics we are in. Arrived at that point in his argumentation,

<sup>17</sup> Or more exactly, in Lacan, these points have been doubled and form the four points of the *Grappe of desire* (elaborated in the 5<sup>th</sup> [*Les formations de l’inconscient*, 1957/8] and 6<sup>th</sup> seminar [*Le désir et son interprétation*, 1958/9], and summarised in “La subversion du sujet”, in J. Lacan [1966], *Écrits*, pp. 793–827).

he briefly and between brackets refers to Derrida, adds his comment on the tragic condition, and closes the paragraph.

(It is hardly astonishing that it was precisely from an analysis of the pronoun “I” in Husserl that Derrida was able to draw his idea an infinite deferral [*différance*]<sup>18</sup>, an originary disjunction – writing – inscribed in the pure self-presence of consciousness.)  
[RA: 123]

Again, one can ask whether the reference to Derrida is not brief and between brackets precisely because the logic used there is representationalist. In a Derridian perspective, there is no real alternative for the representationalist logic. “There is no outside of the text” is an injunction not to get beyond the text, to endlessly deconstruct that text *from within*.<sup>19</sup> This is definitely not Agamben’s option. In the next paragraph, he comes up with his real theory, which in a way is the theory of the real – the real subject as well as real life.

His reference now is Ludwig Binswanger’s essay “The Vital Function and the internal history of life” (1928), allowing him to leave the logic of inclusive exclusion and, thus, the one of representation. In that essay, Binswanger replaces the old dichotomy “psychic” versus “somatic” by “functional modality of the psycho-somatic organism” versus “the internal history of life”, the former functioning while sleeping and dreaming, the latter while being awake. The subject will not be conceived as excluded from that “life”, but rather as what emerges in between the two functions, the vital one and the “historical” one, i.e. the one of language.

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Where, and how, can a subject be introduced into the biological flow? Is it possible to say that at the point in which the speaker, saying “I”, is produced as subject, there is something like a coincidence between these two series, in which the speaking subject can truly assume his biological functions as his own, in which the living being can identify himself with the speaking and thinking “I”? In the cyclical development of bodily processes as in the series of consciousness’ intentional acts, nothing seems to consent to such a coincidence. Indeed, “I” signifies precisely the irreducible disjunction between vital functions and inner history, between the living being’s be-

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<sup>19</sup> “Il n’y pas de hors-texte”, see: Derrida, *Of Grammatology*, translated by Gayatri Chakravorty Spivak (Baltimore: John Hopkins University Press, 1976), p. 158.



coming a speaking being, and the speaking being's sensation of itself as living. It is certainly true that the two series flow alongside one another, in what one could call absolute intimacy. But is *intimacy* not the name that we give to a proximity that also remains distant, to a proximity that never becomes identity? (RA: 124–125)

Is the subject simply an element in the “biological flux”? Not at all. If not excluded, it is at least separated from it. Or, more exactly is it not the subject that is separated from the “biological flux”; it is the history and the language making the subject possible. And is, then, the subject to be defined as the point where the biological and the “historical”, the vital and the discursive join one another? Not exactly. It is the place where the two series get separated. The subject is that separation and the “intimacy” of the two series in that separating zone.

The logic here is not without reminiscence to the “logic of the sense” Gilles Deleuze develops in his 1969 book of the same name.<sup>20</sup> It is a logic of “difference and repetition” taking place upon – and, more exactly, in between – “series”. Coupled series: a corporeal and an incorporeal one, “bodily processes” and “consciousness’ intentional acts”, living and speaking, life and language. These series are disconnected from one another and, precisely by means of that disconnection, in relation with one another. And, so Agamben states, the subject is in between, as a fluctuating process at the same time separating and combining the two series. Or, more exactly, the subject is the witness, the testimony of that disconnection.

If there is no articulation between the living being and language, if the “I” stands suspended in this disjunction, there can be testimony. The intimacy that betrays our non-coincidence with ourselves, is the place of testimony. Testimony takes place in the non-place of articulation. (RA: 130)

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In the same way, the witness of Auschwitz keeps “living” and “surviving”, i.e. human life and its vegetally surviving “rest”, separated from one another.

The witness attests to the fact that there can be testimony because there is an inseparable division and non-coincidence between the inhuman and the human, the living

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<sup>20</sup> Gilles Deleuze, *Logique du sens* (Paris: Les éditions de Minuit, 1969). See especially the “series” on language” (pp. 212–215).

being and the speaking being, the *Muselmann* and the survivor. [...] its authority depends not on the factual truth, a conformity between something said and a fact or between memory and what happened, but rather on the immemorial relation between the unsayable and the sayable, between the outside and the inside of language. *The authority to speak consists in his capacity to speak solely in the name of an incapacity to speak – i.e. in his or her being a subject.* (RA: 157–158; Agamben underlines)

The witness – not the one bearing witness, but the witness as such – speaks in the name of an incapacity to speak. This is why it defines the subject, which always is the subject of an desubjectification, of a process between the one who speaks but has nothing to say, and the mute who is the only who has something to say. On the one side the *Muselmann*, the non-human, the de-humanised and desubjectified one; on the other side the human, the survivor, the one who has regained his humanity, his subjectivity. Only the latter can speak, and what he gives voice to is the silenced *Muselmann*. The survivor gives “ground” or “subject” to the radically desubjectified. In his testimony he has to affirm that, being *in a sense* the subject/bearer of that witness, in *another, more real sense*, that subject/bearer is somewhere else, in the desubjectified *Muselmann*, and, thus, in his own desubjectivation.

And on what ground such testimony and its subject are possible? Agamben’s ultimate answer, here, is life. What enables a testimony is the fact that, in Auschwitz, the *Muselmann* “survived”, not in the human, but in the non-human sense: reduced to bare life, he lived the vegetal life of sheer surviving, the vital “zero degree” that rests when someone’s life is completely deprived from its human dimension. Life’s vitality, even in the most deadly situation, the creative difference that incessantly separates life from the form it has taken and stimulates it again and again to new forms-of-life (hyphenated): this is what enables the witness to let the non-human (the *Muselmann*) speak in his testimony. This is what enables the “barely speaking” of the witness, i.e. a speaking giving voice to mute bare life. It is the foundation of Agamben’s testimony and subject theory, and of the entire “positive” side of his thought.

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However, is this an adequate alternative for the evil logic analysed in the “negative”, critical part of his oeuvre? Is Agamben’s vitalistic ontology delivered from and immune to the grammar of inclusive exclusion, characteristic for the logic of sovereignty? Does the witness avoid that trap? Let us once again, with the wit-

ness, enter “into a vertiginous movement” that makes him speak what the speechless has to say, as tells one of the passages cited above:

Testimony takes place where the speechless one makes the speaking one speak, and where the one who speaks bears the impossibility of speaking in his own speech, such that the silent and speaking, the inhuman and the human enter in a zone of indistinction in which it is impossible to establish the position of the subject, to identify the “imagined substance” of the “I”, and, along with it, the true witness. (RA: 120–121)

Given that it is true that, in the testimonial “place”, there is no “‘imagined substance’ of the ‘I’”, does this necessarily imply that the logic of inclusive exclusion is absent there? Present any way is the “zone of indistinction”, the proper domain of the logic of sovereignty. And does that “zone” not invite, or maybe even require a sovereign decision? Of course, the speaker’s speaking tells what the speechless has to say and his witness does not reduce the victim to bear life. But is he not in the position he could have done this? Could he not have *preferred not* to bear witness and to let the *Muselmann*’s bare life bare and mute? Is, according to Agamben, the speaker’s “potentiality not to” not essential in his potentiality to witness, just like the “potentiality not to” is precisely the one that makes “what rests of Auschwitz” – the non-life of the *Muselmann* – a “surviving” one? And so, does the situation in which “the speechless one makes the speaking one speak” not suppose a decision of the speaker allowing the speechless to make him speak, a decision that cannot but be sovereign, since the place in which it is taken is a “zone of indistinction”? And of course, in this case, the speaker takes the decision not to be the sovereign, not to play the game of the “‘imagined substance’ of the ‘I’”, but to fully recognize his own desubjectification, thus giving voice to the *Muselmann*’s desubjectification and to the “life” that “rested” in him even in Auschwitz, a rest that makes giving witness of Auschwitz possible. But is all this not based on a sovereign decision that excludes the proper voice of the *Muselmann*, declaring it is not possible to include him in the realm dominated by the speaker’s “I”, in order to, in that quality, be included in the testimony? The repeated emphasis on the distance to be kept between the human and non-human, the one giving witness and the “complete witness”, the survivor and the *Muselmann*: is this not all too similar to the inclusive exclusion logic to be a convincing alternative for the logic of sovereignty? Certainly, even if it is sovereign, the decision of the survivor’s witness is contrary to the one the Nazi’s took on the level of content, but on a merely formal level, it is as sovereign.

Agamben's thought gives us an interesting set of tools and references to critically analyse the logic of sovereignty haunting even the best intentions of Western biopolitics. But does his vitalist ontology provide an adequate alternative for that logic? As far as my reading reaches, and as far as his publications allow it (since the "pars construens" of his *Homo Sacer project* is still to be published), my answer to this question must be negative. In his passages on language, his provocative analysis detecting everywhere the logic of sovereignty shows its most radical implications. But the passages on language in which Agamben develops *his* alternative logic (for instance the ones on bearing witness), do not really seem to go beyond the logic of sovereignty, I must conclude. At least they give no adequate answer to the representationalist way of treating the same problems which says that the logic of sovereignty – of inclusive exclusion – is the logic we have to deal with even to find solutions for the disaster that logic has provoked and is still able to provoke.

## 7. (Coda)

In addition to the three mottos at the opening of the Italian (as well as the French) edition of *Homo sacer*, the English translation adds a fourth one: "And the commandment, which was ordained to life, I found to be unto death" (HS ix). One can wonder why, unlike the three others, here, no author is mentioned. Is it because that sentence, and the entire chapter 7 in Saint Paul's *Letter to the Romans* of which it is taken, reveals too clearly the formal messianic scheme of Agamben's thought?

In this (famous) chapter 7, Paul analyses ruthlessly the impasse of the basic fantasy underlying Jewish monotheism: God's Law (or "commandment") that once promised life (i.e. a restored relation with God) ended up to bring only sin and death, so Paul argues there. His analysis is striking if only because, in its way, it develops a theory of the split subject, surprisingly comprehensible for the late moderns we are. ("For the good that I would do, I do not; but the evil which I would not do, that I do; Rom.7: 19.)<sup>21</sup> And why, in this chapter, Paul's analysis can be so merciless, so implacable? Because he has already the solution in mind, which is Christ. All can be doomed to death, for the redemption of death has occurred already in Christ

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<sup>21</sup> Think for instance of the way Jacques Lacan affirmatively quotes a substantial part of Rom. 7 in his seminar on ethics; Jacques Lacan, *The Seminar of Jacques Lacan, The Ethics of Psychoanalysis, 1959–1960*, translated with notes by Dennis Porter (London & New York: Routledge, 1992), p. 83

“O wretched man that I am! Who shall deliver me from the body of this death? I thank God – through Jesus Christ our Lord! So then, with the mind I myself serve the law of God, but with the flesh the law of sin.” Rom. 7: 24–25).

Formally, a similar structure characterises Agamben’s critical gesture. The promise of life (inherent to any kind of biopolitics) puts us in the position of sovereign power’s deadly victims. The way we think of – and deal with – life, the way we suppose life to be the foundation of the political, is doomed to (virtually) bring us all into a death camp. Agamben’s analysis is ruthless: nothing escapes the inclusively exclusive logic of sovereignty. But *why* can his analysis be so merciless? What enables him to say that nothing escapes the ruses of that deadly logic, not even language itself? The answer to that question is that he has the definite redemption already in mind: a non-representationalist, ontological logic, or, even more precise, a vitalist ontology will save us from the logic of sovereignty. Not a New Creation, as was the core of the Paulinian message, but a new way to relate to reality, a new logic, will save us from the universal state of sin the representationalist logic has brought the world into. Once this new logic will be generally accepted, Agamben’s critical analyses will become a senseless gesture.

One can wonder why Agamben does not consider his own critical gesture precisely as a “gesture”. For, he himself defines “gesture”, for instance with a reference to Stéphane Mallarmé, as that what is kept “suspended ‘entre le désir et l’accomplissement, la perpétration et son souvenir” (between desire and fulfilment, perpetration and its recollection)”, so he writes in *Meanings without end* (MWE: 58). Criticism, he explains, is not to be considered as a means leading to some end (to a radically new way to thinking, for instance), but as a “means without end”, as a thinking not relying on the dreamed alternative but tarrying in the postponement of it, in “the exhibition of a mediality”. Criticism as a “process of making means visible as such” (MWE: 58). In the case of Agamben, this would mean: a process of making visible the criticisable sovereign logic as such, without referring to the alternative logic dreamed of.

As he defines “gesture” as what shows “the being-in-language as pure mediality” (MWE: 59), Agamben could have defined his own thought as, so to say, “being-in-criticism as pure mediality”. It would have been at the expense of the messianic pathos of his writings, but it would have benefited the realism of his critical thought.