CONTENTS

SEPTEMBER/OCTOBER 2008

EDITORIAL COLLECTIVE
David Cunningham, Howard Feather, Peter Hallward, Esther Leslie, Stewart Martin, Kaye Mitchell, Mark Neocleous, Peter Osborne, Stella Sandford

CONTRIBUTORS
Raj Patel is a researcher in the School of Development Studies at the University of KwaZulu–Natal, Durban, South Africa, and a visiting scholar at the UC Berkeley Center for African Studies. He is the author of Stuffed and Starved: Markets, Power and the Hidden Battle for the World Food System (2007).

Diana Reese is Assistant Professor of German Studies and Feminist, Gender and Sexuality Studies at Cornell University. Her book Reproducing Enlightenment: Paradoxes of the Body Politic is forthcoming from De Gruyter Press.

Lecia Rosenthal is Assistant Professor in the Department of English at Tufts University. She is currently completing Mourning Modernism: Literature, Catastrophe, and the Politics of Consolation.

Gilbert Achcar grew up in Lebanon before moving to France, where he taught at the University of Paris–VIII. He is currently a professor at the School of Oriental and African Studies (SOAS), University of London. His recent books include The Clash of Barbarisms (2002) and, with Noam Chomsky, Perilous Power: The Middle East and US Foreign Policy (2007).

Christos Boukalas was recently awarded his PhD for his thesis, Empire and Reich: War on Terrorism and the Political Metalaxis of the US, from Lancaster University. He has contributed entries on Castoriadis, Poulantzas and Socialism ou Barbarie to the International Encyclopaedia of Revolution and Protest (Blackwell, forthcoming).

COMMENTS

The Hungry of the Earth
Raj Patel

ARTICLES

Aporias of Free Trade: The Nature of Biodiversity
Diana Reese and Lecia Rosenthal

Orientalism in Reverse
Gilbert Achcar

Counterterrorism Legislation and the US State Form: Authoritarian Statism, Phase 3
Christos Boukalas

REVIEWS

Monique David-Ménard, Deleuze et la psychanalyse: L’altercatio
Christian Kerslake

Christian Kerslake, Deleuze and the Unconscious
Monique David-Ménard

Sylvère Lotringer and Christian Marazzi, eds, Autonomia: Post-Political Politics
Nina Power

Stacy Alaimo and Susan Hekman, eds, Material Feminisms
Kaye Mitchell

Pierre Bourdie, Political Interventions: Social Science and Political Action
David Macey

Espen Hammer, ed., German Idealism: Contemporary Perspectives
Peter Kapos

© Radical Philosophy Ltd
www.radicalphilosophy.com
The hungry of the earth

Raj Patel

The price of food is soaring. The ability of the world’s poorest to pay for it isn’t. The results are predictably catastrophic. The UN Special Rapporteur on the Right to Food has explained that the people starving and taking to the streets in countries like India and Haiti are ‘paying the price for twenty years of mistakes’. It appears that these mistakes are set to continue.

Governments and the international financial community have responded to the riots, most recently at a High-Level Conference on World Food Security hosted by the Food and Agriculture Organization in Rome, with a strikingly narrow range of remedies, concentrated around a small number of market-based solutions and technological quick fixes. The Conference’s final declaration, adopted on 5 June 2008, amounts to little more than a fortification of familiar and largely discredited policies. It calls on governments to re-embrace the conclusions of the World Food Summit in 1996 and to reassert ‘their commitment to the rapid and successful conclusion of the WTO Doha Development Agenda’. The language of re reaffirmation is everywhere.

This response to the demands of the world’s poorest people from the world’s richest governments is no less predictable than the results of their previous policies. The present crisis is yet another timely investment opportunity for what Naomi Klein has aptly dubbed ‘disaster capitalism’. In spite of some belated public handwringing, the current crisis offers profiteers an unprecedented occasion to shut down the most successful mechanisms for mitigating and preventing food crises, and to eliminate the people who are in the vanguard of developing alternatives to the capitalist food system.

The basic facts of the crisis are now well known. Over the past year, there has been a 130 per cent increase in the global price of maize and a 75 per cent increase in the price of rice; similar increases apply to soya, wheat and other major food commodities. Overall, the aggregate global price of food has doubled in real terms over the past eight years, and is set to increase in real terms by up to 50 per cent in the next decade, according to the OECD and FAO. Yet over the past eight years, income for many of the world’s poorer people has fallen. For the lowest paid workers, income has fallen in real terms since the mid-1980s in a wide range of countries; in Haiti, for example, one of the countries hardest hit by the food price increases, by 2003 wages for menial and sweatshop jobs had plummeted to just 20 per cent of their 1981 level. Such declines have taken place at the same time as heavily indebted countries were given new loans only on the condition of implementing punitive ‘structural adjustment policies’ imposed by the self-styled international development community. Since such conditions have also served to undermine democratic institutions in many poorer countries, popular protests against rising prices have recently exploded as full-blown food riots, which now as throughout history are demands both for food and for government accountability.
There are several short-term factors that account for the recent rise in food prices. First is the price of oil. With prices at $136 per barrel at the time of writing, the cost of food is automatically kicked up. It takes more than a calorie of fuel to produce every calorie we eat and, in industrial meat production, the ratio of calories-in to calories-out can be as high as 58:1. The second reason lies in the production of agrofuels, more commonly but less sensibly known as biofuels. It should hardly be surprising that the decision to burn rather than eat a large share of the US corn harvest would push up food prices. Estimates of the impact on global food prices vary from a high of 30 per cent to a low of around 5 per cent. The third factor driving up food prices is increased meat consumption. The demand for meat will this year divert 760 million tonnes of cereals to feed animals rather than people – enough to cover the world’s food shortage fourteen times over. A fourth reason for higher food prices involves the climate. There were poor harvests this past year in Australia, the USA and the Philippines because of inclement weather. Meteorologists continue to debate the role of climate change in recent weather patterns. While it is impossible to ascribe any given climatic event to global warming, it’s obvious that unusual and extreme weather patterns have detrimental impacts on food production. Agriculture is both culprit and victim of climate change. Livestock farming in particular is responsible for more CO2 equivalent emissions than all forms of transportation. But those who bear the brunt of climate change in agriculture will, according to the United Nations, not be the feedlot meat manufacturers in North America where 15 per cent of the planet’s meat is grown, so much as the farmers in the Global South.

The fifth and most immediate reason behind soaring prices lies in speculation and profiteering. The cumulative effect of changes in the weather, consumption patterns, production of agrofuels and the price of fossil fuels has been to generate considerable uncertainty over the future prices of food. In conditions of increased risk, the market is prepared to pay for certainty. This offers an opportunity to profit both from insurance against disaster, and from speculation that disaster will happen. Wealthy buyers have already started to hoard rice in the Philippines, for instance, keeping it back from the market in the (correct) estimation that its price will continue to increase. Similar things are happening on a far larger scale on the Chicago Board of Trade and other commodity markets, where traders and funds buy up options on future production, in the hope that others will share their enthusiasm, bidding up valuable options yet further. By some estimates, investment funds control more than half the wheat traded in global commodity markets, with hedge funds in particular taking increasingly aggressive positions on food. Indeed, the European Commission has recently found that the price of certain food commodities has increased three times more than might be explained by the changes in agricultural input markets. In other words, 75 per cent of the increase comes from speculation and price gouging.

These factors have compounded one another and they are all chronic tendencies that exacerbate a longer and more acute malaise – a malaise concealed by regular media emphasis on the apparently more urgent and more ‘spectacular’ short-term factors. The main reason why the global food system is in crisis, of course, is because the agricultural economies of developing countries have been systematically starved of investment since the 1980s. The institution largely responsible for this has been the World Bank, which first began seriously to address agriculture under the tenure of Robert McNamara, who arrived at the Bank with the blood from the Vietnam War still wet on his hands. The Sahelian famines of the 1970s, however, spurred some comparatively progressive state-led agricultural sponsorship, with the Bank funding government grain marketing boards, and encouraging inward agricultural investment, often behind high tariff barriers, to achieve domestic food security.
The Reagan and Thatcher era, however, saw the state transformed from cure to cause of ‘economic backwardness’. The Bank changed its economic policy accordingly, and set about systematically dismantling the institutions it had funded in the 1970s. The Bank’s own Independent Evaluation Group has recently indicted the Bank’s approach through the 1980s and 1990s, observing that while Bank staff had believed that sweeping away the inefficiencies of the state would bring in private-sector investment, once state agricultural supports had been removed the benevolent invisible hand was nowhere to be seen. The private sector singularly failed to step into the void carved out by the Bank.

At the same time, the Bank, the International Monetary Fund, and a range of bilateral and multilateral aid agencies and export credit institutions were pushing free-trade policies, as part of its broader neoliberal package. The rationale was a curious mix of patronage, charity and modernizing rationality – the then-US secretary for agriculture, John Block, said in 1986 at the beginning of the Uruguay Round of negotiations of the General Agreement on Tariffs and Trade that ‘[the] idea that developing countries should feed themselves is an anachronism from a bygone era. They could better ensure their food security by relying on US agricultural products, which are available, in most cases, at much lower cost.’

The lower costs of food from the USA and Europe were achieved, however, through precisely the opposite of the policies being imposed on developing countries; the USA and Europe were, and continue to be, allowed to subsidize their agricultural systems to the tune of billions of dollars a year. The World Trade Organization agreement enshrines this central contradiction in the development project and process. In 1992, away from the critical glare of democratic process, the USA and European Union hammered out the Blair House Agreement, in which they resolved to continue to bankroll their large agricultural businesses. Such provisions were specifically prohibited to developing countries. The consequences of this were, again, predictable. Small-scale farming families in developing countries who were not able to weather the storm found themselves driven into bankruptcy, off the land, and into cities or overseas.

This ‘depeasantization’, as Farshad Araghi has argued, is a policy that has been an unspoken part of the postwar agricultural policy landscape, indeed a tacit prerequisite for modern industrial capitalism, but it has been made explicit in the latest generation of agricultural development policy. In its 2008 World Development Report on Agriculture, the World Bank makes it baldly clear that small farmers are ‘inefficient’ and, therefore, impediments to agricultural productivity, growth and ‘a pro-poor agenda’. At a recent debate between the Bank and its critics, a small-holding Sri Lankan farmer parsed this with acuity: ‘it’s clear what you want to happen – you want me to disappear.’ The Bank did not disagree. Through dollar-denominated loans, international development banks have created incentives within developing countries to favour export-driven and therefore foreign-exchange-earning ventures. The consequence of these incentives is to favour an agriculture that is intensive and larger scale, which, in turn, requires that land be owned by fewer and fewer people. Modern agriculture can only succeed by stigmatizing and eliminating the historic users of these means of production, the poorest and hungriest people on earth. In other words, industrial farming depends on pathologizing the landed and particularly the landless peasantry.
It shouldn’t be surprising, then, that the attempts to deal with the current crisis should have been so transparently directed at furthering the dispossession of peasants. Before the food crisis had begun to bite, the World Bank’s 2007 World Development Report on Agriculture had already begun to pave the way. To take one among many ways that the Bank’s approach to agriculture militates against the poor, the Bank’s approach to land reform is tilted towards ‘market friendly’ policies of private land ownership and transfer. The results have been entirely unsuccessful. In South Africa, a country singled out by the Bank for the success of its willing-buyer/willing-seller market-led policies, less than 5 per cent of the country’s land has been transferred from whites to blacks since the end of apartheid. The track record of the market-led land reform programmes run by the ANC government has been pitiful. By insisting that the only way that those dispossessed of land can acquire any is through the open market, the government creates incentives for rich white farmers to squeeze every penny out of potential land-reform beneficiaries, and to give them the poorest quality land for their money. It is little wonder that pet projects designed to show the viability of this approach have rapidly run aground.

**Misrepresentations**

Yet the Bank is able to make misrepresentations about market-led land reform projects to other countries because it positions itself as a global source for development knowledge, conferring authority on some opinions, silencing others. Sometimes, its efforts to shape ideology can backfire. When it told the Filipino government that the land-reform element of their Comprehensive Agriculture Reform Program should be modelled on the South African market-led success, the Bank didn’t expect a delegation from the Philippines to fly out to South Africa to see it for themselves. When they arrived, of course, there was nothing to see.

At the more recent High-Level Conference on World Food Security in Rome in June 2008, the methods and tactics were similar to those foreshadowed by the Bank. The US government sent a delegation headed by the US secretary of agriculture, Edward Schafer, with three explicit policies in hand: (a) food aid for the short term, (b) ‘investment in agriculture’ for the medium term, and (c) biotechnology for the long run. Each of these is a sop to domestic corporate interests, an opportunity for disaster capitalists to profit from the food crisis.

Consider the call for food aid. Under US law, American food aid has to be purchased from US farmers and shipped on US flag carriers to the country in need. The effect, once the ship loaded with US food comes into port, is to wipe out local agricultural producers, who cannot compete with free food shipped from the Midwest. The food aid law was forged in the Cold War as a way of dealing with US agricultural surplus production, and simultaneously as a tool of foreign policy, as a way of preventing the spread of communism among potentially insurrectionary peasants and urban workers. That local production might suffer was never an element in the calculus, except in so far as removing such production might make recipient governments more sensitive to the carrot of US largesse.

‘Investment in agriculture’ means investment in large-scale agricultural producers and exporters. Those exporters are often US companies – the largest exporter of soybeans from the US, Cargill, is also the largest exporter from Brazil, for instance. Cargill announced in April 2008 that its profits were up 86 per cent from the same period in 2007.

The push for agricultural biotechnology is also a signature issue for the USA, particularly though not exclusively under the Bush administration. Corporations like Monsanto have pushed their green credentials, and their role as saviours in the current crisis. Monsanto, whose share price has doubled over the past year, took a beatific position on the food price increases. ‘Agriculture intersects the toughest challenges
we all face on the planet’, said Monsanto chairman and chief executive Hugh Grant. ‘Together, we must meet the needs for increased food, fibre and energy while protecting the environment. In short, the world needs to produce more while conserving more.’ One of the ways they plan to do this is through genetic engineering and breeding. The key to profitability here lies in identifying and patenting genes that confer beneficial properties. Although these genes are ones that have been bred over millennia by farmers, mainly women, in developing countries, they are, under existing intellectual property regulation, also patentable by a single corporate entity. The longer-term crisis around agriculture will be a boom time for BASF, Monsanto, Bayer, Syngenta and Dupont, among others, who have filed 532 patents on ‘climate-change-ready’ genes. The US government’s success in legitimizing their genetic accumulation by dispossession is a central part of their future business models.

The British government, needless to say, endorsed these proposals, and trumpeted its joint victory with the United States in successfully inserting into the final declaration a call for the speedy resolution of the Doha round of World Trade Organization negotiations.

Voices of Dissent

Yet there were some very clear voices of dissent. The international peasant movement Via Campesina sent representatives to put the case for their alternative to neoliberalism’s failed policies. The statement presented at the conference concluded with the words ‘There will be no solution to the climate and food crises without us!’ Popular empowerment groups like Brazil’s Landless Workers’ Movement and Bolivia’s coca growers and Mexico’s radical indigenous agriculturalists have long been insisting on a similar point. It is precisely these small farmers and landless workers who point the way towards a sustainable food system, and one capable of delivering food to all. But it is also this peasantry that has been explicitly targeted by the past four decades of agricultural policy, and whose future is in jeopardy. Their vision for change in the food system is almost completely opposed to that offered by world leaders. They call for ‘food sovereignty’, a concept with a long and suggestive history (Wikipedia’s entry on the topic provides a good overview), is essentially, echoing Hannah Arendt, a call for a right to rights over food. They pushed for democratic control over the food system, a call which resulted in their eviction from the proceedings in Rome.

Being banished from the land, and banished from the debate about it, is hardly new for Via Campesina. Indeed, exclusion from international debate helped to spawn the movement in the first place. In order to displace against their wishes millions of agricultural workers from rural to urban areas, the World Bank required political processes that carried the veneer of legitimacy, but without any serious reference to popular democracy. Thus were ‘participation’ and ‘consultation’ deployed in the lexicon of international development. In rural areas, the Bank sought to consult – with all expenses paid – with NGOs purporting to represent peasants, NGOs that were able to endorse the Bank’s policies in no small part because they represented few if any of the people who’d be harmed by such policies. In the very countries where such NGOs were being hatched by the Bank’s participation budgets, there were of course long-standing peasant leagues, organizations of rural agricultural workers and the like. They were perfectly able to represent themselves. But they had rather different and less accommodating views about Bank policy, and of their own governments’ adoption of it. Via Campesina was born in the early 1990s of similar experiences of exclusion by international development institutions and national governments throughout the Global South.

It’s worth noting that Via Campesina’s policies do not involve a pining for a bucolic never-never land, in which people lived in harmony with nature in some pre-capitalist paradise. This deserves mention because pat dismissals of the peasantry have come not only from supporters of the World Bank, but from writers on the left as well, who
have been guilty on too many occasions of urban chauvinism in their treatment of those living in rural areas. For Marx, the peasantry was ‘a sack of potatoes’; for Barrington Moore, subaltern knowledge was ‘not worth knowing’; for Ranajit Guha, insurgent peasantries past were ‘not [possessed of] a liberated consciousness’. Yet the programmes proposed by Via Campesina are the products of some fairly emancipated thinking, form a vital part of the debate on the future of food, and are advanced by some very well organized, reflective and democratic movements. Perhaps the clearest indication of this lies in the movements’ demands for women’s rights. The role of women was utterly unspoken in the final Summit Declaration in 2008. Yet the food crisis affects women disproportionately. Of those suffering acute hunger, 60 per cent are women and girls, despite the fact that women grow the majority of food eaten in developing countries. Via Campesina’s calls for women’s rights separate contemporary peasant thinking both from feudal patriarchy and from a neoliberalism in which women’s rights are collapsed into the simple right of private proprietorship over land (a right that has been termed the ‘Trojan horse of neoliberalism’). Instead, Via Campesina movements observe that the rights that should accrue to women, foremost the right to food, but also to education, health care, and freedom from violence, ought to trump rather than be exhausted by the provision of the right to private property.

A sophisticated and radical position on gender is just one of the many signs of mature political thinking from the movement. The nine-point programme that Via Campesina presented at the summit included a range of policies that were far too novel for most governments to entertain. The programme included a commitment to the right to food; a demand that agro-ecological farming, fishing and pastoralism be supported; the recognition of the need to nurture soil fertility and encourage carbon sequestration; calling for comprehensive agrarian reform to protect the various means of food production; insisting on an end to agrofuels. The Via Campesina vision for an alternative food system, organized around the principle of food sovereignty, is based on the insights gained through generations of accumulated praxis and struggle. They understand that the fundamental malaise in contemporary agriculture results from the deficit of genuine or actively participatory democracy.

Rather than ‘reaffirm’ the disastrous status quo as the Rome Summit attempts to do, the alternative proposed by Via Campesina (and like-minded organizations) demands and enacts the direct empowerment of the dispossessed and oppressed. This is the divisive political issue that underlies the struggle for food sovereignty, and that interrupts any facile consensus about the rich countries’ ‘responsibility to protect’ their poor neighbours. The current wave of famine and crisis illustrates a point that is likely to become more and more obvious over time: in the long run, the alternative to the empowerment of the poor promises only social and ecological catastrophe.

Notes
They are still fighting for their freedom...

**New Internationalist**

www.newint.org • The people, the ideas, the action in the fight for global justice

**Burma**
Ripe for change

SPECIAL FEATURE
Was Jesus Christ a revolutionary?

...they still need our support

The mass media will leave them behind but we won’t
To find out more subscribe to the New Internationalist

www.newint.org
Aporias of free trade
The nature of biodiversity

Diana Reese and Lecia Rosenthal

Primitive accumulation is not produced just once at the dawn of capitalism, but is continually reproducing itself.

Deleuze and Guattari, Anti-Oedipus

In a climate rife with threats of species extinction, we propose a genealogy of the discourse of the late twentieth century in which the meaning of the natural substrate, recoded as ‘biodiversity’, is called into question. It is a question posed – and apparently answered – in the peculiar zone between capital and sovereignty, the quasi-zone of the International Treaty. While the authority of the accrediting institutions, along with the uptake and erasure of treaty as document (from the UN to GATT to the WTO), remain in dispute, the event of disputation has been suspended. The meaning of the suspension – the protest of a refusal to agree, to come to terms – is itself in a kind of suspension, a stand-off in which all sides, and there are more than just two, stand in waiting, perhaps for the redefinition of the court, perhaps for the catastrophe to come, the disaster that would decide the case by shattering its stage, the mise en scène that signs, or refuses to sign, in the name of a common humanity, the utopian fiction of a shared and justifiable future.

We have followed Deleuze and Guattari back to the category of originary accumulation. Like Marx, they read this category ironically, drawing on two simultaneous yet contradictory meanings. One of capitalism's founding fictions (‘It appears as “primitive” because it forms the pre-history of capital, and of the mode of production corresponding to capital’ (Marx, Capital 1, 875) is produced neither once nor for all. Not once at the beginning nor as a fixed and finalized event thereafter, the occasion of originary accumulation is as ongoing as the reterritorializations of capital accumulation itself. This sustaining fiction continues to underwrite narratives of uneven development, where the telos of development is always assumed if nowhere present, while at the same time the mythic origin (‘pre-history’) of capital has been displaced by a writing of capitalism that remains inseparable from the history of the post-colonial.

Within this history, the place of originary accumulation – as supplement to capitalism – is increasingly taken over by the trade in pre-history as tradition, indigeneity and the localization of nature. Within a universal logic of capital expansion, resistance to the world of world trade becomes the residue of a pre-capitalist past, the trace of tradition – and traditional knowledge in particular – produced by the present as its own standing exception. The repackaging of tradition for and against free trade is an inescapable effect of the abstraction of nature, locality and knowledge within the hegemony of globalization.

In the founding modes of authorization which hope to expand democracy beyond borders, what becomes of the unequally incurred debts/relations to credit also signed into law, especially in ‘the ambiguous zone between judicial order and life?’ Another way of putting the question is to ask, how does life figure new kinds of credit in the given? We are concerned specifically with the continuing figuration of nature as the pre-history of capitalism, as that which can be redistributed as a means of reparation and justice in international initiatives for preservation and adjudication, even as the historical production of nature continues to be eclipsed in problematic ways. If one of the things that the ‘world’ hopes to profit from is the borrowing on the ‘given’, assumed crédit, of a transnational idiom of value, then it must somehow secure the seamless flow of meaning, as well as of capital, between nations, cultures, peoples, languages, idioms, public and private spaces, and indeed borders of all kinds (those with and without formally recognized titles). It is this oblique, yet nonetheless historically and forcibly forged, relationship between the trans-nationalization of capital and the translation of idioms of value we explore. At a moment when the New York Times business section reports the supposed imminent obsolescence of the three great post-World War II institutions of universal
calculation, the IMF, the World Bank and the WTO, it may be an opportune moment to revisit the inauguration of the last of these and reflect on the attempts that have been made to amend it. 3

**Credit signs**

The establishment of the WTO offers an example of the performance of what Derrida has called the problem of the 'signature'. The WTO raises the question of 'in what name?' 'by what anterior authority?' and 'on what credit?' do the signatories sign? More than simply the question of representation (i.e. 'for whom do they claim to sign?') we confront here the following questions. Through what aporetic crossings does this act of signing declare itself as global justice? Through what moves does it manage to think itself as a universalization of the justice of capitalism, or capitalism or 'free trade' as justice? In his essay 'Declarations of Independence', Derrida remarks, 'In fact, they sign [here the founding fathers of the US]; by right, they of Independence', Derrida remarks, 'In fact, they sign [here the founding fathers of the US]; by right, they sign for themselves but also “for” others.' In such a signing the question arises whether 'independence is stated or produced by this utterance'. The undecidability is structural and cannot be resolved. Indeed, instead of leading to the hope of resolving the gap between the constative and performative function of the signature, the uncertainty allows us to consider the way a signature invents its own precedent, or the way a signature 's'ouvre un crédit, son propre crédit, d'elle même à elle-même'. In this opening of a credit, its own (propre) credit, from itself to itself, the signing draws on a mobility that only now properly becomes its precedent.

In the 1994 signing of the 'Agreement Establishing the World Trade Organization', as in the thousands of subsequent documents of agreement and disagreement, the problem of the 'for itself' of the signing looms even larger, as the signatories do not share the apparent transparency of one given language. The problem is not simply one of a plurality of languages, a babel of difference in search of universally shared meaning. Nor is it simply the dominance of English as the standard language of UN documents (beside French). Rather, translation becomes a question of how the signing of who signs, the signatory who adopts and invents free trade as the calculus of global law, might stand in a particular historical and economic relation to the supposed possibility of this so-called 'freedom', so that – whatever suppleness translations may achieve between national languages – the notion of a 'shared' or equally meaningful collective presents itself as a ruse. The history of colonialism, along with the differences between national economies' progress in capitalism-as-free-trade, contribute to the inequality among and between signatories; the 'mystical foundation of authority' of documents such as GATT is compounded by the fact that capitalism – as an economy of value, set of historical facts, 'given' definition of justice, language of calculation – cannot be 'freely' entered into, or signed into global law, by all nations in the same way. 6

While some nations had already incurred massive debts through the post-World War II IMF and World Bank programmes, and subsequently been forced to submit to 'structural adjustment programmes' in the name of debt forgiveness or refinancing (the economy of 'credit' is 'given' but not freely after all – there are riders), other nations do not carry the same prior burden. 'How are we to distinguish between the force of law of a legitimate power and the supposedly originary violence that must have established this authority that could not itself have been authorized by any anterior legitimacy?' asks Derrida in 'Force of Law'. Since the founding moment of GATT draws not only on the abstraction of 'free trade' as a name for given justice, but on a history of colonization legislated through the laws of 'enlightened' nations, one confronts a doubling of the aporia: in addition to the impossibility of an always already present 'anterior legitimacy', GATT crosses over, and thus makes neat use of, the history of legalized exploitation of the South by the North. The 'credit' is redoubled as the provenance of the Northern signature, now legible as Northern capitalism and transnational corporations, while the debt is recast back on the South in the form of neocolonialism, as the extension and erasure of unsettled debts, or, more simply put, the sheer unaccountability of capital to anyone.

In agreeing to the General Agreement on Tariffs and Trade, the 'member' countries perform an agency that is bound up not only with the aporia as crossing over 'from' national idioms to the 'singular universal' of English (the crossing is aporetic because it doesn't entirely arrive, or doesn't arrive without a trace of its violent traversal), but problematized by private, corporate interests, and indeed the privatization of interest itself in the case of creativity, that underwrites and shores up their signatures. Trade-Related Aspects of Intellectual Property Rights (TRIPS) becomes a document of the privatization of the global future rather than the enlightened conjoining of public interest in free trade between nations.

The limit towards which GATT strives is not, then, the freedom of the citizen as abstract, universal-
ized, rational man, but a different calculation of the constituency of legal rights: capital itself, and more correctly privatized capital. Because this privatization is historically already in process by the time of GATT’s arrival ‘on the scene’ of global capitalism (a fractured non-scene, really, which also should be read to include, precisely by excluding, entire populations of people, geographical areas, to which capitalism has not flowed freely for a variety of reasons), the freedom that the WTO protects must be read as an unequally held right to begin with. If the WTO protects global capital in its flow across all borders, then it will give ‘rights’ of citizenship in the global arena only to those who can sign with capital for itself: through the extraction of natural resources under colonialism, for example; or what has been termed the ‘biopiracy’ of today’s pharmaceuticals corporations.

In Marx’s Grundrisse the argument for historical determination takes its impetus from a critical rethinking of production as an exemplary indicator of social contingency, or, better, the socius as contingency. The problematic relationship between the preconditions (Bedingungen) and historical products of determinate modes of production positions the labour process on a movable line between nature and history. Do some of the signatories also ride this faultline between modes of conditioning?

At the very beginning these [pre-conditions of production] may appear as spontaneous, natural [naturwüchsig]. But by the process of production itself they are transformed from natural into historic determinants [Bedingungen], and if they appear to one epoch as natural presuppositions [Voraussetzung] of production, they were its historic product [geschichtliches Resultat] for another.¹ (G, 234)

In further discussions of the capitalist mode of production in Marx, the relation between the specific character of the commodity form and that of the labouring process as conditioned by capital introduces the idea of a ‘coming-into-givenness’ or ‘over-againstness’ of approvable nature in capitalism. As Alfred Schmidt writes, ‘The commodity as the embodiment of abstract human labour, expressed in units of socially necessary labour time, is independent of any determination of nature.’¹⁰ Labour, on the other hand, always contains the double presence of nature both as material being and as means of production.

Labour, itself only the manifestation of a natural force, is always dependent on a substratum which cannot be reduced to labour alone. Marx dealt with this natural basis of labour in systematic form in Capital, too, precisely in his analysis of the two-fold character of the commodity and of the labour embodied in it. The commodity is a unity composed of mutually opposed determinations. As the ‘cell’ of bourgeois society, it reflects the relation between nature and the historical process at an advanced stage of development of the forces of production. It contains nature as ‘being-in-itself’ and ‘being-for-others.’¹²

The ‘material substratum’ persists, in some way irreducible, though it can only be considered through the commodity form as making up part of the process and result of a historically reflected set of relations. Nature, in Marx, never escapes dialectical, historical determination and is thus fully natural precisely because it cannot be construed as ‘self-positing’, a possibility which is articulated quite emphatically in the Economic and Philosophical Manuscripts: ‘A being which does not have its being outside itself is not a natural being and does not share in the being of nature.’¹¹ The categorical conditioning of Marx’s concept of ‘nature’ thus makes it quite relevant to current debates on nature and to the articulation of biodiversity in the frame of capital realization of biotechnology: the various de- and re-territorializations of the constituent body of the ‘material substratum’. If this double contingency of the labour process broaches a transitory and mixed form of contingency, can nature sign?

**Given nature**

By inaugurating TRIPS, GATT raises questions about the foundings of ‘globality’ that go beyond the aporias of founding moments described above. TRIPS makes it quite difficult to focus on the ‘economy of credit’ in merely formal terms, or to read the ‘mystical foundation of authority’ as a solely linguistic effect – that is to say, in terms of the performative–constative paradox. As free trade has become the standard unit of international law, the measure by which an internationalized justice can be calculated, made legible, and finally also enforced, the law privileges the deterritorializing interests of capital while simultaneously reinscribing registers of territoriality and national belonging (tradition, culture, citizenship). Within this system, what might have appeared as competing and incommensurable idioms of value – corporate profit versus so-called ‘capacity building’; copyright protection versus public health; global capitalism versus national sovereignty – are legitimated only in so far as they can be read through the prefix of the trade-related.

While the interpretation of the idiom of free trade has been fought, thus giving the lie to its universality, its legitimacy incorporates rather than topples upon resistance to its present and future hegemony. Thus the
law includes its exceptions and feeds on the challenges to its future viability. The preamble to the TRIPS agreement states that ‘intellectual property rights are private rights’. Moreover, Article 27.1 of the TRIPS agreement stipulates that innovation is recognized and protected only so far as it is ‘capable of industrial application’ (TRIPS).13 The often necessary reliance on local knowledge of plants, for example in pharmaceutical research, thus cannot register in a comparable or commensurable way. It is Dupont that can valorize a particular form of knowledge not out of the blue but on the basis of past labour, congealed as fixed capital in the laboratory site. The ‘indigenous’ or ‘local’ knowledge used in the location of useful or medicinal plants can only appear under the fraught rubric of ‘cultural knowledge’ – a knowledge that points more emphatically to paradoxes at the core of intellectual property. In other words, by integrating intellectual property rights into GATT through the addition of the ‘trade related’ prefix, not only is innovation reduced to the potential for capital accumulation, but it becomes a legally recognized ‘right’ only in so far as it meets these ‘givens’ of the WTO-monitored global system. This system includes those cases of compulsory licensing that have invoked the ‘national emergency’ exception clause of the TRIPS agreement.14

In this way, we can see how GATT, especially via TRIPS, foregrounds the ‘economy of credit’ at work in the ‘mystical foundation of authority’, or any borrowing from a supposed anterior, transcendental given, as not only an economy of metaphoric exchange (from one figuration of the given to another – from God to justice, from justice to law, from justice to capitalism, from benevolent imperialism to globality, from abstract universal rights to ‘trade-related’ rights, etc.), but as an economy where the debt incurred by borrowing on a certain understanding of the ‘given’ – in this case the givenness of capitalism and the credibility of ‘free trade’ – will be incurred unequally by different borrowers, in this case different nations which have signed on to the treaty. Shiva points to an additional way in which Article 27 of the TRIPS agreement favours the advanced capitalist nations, in particular the USA, through the phrase ‘effective sui generis’ in the following clause:

Members may also exclude from patentability ... plants and animals other than micro-organisms, and essentially biological process for the production of plants or animals other than non-biological and micro-biological processes. However, Members shall provide for the protection of plant varieties either by patents or by an effective *sui generis* system or by any combination thereof. (TRIPS)

While the possibility of a ‘*sui generis* system’ might seem to allow for a country to draft laws that suit idioms of value particular to its citizens, or that are not entirely reduced to the rights of private capital, the term ‘effective’ has been used by the USA to neutralize this possibility. The TRIPS agreement not only privileges the transnational corporate profits over all other calculations of innovations, but it implies that the 'givenness' of natural resources can be bracketed off such that work done on or to them in Northern corporations can create an entirely ‘new’ entity, so new that it displaces the local ties to the ‘originally occurring’ natural entity entirely and elides the labour-value of local innovation as well.15

To keep pace with the patenting of particular forms of innovation it becomes necessary for these international apparatuses to distinguish, or build the differential, between the ‘*in situ* and the *ex situ*’ because of the specific mode of production of biotechnology and its capacity to both reproduce and consume products and processes – ‘components of biodiversity’ – away from source. To cite a relevant passage from *The Convention of Biodiversity* on the use of these terms:

‘Biological diversity’ means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems
and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

‘Biological resources’ includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use of value for humanity.

‘Biotechnology’ means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use. ¹⁶

The object constitution of ‘biodiversity’ construes itself as ‘variability’. In this light, the rhetorical ‘inter alia’ which introduces the listed parameters reads two ways: ‘Among other things’ meaning both that not everything will be named and naming the gaps among other things – parts otherwise understood as things, things otherwise understood as parts, and infinitesimal terrains – which open up within the variable constitution of diversity. Further, the reference to products and processes demonstrates an appreciation for the labour stored up in ‘things’. Systems, organisms and derivatives can make up part of the production process on strangely equal footing. ‘If it [capital] can make machines do it, or even water, air, so much the better’, writes Marx. Nonetheless, the convention recognizes ‘sovereign rights’ even as it works to fix the legibility of the ‘natural habitat’ as a site of labour and of conservation to be inherited by ‘universal man’.

‘Country providing genetic resources’ means the country supplying genetic resources collected from in-situ sources, including populations of both wild and domesticated species, or taken from ex-situ sources, which may or may not have originated in that country. …

‘In-situ conservation’ means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties. …

‘Ex-situ conservation’ means the conservation of components of biological diversity outside their natural habits. ¹⁷

Countries, as signatories, are also understood as habitats: on the one hand, they are posed in relation to such a figure through appeal to sovereign rights; on the other, they are also displaced in the ex situ/in situ differential. The greater density of the definition of ‘in-situ conservation’ in comparison with that of ‘ex-situ conservation’ also discloses the historical contingency of the ‘site’ under consideration: the reserves and reservoirs located disproportionately in the nations of the global South. The issue of domesticated and cultivated – indeed, inhabited – nature muddies the distinction between sites of origin and sites of expropriation, necessitating the modification, both discursive and genealogical, of ‘distinctive properties’.

In the *Grundrisse* Marx historicizes the ‘raw materials’ of capitalist production precisely in terms of his exposition of the dissolution and negation of earlier modes of production (in the transition from feudalism to capitalism, for example): raw materials appear as the mode of their utilization enters new formations of the capacity to consume (*Konsumtionsfähigkeit*). The capacity to consume biotechnology is one of the materio-conceptual ‘natural’ domains in which neocolonialism is coded. But what does it mean to figure ‘givenness’ in natural and national terms – that is, as what nature has given to those who reside in a particular geographic and nationally defined area?

**Substrata**

The category ‘indigenous’ bears the mark of capitalism’s imbrication within the history of European–US imperialism. On the one hand, the term appears to be meaningful only in opposition to a notion of a latterly arrived, structurally foreign, or otherwise non-autochthonous population. We note the Greek derivation: *auto* = self, *khthon* = earth. If indigenous implies an originary relation to place, then the way in which that relation is taken up will depend in part on the figuration of ‘earth’: is it a surface inscribed with geographical writing? If so, the writing of what language? If European imperialism’s notion of fair and legible boundaries posits those boundaries as already preset (in the logic of ‘given’ itineraries of progress) and simultaneously in need of enforcement, then how will (imagined) indigenous figurations of ‘earth’ be used to legitimate Europe’s notion of the ‘earth’ as given-for-capitalism? And yet the implicit suggestion of a people, population, or even body ‘original’ or ‘native’ to a place somehow depends on the idea that an ‘original’ voice can claim territoriality outside of and prior to the contingent formations of colonial expropriation of land and imposition of capitalism as underdevelopment and mode of exploitation; instead of ‘native-as-other’, the native is simply primordially, ontologically native on its own. This double standard of native as self-positing ‘indigenous being’ and indigenous only by way of colonial denial of ‘original claims’ bears itself out when the UN takes up ‘indigenous’ populations. The same decade that witnessed the relocation of the UN committee on TNCs from its own ‘discipline’ to a subdiscipline within UNCTAD ¹⁸ also brought the creation of a new
UN subdisciplinary apparatus: the study and celebration of ‘indigenous people’. The 1990s made up part of the UN-declared ‘International Decade of the World’s Indigenous People’, under the aegis of the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, the UN established the ‘Working Group on Indigenous Peoples’. (Oddly, sometimes the UN leaves off the ‘s’ from ‘peoples’, and it is perhaps this shifting from the plural to the singular that marks the contradictory project of figuring a notion of categorical – rather than historically produced – nativeness.)

In the Grundrisse Marx writes that the ‘historic conditions and presuppositions’ of capitalism ‘disappear as real capital arises, capital which itself, on the basis of its own reality, posits the conditions for its realization’ (G, 251, Marx’s emphasis). Once capital is (has become) dominant as the mode of production, the (pre)conditions that made this dominance possible are posited by capital as its own effect. Labour power, instead of a historically produced and contingent condition, becomes for capital something that spontaneously is. Marx satirizes this contradictory displacement of the historical in the structural as amounting to the notion that labour-power comes into being with capital’s wish: ‘Let there be workers!’ (G, 276). The problematic ontologization of the structure of capitalism, where it becomes a cosmos with capital in the place of originary being, too easily allows for a static reading of ‘the’ condition of ‘a’ capitalist present, where the past in which it came into being (i.e. came into dominance) is forgotten or set aside, though simultaneously reproduced.

While e.g. the flight of the serfs to the cities is one of historic conditions and presuppositions of urbanism, it is not a condition, not a moment of the reality of developed cities, but belongs rather to their past presuppositions, to the presuppositions of their becoming which are suspended in their being. (G, 251)

‘Nature’ in the form of extracted and valorized raw materials is extremely important in this suspension because the privileging of a structural global relation with no history is one way that the North translates all of ‘earth’ into capital’s ‘common heritage’.

The Convention of Biological Diversity claims to have recognized, ‘for the first time’ in history, biodiversity as a ‘common concern of humankind’. (Particularly given the boldly epochal symbolization of a newly realized ‘common’ concern, a vital interest for the singular collective named ‘humankind’, it is worth noting, deflations of ‘predictability’ notwithstanding, that the only signatory nation that refused to ratify the treaty was the United States.) The Convention, of course, hardly brings an end to the matter of locating nature-as-heterogeneity and trading in on ‘value added’. In the wake of the 1992 Convention, the issue of biodiversity proliferates in any number of other treaties and conventions, with increasing emphasis on a certain danger, the threat of disappearing nature as species extinction, a threat that again emphasizes the importance of nature held in ‘common’. The International Treaty on Plant Genetic Resources for Food and Agriculture (November 2001) makes ‘global food security’ a priority. The future of the human as species is brought to bear in the face of the diminishing remains: ‘In spite of their vital importance for human survival, genetic resources are being lost at an alarming rate.’ This treaty attempts to take into account the vanishing history of the present, or the history of so-called uneven development. ‘The countries richest in genes are often the poorest in economic terms, FAO said. Most of the world’s plant genetic diversity is found in the developing countries.’

Within the figuration of earth as common inheritance comes the task of making natural resources legible to capital: visible, chartable, knowable, ready to be extracted with least unpredictability and ‘waste’. Hence the production of a new geological and economic science of writing: the cartography of what we call, following Schmidt, the substratum. We might now think of substratum not only as a materiality transformed and preserved by capital at the same time, but as a chaotic semiotic field waiting for translation into capital’s terms. The Committee on Natural Resource’s report Economic and Social Development Needs in the Mineral Sector distinguishes the ‘geoscientific’ from the ‘geoscientific/economic’ as two different approaches to resource assessment, classification, and mapping. Nonetheless, they indicate that the former is and should be always in the service of the latter.

Resource assessment pertains to the estimation and evaluation of minerals in the ground, both discovered and undiscovered. Attention centres on the form, concentration, and location of the minerals in order to determine whether they might be extractable under foreseeable economic and technological conditions.

Capital’s project of ordering of the global substratum recalls Heidegger’s notions of ordering and standing reserve:

Everywhere everything is ordered to stand by, to be immediately at hand, indeed to stand there just so that it may be on call for a further ordering.
Whatever is ordered about in this way has its own standing. We call it the standing-reserve [Bestand].

Through technology, ‘what we call the real is revealed as standing reserve.’ Nature is ‘enframed’ as standing-reserve in the projects of vertical cartography: the ordering of nature so that it is revealed to capital as lying in wait. The Committee on Natural Resources reads the ‘standing reserve’ of the substratum as an ever-penetrable economic limit:

Some of the technological improvements that would extend the economic limit of resources are techniques for locating deposits at greater depths and methods for better extraction of ores and recovery of the mineral commodities from them. These represent changes in the technology of raw material production.

It is as if natural resources call to capital for its specific form of unconcealment; without the latter, the former has no place on the map of ‘nature’.

If the ever-deeper substratum is a kind of standing reserve, the South becomes its custodian – because it is there that nature will present itself to capital with least resistance (regulations etc.). Similarly, the eating-up of indigenous practices as primordially close to nature, or indigenous ‘peoples’ as metonyms for nature, become ways in which ‘indigenous’ is used to supplement the North’s growing fatigue with its own overindustrialization. Late capitalism, having irreversibly depleted or contaminated the resources of nature at home, reverts and appropriates the natural elsewhere. Recoding spatio-temporal fictions of the ‘raw’ (from raw materials to prehistoric resources, unmapped terrains, genetic inheritance, new life forms, unknown species, etc.), capital expands its horizon and attempts to control the future of nature as knowledge.

It is clear that the ‘new’ entities will in turn uproot and render obsolete the form of life preceding them. This dislocation forced by pressures of market and enforcement of patenting law gambles with the potential of future needs, uses and knowledges. The ‘futurity’ here need not exclude the knowledge systems received in traditional medicines and agricultural practices. These practices themselves must be understood as inaccessible to full self-disclosure, therefore when supplanted a general loss incurs. In a discussion about the appropriation of biodiversity, ‘nature’ can be a catechistic name for radical alterity. Its preferencing of the procedural of the organic, or organicity, its coupling with the silence of the feminine and its role in the politics of reproduction should, to the furthest extent, be kept at bay. In new forms of coalition between religious leadership and environmental activists, one too often notes the heavy paleonymic sedimentation of the word ‘nature’ much at work and little under erasure. To this extent, the move to protect life forms from patenting is conjoined to the parlance of pro-life on the religious right. Another of ‘nature’s’ dangers as a platform intensifies where a misuse of ‘universal right’ recognizes nature and the environment as a habitat for a ‘public good’ orchestrated by the North. Under this same rubrication, the genetic patenting endeavour could recast itself as a museumification process that would again underwrite an attack on local use and authority. Further, the ‘technological’ cannot be unequivocally identified with the industrial. The technicity of the pre-technology, if claimed, could form the articulation of a counter-argument in the patent debates. Defences for the ‘original’ of nature must thereby resist the lure of wholeness-talk in favour of the productivity of the limit in the practice of naming.

**Taxonomies of the universal**

like all names in general, these designate at once a limit, a negative limit and a chance. For perhaps responsibility consists in making of the name recalled, of the memory of the name, of the idiomatic limit, a chance, that is, an opening of identity to its future.

The Convention on Biodiversity is a self-identified ‘framework for action’. The working groups established through the Convention on Biodiversity, signed by 150 governments in 1992, has subsequently identified a ‘taxonomical impediment’ to protection of biodiversity. Thus, in 1998, the ‘Global Taxonomy Initiative’ was adopted:
The GTI has been established by the Conference of the Parties (COP) to address the lack of taxonomic information and expertise available in many parts of the world, and thereby to improve decision-making in conservation, sustainable use and equitable sharing of the benefits derived from genetic resources. This is the first time in history that taxonomy has had recognition at such a high level in international policy.27

The inequities inscribed at the foundational moment of the GATT and TRIPS agreements have been explicitly addressed in the meetings of the COP since 1995. Here the lack of symmetry refers specifically to the development of taxonomy, including advanced technology necessary to the identification of differences affecting taxonomy, as well as the preponderance of botanical holdings in the developed nations.

Simple-to-use identification guides for the non-taxonomist are rare and available for relatively few taxonomic groups and geographic areas. Taxonomic information is often in formats and languages that are not suitable or accessible in countries of origin, as specimens from developing countries are often studied in industrialized nations. There are millions of species still undescribed and there are far too few taxonomists to do the job, especially in biodiversity-rich but economically poorer countries. Most taxonomists work in industrialized countries, which typically have less diverse biota than in more tropical developing countries. Collection institutions in industrialized countries also hold most specimens from these developing countries, as well as associated taxonomic information.28

The eighth COP also recognizes productive knowledge sources among indigenous populations as well as the need to create taxonomy to help in the identification of ‘living modified organisms’ and the risks they pose to the protection of biodiversity. The goal is to work for maximum parity in the pressing effort to identify the life forms and parts in need of protection.

One means of addressing this impediment has been the implementation of what is known as the ‘clearing-house mechanism.’ The mission of this mechanism is to ensure access to information and technology needed for work on biodiversity'. As the website explains,

The clearing-house idea, in its reference to banking, works to produce commensurability prior to the ultimate settling of accounts, though in this context the ‘accounting’ relates specifically to the reaching of target goals in the campaign for protecting biodiversity. Thus, the question of how to value environmental conditions forms an important topic in the conventions (particularly COP 8, 2006: ‘annexes’). Moreover, the conventions make explicit reference to treaties regulating intellectual property from the standpoint of the ongoing effort in identifying, protecting and overseeing protection of indigenous species. This commensuration of taxonomical information could be said to ride on the tails of the forms of flow and exchange in plant and animal life in industrial activity that precede treaties aiming to regulate the flow of ‘goods, services and information’ across borders. To this extent, the convention operates within a utopian retrospective that registers and responds to a universality already effectuated: hoping to institute a universality of ends in the place of the ends of capital.

In his essay ‘Ambiguous Universality’, Étienne Balibar works to expose the ‘equivocity’ of the concept of the universal, pointing out that ‘no discussion about universality (and, consequently, no discussion about its contraries or opposites: particularity, difference, singularity) can usefully proceed with a “univocal” concept of the “universal”’.30 In service of this position, he enumerates three distinct forms of universality, which he does not attempt to schematize in a temporal order,
but considers in their simultaneity. The first mode of the concept, ‘universalisity as reality’, would address in our terms the circumstances that precede the signing of the Convention on Biodiversity in Rio de Janeiro in 1992. This universality refers to

an actual interdependency between various ‘units’ which, together, build what we call the world: institutions, groups, individuals, but also, more profoundly, the various processes which involve institutions, groups and individuals: the circulation of commodities and people, the political negotiations, the juridical contracts, the communication of news and cultural patterns, and so on.31

To this we would have to add the peculiar attempt to designate the part systems of biological life, which the Convention on Biodiversity strains to name.

Nonetheless, to the ‘world Leviathan’ of the commodification of natural process, which is the precondition of the convention, the Convention proposes a good: ‘the intrinsic value of biodiversity’ as a ‘common concern of humankind’ corollary to a recognition of ‘sovereign rights’. This call is accompanied by the invocation of the relation of indigenous tradition to biological resource – ‘traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources’ – recognition of ‘the vital role played by women’, reference to the priority of the struggle with poverty in developing nations, and finally friendly and peaceable relations between nations. This good rearticulates a moral or humanistic value as evident in an ‘intrinsic value’ in biodiversity. As such, it also infoms the emendation of the WTO’s mission in Doha to include the ‘protection of human, animal or plant life or health’.

We recognize that under WTO rules no country should be prevented from taking measures for the protection of human, animal or plant life or health, or of the environment at the levels it considers appropriate, subject to the requirement that they are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, and are otherwise in accordance with the provisions of the WTO Agreements. (Doha)32

The life form has attained the status of a ‘real universalisity’ through the industrial forms of biotechnology and in so doing triggered the effort to seek the ‘symbolic universalisity’ that the Convention constitutes. With this in mind, we could hope that the Convention does constitute a ‘symbolic’ rather than a ‘fictive’ universality in Balibar’s terms; that is, that it declares a ‘right to politics’ or a ‘right to rights’ including rights not yet declared but possibly emerging through future conditioning of the negative dialectic of equaliberty (‘if no equality can be achieved without liberty, then the reverse is also true: no liberty can be achieved without equality’). As such, though it technically comprises a declaration of consciousness, its affirmation of biodiversity as a common concern declares a right to politics in the form of environmental dignity as a recognition of the irreplaceability of the earth and not as a return to moral utopianism. This interpretation of the Convention would prevent it from falling under the category of a ‘fictive universalisity’ whereby the call to a universal cause would redound to the ruse of national membership as described by Balibar:

Nation-states adopt various means … to make peace among religions, regional identities or ethnic memberships, and class loyalties. Usually these means have nothing to do with real or strict equality; they are permeated with relations of force, but they are successful inasmuch as they allow particular communities, and networks not only to become integrated in the ‘total community’ (national citizenship), but, much more, to work as its mediations. Recognized differences, or otherness-within-the-limits of citizenship, become the essential mediation of national membership.33

As an affirmation of the ‘common good of humankind’ the Convention explicitly transcends the requirements of national membership, but does it in so doing hope to reaffirm an ideological identification that mediates for new forms of international sovereignty in the face of the ‘real universalisity’ which is its occasion? If it did, it might run the risk of attempting to found its jurisdiction on a new kind of universal membership built on particular concerns blind to their effective constitution in a new hegemony.

What then would be the status of ‘taxonomic universality’? Certainly in its work to establish the framework of a mechanism of oversight it also contributes to the homogenization of knowledges, or in the terms of COP 8:

Collect and disseminate information on the availability of taxonomic resources with a view to maximising the use of relevant existing resources for the effective implementation of the Global Taxonomy Initiative. (COP 8, no. 10)

and

Offer assistance to Parties and other Governments with the use of the controlled vocabulary for the Convention, subject to analytical cataloguing and authority control…34

17
Even as the Global Taxonomy Initiative works on this maximization, it clearly appeals to a form of ‘particularism’, when in the COP 8, the exigency of particularized care is acknowledged in the statement on technology transfer and cooperation.

Underlining the importance of developing specific approaches to technology transfer and technological and scientific cooperation to address the prioritized needs of countries based on National Biodiversity Strategy and Action Plans’ priorities and to link technology needs assessments to National Biodiversity Strategy and Action Plans’ priorities, while avoiding non-specific, global approaches to this issue.

The category of in-situ maintenance requires specificity at the same time that that specificity is the only way to accede to the universal. Similarly, the latest reiterations of the goals of the 1992 Convention, which specifically name women and the indigenous as valuable custodians of biodiversity, here again emphasize the need for protections:

Aware in particular of the impacts of these issues on the conservation and customary use of biodiversity by local and indigenous communities, and the consequences for their well-being, emphasizes the need for dialogue with such communities.

The mechanism of the clearing-house explicitly or at least rhetorically makes a nod to capital as universal justice through its metaphor of supply and demand. Commensuration would ideally safeguard the biological diversity at the same time that that specificity is the only possible incommensuration of the languages and calculations of life. The signing parties, coalesced and fractured in an unresolved suspension of agreement, – the mechanism also intends to address pressing questions of repatriation – and yet the question of translation seems all but excluded.

**Suspension**

As often happens, the call of or for the question, and the request that echoes through it, takes us further than the response. (Derrida, *Gift of Death*)

The crossing that catches up the singular in the universal can be figured in different ways. The memory of the name holds the demand for and necessary failure of translation practice, even as the experience of that impossibility counsels a persistent discretion between sites and origins of responsible conduct. In *The Other Heading*, Derrida claims that ‘what is proper to a culture is not to be identical to itself.’ The proper, then, when discharged of self-identity can hold in reserve a kind of futurity. Shiva has spoken of the attack on futurity as a mark of differentiation between neocolonialism and the old methods of wealth extraction under colonialism. ‘New colonialism colonizes the future.’ This future can be heard in double resonance between common future and the future of the self non-similar proper. In the context of the peculiar hybrid of property and right at work in TRIPS, the subject of the articulation of right becomes property itself: the right of property to claim itself in a colonization of micro-regionality and in the invisible joints and cogs of organic process. In the financialization of the globe, the standard-bearer of the cultural politics of globalization, democracy, is thus left, in its very transparency, to obsolescence. GATT and WTO apply a restricted understanding of the economic to short-circuit the functioning of the very contractual legality they pretend to promulgate. A defunct idea of democracy and its project of liberalization and ‘education’ arrive in the South as used goods, no longer bearing value in the economy of ‘universal discourse’ which only hears (takes the testimony of) the witnessing born out in the ‘trade-related’.

In the proposed emendations of the GATT at Doha, the community of signatories has crossed the language of commonality with a common recognition of the possible incommensuration of the languages and calculations of life. The signing parties, coalesced and fractured in an unresolved suspension of agreement, recognize the demand for ‘special and differential treatment for developing countries’, while deferring any decision of the form of that treatment for another round.

The World Trade Organization, established in 1995 as the successor to the General Agreement on Tariffs and Trade, is struggling mightily to salvage the current round of talks that started five years ago at Doha, Qatar.

Many trade experts fear that if the talks fail, it could lead to a reversal of 60 years of opening the trading system to more goods and services.

The Doha talks are at an impasse because the United States and Europe are refusing to lower barriers on farm goods, and both are demanding that India and other exporting countries lower barriers of their own.

The fear is that the World Trade Organization, which is supposed to promote trade, will become a vehicle for lawsuits and protectionist actions threatening higher barriers, leading to a slowdown in the global economy.

Thus reports the *New York Times* on the occasion of the forced removal of Paul Wolfowitz as head of the World Bank. The very emendations that might open ‘real universality’ to a persistent ‘symbolic universality
– that is, to the future of a right to politics – stands immediately under threat of the implied slowing of trade. The impasses clustered under the heading of Doha represent the promise and failure of an ideal under siege.

Notes

For Gayatri Chakravorty Spivak, with friendship and gratitude.


7. Ibid., p. 6.


10. Ibid., p. 65.


12. Within the rhetoric of the WTO and its surrounding discourses, the term ‘capacity building’ is used to designate one of many forms of special assistance to be given, in the indeterminate future, ‘to support domestic efforts for mainstreaming trade into national plans for economic development and strategies for poverty reduction. The delivery of WTO technical assistance shall be designed to assist developing and least-developed countries and low-income countries in transition to adjust to WTO rules and disciplines, implementation obligations and exercise the rights of membership, including drawing on the benefits of an open, rules-based multilateral trading system’ (DOHA WTO Ministerial Declaration, November 2001; www.wto.org/english/tratop_e/trips_e/min01_e/min01_e/mindec1_e.htm).

13. TRIPS, Preamble and Article 27.2, at www.wto.org/eng-lish/tratop_e/TRIPS_e/t_agm0_e.htm.

14. TRIPS, Article 31b. Such cases are best known for challenging the priority of patent protection in regard to HIV/AIDS and the pharmaceuticals industry. What should be clear, however, is that these cases uphold the authority of TRIPS precisely as they negotiate the status of the exception.


17. Ibid., ‘Article 2. Use of Terms’.

18. From 1972 to 1992, the UN Programme on Transnational Corporations was organized by the UN Centre on Transnational Corporations, and from 1992 to 1993, it was administered by the Transnational Corporations and Management Division of the UN Department of Economic and Social Development. Beginning in 1993, the Programme was transferred to the UN Conference on Trade and Development (UNCTAD). Though the UN hierarchy of disciplinary organization is clearly complex, and has indeed always involved imbricated and perhaps arbitrary subordination of committees, we want to note here that the transfer of the programme to TNCs to ‘trade and development’ studies seems to fit nicely in the current logic of transnational corporate trade as the vehicle of development par excellence.


24. Ibid., p. 20.


28. Ibid.


31. Ibid., p. 147.

32. DOHA WTO Ministerial Declaration’, November 2001; www.wto.org/english/tratop_e/min01_e/min01_e/mindec1_e.htm.


35. COP 8 [VII/12], www.cbd.int/decisions/default.aspx?m=COP-08&id=11015&lg=0.

36. Ibid., no. 14.


38. Lecture at Riverside Church, New York, 10 November 1995.

Orientalism in reverse

Gilbert Achcar

The years 1978–79 constitute a watershed in Oriental and Islamic Studies, for they witnessed three outstanding events. I am referring here to events that occurred on two utterly different and therefore incomparable levels, but all three have powerfully impacted the academic field nonetheless. The first two events took place on the level of general history: 1978 witnessed the uprising of the Iranian masses under a clerical leadership, culminating in the overthrow of the monarchy in February 1979 and the establishment of the ‘Islamic Republic’ soon after. The same year was marked by the development of the Islamic armed uprising against the left-wing dictatorship in Afghanistan, prompting the invasion of the country by the Soviet Union in December 1979. The third event, situated on the level of intellectual history, was the publication of Edward Said’s *Orientalism* in 1978.

These events occurred, moreover, at a time when Marxism – which, ten years earlier, had won over a large portion of global youth, and had become the most prominent bearer of the values of Enlightenment and modernity in most of the Islamic world – was facing a major ideological counter-offensive that gathered momentum in the late 1970s. One of the main locations of this backlash was France, where a new label designated a group of intellectuals, the so-called *nouveaux philosophes*, many of them formerly radical leftists, especially Maoists, who turned against their previous convictions and became anti-Marxists. These converted ex-Marxists displayed equal zeal and peremptoriness in their new faith, hence evoking considerable media excitement. There was also, of course, a much more sophisticated and therefore more formidable tributary to the anti-Marxist ideological onslaught, albeit often from left-wing standpoints, in the form of critiques such as those of Michel Foucault, ultimately epitomized by the very successful launching of philosophical postmodernism with the publication of Jean-François Lyotard’s manifesto in 1979.

The three events that I mentioned at the start combined remarkably with this anti-Marxist backlash. The Iranian Islamic Revolution – which took place in the same year, 1978, that saw Karol Wojtyla’s investiture as Pope John Paul II – signalled the massive return, with a vengeance, of that ‘opiate of the people’ which positivist Marxism had relegated quite prematurely to the museum. The Soviet invasion of Afghanistan affected the ideological standing of Moscow, the Mecca of ‘communism’, almost as negatively and powerfully as the invasion of Vietnam affected that of Washington. And Edward Said’s most famous book rejected Karl Marx himself unsympathetically in the hall of shame of Western-centric ‘Orientalism’ – unfairly in the eyes of several critics who subscribed nonetheless to the book’s central thesis.

The syndrome

One of the most astute of those sympathetic critics of Said was the well-known (well-known in the Arab world and in the field of Islamic Studies, at least) Syrian radical thinker Sadik Jalal al-‘Azm. The English version of his 1981 essay titled ‘Orientalism and Orientalism in Reverse’ was later expanded into a much longer one published the same year in Arabic in the form of a little book bearing the same title.3

Al-‘Azm built upon what he described as ‘one of the most prominent and interesting accomplishments of Said’s book’: the fact that it laid bare ‘Orientalism’s persistent belief that there exists a radical ontological difference between the natures of the Orient and the Occident’. He pointed in turn to the existence in Arab thinking of what he called an ‘Orientalism in reverse’ embodied in two categories. The first one, which Said had already identified, consists in reproducing the Orientalists’ essentialist dichotomy with inverted values, whereby the Orient or the ‘Arab mind’ – for those concerned were primarily Arab nationalists – is regarded as superior to the West. The second one, then a recent phenomenon in Arab countries and the one that interests us here, was depicted by al-‘Azm in these terms:

Under the impact of the Iranian revolutionary process, a revisionist Arab line of political thought
has surfaced. Its prominent protagonists are drawn, in the main, from the ranks of the left... Their central thesis may be summarized as follows: The national salvation so eagerly sought by the Arabs since the Napoleonic occupation of Egypt is to be found neither in secular nationalism (be it radical, conservative or liberal) nor in revolutionary communism, socialism or what have you, but in a return to the authenticity of what they call ‘popular political Islam’.

Al-‘Azm went on in his book – with a wealth of quotations to substantiate his claims – to describe and sharply rebut the key features of this syndrome. Retaining al-‘Azm’s concept of ‘Orientalism in reverse’, I would synthesize the defining features of this paradigm, those that can be extended beyond the specific pool of Arab intellectuals that al-‘Azm scrutinized, in the following six postulates:

1. That the Islamic Orient and the West are antithetic: not, or not only, that Oriental peoples are confronting Western imperialism, but that Western ideologies as a whole, including the most critical ones like Marxism, are unsuited to them.
2. That the degree of emancipation of the Orient should not and cannot be measured by Western standards and values, such as democracy, secularism and women’s liberation.
3. That the Islamic Orient cannot be grasped with the epistemological tools of Western social sciences and that no analogy with Western phenomena is relevant.
4. That the key motional factor in Islamic history, the primary factor setting Muslim masses in motion, is cultural – that is, religious, taking precedence over the economic and social/class factors that condition Western political dynamics.
5. That the only path of Muslim lands towards their renaissance is through Islam – to put it in terms borrowed and adapted from the Catholic Church: for Muslims, ‘there is no salvation outside Islam’.
6. That the movements that raise the banner of the ‘return to Islam’ are not reactionary or regressive movements as they are perceived through Western lenses, but indeed progressive movements prompted by Western cultural domination.

This pattern of ‘Orientialism in reverse’ was actually quite pervasive in the wake of the 1978–79 events and it quickly spread way beyond the circles of Arab or Muslim-born intellectuals, to the core countries of classical Orientalism. It has been particularly prominent on the French Orientalist scene, as I shall try to establish below.

In fact, the most famous of left-wing thinkers who succumbed to the sirens of the ‘Islamic revolution’ is neither a Muslim nor a Middle Easterner, but none other than Michel Foucault, in a well-known episode of his life. It must be said though that, read retrospectively, Foucault’s analyses of the unfolding of the Iranian Revolution are chiefly arresting because of their great perspicacity about the social and political dynamics of the revolutionary process, an achievement that is impressive all the more that this was surely not a topic falling within Foucault’s area of expertise. The fact remains nevertheless that he was fascinated by what he perceived as a quest of ‘spirituality’ and confused what he heard from the relatively liberal Ayatollah Muhammad Kazem Shariatmadari – who turned later into a fierce opponent of Ayatollah Khomeini – for the truth of the movement. This led him to declare naively that the key tenets of democracy are to be found in Shiite Islam and that this is what the programme of an ‘Islamic government’ actually meant.

Foucault, however, was not a professional Orientalist. He defended himself unrepentant, justifying his enthusiasm for the revolt of the Iranian masses and asserting that the clerical government, which he loathed, was not its predetermined outcome and did not delegitimize retrospectively the support that he gave it for the sake of the movement. He knew well that, of all people, French intellectuals are inclined to be indulgent towards repressive ‘excesses’ of revolutions for an obvious reason related to the history of their own country and the official cult of the French Revolution, including its Jacobins – a cult, incidentally, which came under attack in the context of the anti-Marxist backlash, most famously by François Furet. Thus, Foucault felt he did not have to be apologetic, but he never attempted again to tread on such an unfamiliar terrain. I have only mentioned him because this peculiar Foucauldian episode was symptomatic of a pervasive trend.

**Post-1979 French Orientalists**

My object here is to sketch the evolution and meanderings of those among the post-1979 crop of French Orientalists who succumbed to ‘Orientalism in reverse’. Given the constraints of space, of course, it can only be a sketch. Besides, I have little incentive to devote the time it would take to write an exhaustive account of this trend. A sketch means here that I will generally deal merely with the most prominent members of this group and only with their key publications on the issue of Islam. From the very nature of my starting point
– al-‘Azm’s critique of Arab ‘Orientalists in reverse’ – it is obvious that the paradigm is far from restricted to French or even Western scholars. It should be sufficiently clear therefore that my intention is definitely not to return against French or Western ‘Orientalists in reverse’ their own arguments about the inability of Western minds to understand Muslim minds (except through unreserved empathy).

Finally, let me also make it clear from the outset that classical Orientalism, in the sense popularized by Edward Said, is far from extinct in French Islamic studies – not to mention the general ‘intellectual’ scene, where it is as strong as it has ever been. Actually, there are even shifts between the two paradigms, as one might expect in the versatile world of the intelligentsia and as I will show. The fact that I devote this article to ‘Orientalism in reverse’ does not mean it is my own main concern – it is definitely not. It is just that my opposition to Orientalism proper and to Western imperialism does not at all drive me to ‘cover up’ what I deem to be misguided and misleading ways going in an opposite direction.

Let me first situate sociologically the post-1979 generation of French scholars in the field of what I will call here ‘Islamic studies’ in order not to restrict it to any particular region of the world of Islam. These scholars came to maturity in the post-1968 era: many of them, like many other members of their generation, were marked in their youth by a more or less committed adherence to radical left views. Some of them, again like many others, abandoned eventually what they came to see as some sort of disease of puberty, a number of them shifting ‘from the Mao collar to the Rotary club’, to borrow the metaphorical title of a famous pamphlet published by French radical left-wing gay activist Guy Hocquenghem, in 1986, two years before his untimely death. This generation developed its research activity in the period that followed the 1979 ‘Islamic Revolution’ in Iran, which saw a surge in anti-Western Islamic fundamentalism and its promotion to the rank of a major concern of Western powers, France standing among the most directly affected.

Three key features characterize this post-1968 crop of researchers in Islamic studies, features that were analysed introspectively by one of their most prominent members, Olivier Roy, in a relatively recent debate on French Islamic studies. First of all, most members of the post-’68/post-’79 generation belong to the academic field of political science or political sociology, whereas the previous generation was still mainly rooted in traditional disciplines of Oriental studies, like history, ethnology or philology. In their majority, they dealt with radical Islamic political movements as the obvious theme of the day, a fact that bore a direct relation to their specialization in politics.

Meanwhile, in the post-’68 years, the academy in France underwent a sharp drop in status and relative income. Accordingly, as Roy explained euphemistically, the scholars of the new generation had a strong incentive to look for complementary sources of revenue. One way – which constitutes our second feature (not common to all, of course, but extensive enough to figure as a key feature) – was to become a ‘consultant’ of the foreign affairs and defence institutions. For the most prominent ‘experts’ of the group, such opportunities were not limited to France. An alternative strategy was to work through the mass media, whether in the form of direct honoraria for the scholars’ ‘expertise’ or as a means to increase the sale of their books. Intensive mediatization is the third distinctive feature of present-day researchers on Islam and the Arab world. This pattern could be generalized; similar features characterize the field of Islamic studies nowadays in all Western countries.

The last two features – the propensity to sell expertise to governmental institutions, and mediatization – did not affect every member of the post-1979 crop at the same time. Some of them resisted the temptation for a while, and in some cases forever. This accounts for the increasing differentiation that occurred within the group of ‘Orientalists in reverse’ over the years, as I shall explain. At the time when the new paradigm emerged, however, the impact of the defining events that I described at the beginning of this article – the Iranian revolutionary process, the Soviet invasion of Afghanistan and the publication of Said’s Orientalism, three set against a background of anti-Marxist intellectual backlash – were prevailing over a sociologically induced political differentiation that was still in its infancy.

**French ‘Orientalism in reverse’**

Post-1979 researchers in Islamic Studies were keen on countering ‘Orientalist’ preconceived hostility to the Iranian Revolution because of its Islamic ideology and leadership, as well as ‘Communist’ hostility to the Afghan mujahideen invoking similar reasons and serving to justify the invasion of Afghanistan. They were inclined to reject the defamatory depictions of resurgent Islamic fundamentalism that had impressively gathered momentum under the impact of the Iranian Revolution itself. This led them therefore to reject the very label of ‘fundamentalism’ and its French rough equivalent intégrisme under the pretext...
that these pertained to Christianity – Protestantism in the first case and Catholicism in the second. The fact that these terms had acquired a much wider sense since their inception and designated a set of features that applied perfectly to the Islamic brand of the similar use of religion did not matter. The most astounding argument they used – astounding for social scientists, that is – was that the movements concerned referred to themselves as Harakāt Islamiyya where ‘Islamism’ actually means ‘Islamic’ as distinct from the passive sense of ‘Muslim’. In other words, post-1979 French Orientalists more or less unwittingly subscribed to the pretension of the so-called ‘Islamists’ to hold exclusive rights on the militant interpretation of Islam.

By an amazing paradox, the new crop of researchers in Islamic studies, being careful not to incur the disgraceful reproach of falling into ‘Orientalism’ in the pejorative sense, adhered to a typical ‘Orientalist’ logic in considering that Islamic fundamentalism was irreducible to any Western-originated category. They ended up calling the phenomenon ‘Islamism’, thus restricting it to a phenomenon specific to Islam, in perfect ‘Orientalist’ logic. Wanting to avoid the terms ‘fundamentalism’ and ‘intégrisme’ because, so they said, they are loaded with a pejorative meaning – actually, pejorative only in the eyes of the secular-minded, whether liberal or radical – they ended up using a term originally designating the Islamic religion as such, as all dictionaries still attest. They thus contributed – by providing a scholarly legitimation to the application of the label ‘Islamism’ to various political movements referring to Islam, many of them violent and fanatical – to the confusion increasingly fostered by unscrupulous mass media between the religion of Islam and some peculiar and detestable uses made of it.

A major influence on the formation of the new paradigm was a scholar who generationally, intellectually and sociologically was a bridge between the previous group of French specialists of the Muslim world, many of whom were truly erudite, and the new crop who are much shallower overall for the existential reasons indicated, not least among them the ravages of mediatization. This scholar, political sociologist Olivier Carré, has been far less translated into English than have the prominent members of the post-1979 generation, although he is definitely more learned and interesting. He published in 1979 a scholarly study on the way Arab nationalism, his major focus of interest at that time, used progressive interpretations of Islam for its own legitimation. Dwelling on views he had explored previously, one major hypothesis of his book was that the future emergence of a distinct Arab progressive Islam was quite possible – a view with which I concur as a general statement – and that it was indeed already in process – a more debatable prognosis in its time, to be sure, and one that has since been, in my view, invalidated by history.

Carré was thus somewhat predisposed to blur the distinctions between Arab nationalism and Islamic fundamentalism. In 1982, he stressed the similarity between what he then started calling ‘Islamism’ and Arab nationalism, which he saw confirmed by Muammar al-Qaddafi – a hybrid between both as he seemed then. Such a similarity could be emphasized only if one looked at the problem from the angle of discourse analysis, which is what Carré had been chiefly doing. The nationalists needed naturally to prevent their opponents from pre-empting Islam whereas the fundamentalists – particularly in the 1960s, the era of ‘Arab socialism’ – needed to convince the masses that their Islam too was ‘socialist’ in some way and hence to rebut the accusation that they intended to bring back to power the old wealthy classes.

In a further book published in 1983, mainly an anthology of texts from the Egyptian and Syrian branches of the Muslim Brotherhood edited in collaboration with Michel Seurat, Carré went even further. The balance of his sympathies now began to tilt towards the ‘Islamists’, against the nationalists that he labelled ‘totalitarian’. In statements typical of ‘Orientalism in reverse’, he now described ‘political Islam’ as ‘the “popular culture” of the Muslim world that is managing to express itself at last’ after having been muffled successively by colonialism and post-independence regimes; the despised modern form of ancestral popular culture; a remarkably permanent fact, in its goals and its means, since the dawn of the intrusion of industrial Europe in the Arab world, a view that is correlated with Carré’s belief that religiosity is a permanent and essential phenomenon of Arab societies.

Did Seurat mean to warn against his co-author’s drift when he wrote in their joint book: ‘One should not reverse purely and simply this scheme [of the Muslim Brothers’ reactionary character] to the point of regarding the Muslim Brotherhood as the new heralds of modernization?’ The fact is that this is exactly what Carré did, quite emphatically, in another book published the same year, where he ended the introduction to his contribution with the following imaginative statement by a fictitious ‘Islamist’:

Reaction, fundamentalism, obscurantism, clericalism, Middle Ages! ‘Let’s be serious, – replies the Islamist militant with bright eyes – the only, the
true progressivism is the Islamic alternative. The only, the true modernization is the autochthonous modernization, rooted in our popular culture, and it is Islamic to the fingernails.22

Similar statements were made further on in the same book by Carré without using an ‘Islamist’ dummy: thus, he wrote, the ‘Islamist’ current ‘mobilises for a practice, that is already initiated, of “autochthonous modernization” at the local level in immediate harmony with the language of “popular culture”, which is fundamentally Islamic’.23 Such statements include two themes that, combined, were to become distinctive of the French version of the ‘Orientalism in reverse’ paradigm: ‘Islamism’ as an agent of modernization and the religion of Islam as the essential language and culture of Muslim peoples.

In 1984, a landmark in the history of the post-1979 crop of French Orientalism was the publication of Gilles Kepel’s book on radical fundamentalist groups in post-Nasserite Egypt.24 Kepel never really adhered to ‘Orientalism in reverse’, but stood halfway between it and traditional Orientalism. He actually sported a preface to his first book by none other than Bernard Lewis, one of Said’s main targets. Adopting a relatively neutral tone in describing the Egyptian radical fundamentalists, he contributed to the confirmation of the ‘Islamist’ label with an argumentation to that effect in his conclusion. His neutral stance was all the more comfortable in that he dealt mainly with the most fanatical and violent fringe of Islamic fundamentalism.

On the other hand, Kepel quickly became the most blatant illustration of all the features of the new generation, as described above (including a trajectory that started on the far left). His book displayed a pattern that was to characterize all his subsequent abundant production: a wealth of useful information – later facilitated by privileged access to governmental sources – with limited theoretical conceptualization, getting shallower book after book. He became a star of the mass media, the Bernard-Henri Lévy of French Orientalism, so to speak, as well as an adviser to Western and other governments in their fight against radical Islamic fundamentalism. Eventually he played an active role in promoting and defending the ban on headscarves in French schools.

One year after Kepel’s book on Egypt, there appeared another landmark of the post-1979 crop of French Orientalists, but also, in this case, a plain contribution to the paradigm of ‘Orientalism in reverse’: Olivier Roy’s book on Afghanistan.25 A former Maoist, Roy displayed very openly his sympathy for the Afghan Islamic movements and hostility to those he called the ‘communists’. Although he seemed to take heed of Seurat’s warning in the Introduction of his book,26 what he actually did was to extend and amplify Carré’s elevation of Islamic fundamentalism to the rank of a bearer of modernity.

Roy introduced a distinction between ‘Islamism’ and what he called fondamentalisme, using the Gallicized version of the English term rather than intégrisme, the label used by those on the French Left who described the Afghan mujahideen as reactionary forces, the Afghan equivalent of the French counter-revolutionary Chouans of the late eighteenth century. In Roy’s lexicon, the term ‘fundamentalism’ bears its usual meaning: it is the advocacy of a return to the Holy Scriptures of Islam and the strict respect of the Shari’a. He compared Islamic fundamentalism, however, to the Protestant Reformation instead of comparing it to Protestant fundamentalism. ‘Islamism’, he clarified, is ‘fundamentalism’ turned militant and oppositional, especially in an urban context or in brutally ‘modernized’ societies.27

Emphasising ‘the modernity of Islamism’,28 he then explained that the Afghan ‘Islamists’, influenced by Egypt’s Muslim Brotherhood, were striving ‘to develop a modern political ideology based on Islam, which they see as the only way to come to terms with the modern world’.29 ‘The West (both liberal and Marxist) is attempting to reject in the realm of archaism, feudalism, the Middle Ages and obscurantism, ideas that are, in fact, products of modernism.’30 Furthermore, according to Roy, ‘the systematic return to the shari’at creates the conditions for the advent of a certain form of modernity, political at least31 in allowing for the traditional segmentation of Afghan society to be superseded by religion as a unifying factor. Leaving aside the fact that Roy’s portrait of the Afghan ‘Islamists’ as transcending the variegated segmentation of their society was just a fantasy, this is indeed a kind of ‘modernization’ that is as old as the emergence of religions, and that Ibn Khaldun already described in similar terms six hundred years ago.

The third landmark of post-1979 French Orientalism, completing my selection of prominent figures of this crop, was the publication of François Burgat’s book on the Maghreb in 1988.32 Among the well-known members of post-1979 French Orientalism, Burgat is, by far, the most zealous upholder of ‘Orientalism in reverse’. Building squarely upon Carré, whom he described as ‘one of the undisputed masters of the thinking on political Islam’,33 Burgat’s view is best encapsulated in the following quote:
Expressing the ‘restoration of cultural balance’ that ensues from the forced withdrawal of the West initiated on the political level with decolonization and independence and continued on the economic level through nationalizations, the process of disengagement manifests itself nowadays on the cultural level through Islamism. By allowing those who were dominated yesterday to affirm their identity in the face of the West without resorting to precisely the vocabulary that it had imposed, Islamism, from Kabul to Marrakech, partakes of the same need of a return to the cultural roots.  

The two key tenets of the paradigm of French ‘Orientalism in reverse’ as formulated by Carré – namely that ‘Islamism’ is an agent of modernization and that the religion of Islam is the essential language and culture of Muslim peoples – found in Burgat their most extreme expression. They combined with a third idea, also inspired by Carré, that of the continuity – rather than discontinuity – between nationalism and ‘Islamism’, which became for Burgat a continuity between the historical nationalist moment and the resurgence of Islamic fundamentalism. Thus, he wrote, ‘being a modernising response to the problems of modernity, Islamism expresses therefore a need for continuity more than for rupture.’

This idea of continuity is illustrated by Burgat with the metaphor of a single rocket of decolonization with three stages, the first one political (independence), the second economic (nationalizations) and the third, represented by ‘Islamism’, cultural/ideological. This metaphor completely disregards the fact that so-called ‘Islamism’ – in what was actually its resurgence after a long marginalization – coincided with a massive reversal of both political and economic independence. The 1970s saw a huge reaffirmation of US hegemony in the Muslim world and a foretaste of the worldwide neoliberal regression, best represented by Egypt’s ‘denasserization’ under Anwar el-Sadat. To use Burgat’s metaphor, it did not occur to him that the rocket’s third stage was actually activated in a phase of descent – in other words, that the spread of Islamic fundamentalism was one expression among others of a tremendous setback and multifarious regression in the Orient’s history of decolonization.

The key presumption upon which Carré and Burgat’s view is based is to consider ‘Islamism’ only as a matter of discourse, as modernization expressed in a different language: while the language of the nationalists was borrowed from the West, in their view, the language of the ‘Islamists’ is apparently ‘autochthonous’, to use Carré’s term once again. The ultimate consequence of this conception under Burgat’s pen is to reduce ‘Islamism’ to a mere mode of expression – ‘Muslim speech’ (le parler musulman) as he would call it later – for a programme that is basically the same as that of nationalism. To quote him again:

Islamism, therefore, is more a language than a doctrine; a way of representing reality that does not content itself with borrowing from what the dominant imposed… With some exaggeration, one could dissociate Islamism from religion and see in this resorting to the vocabulary of Islam in order to express an alternative political project nothing but the ideological logistics of political independence, the cultural continuation of the ruptures resulting from decolonization.

One interesting aspect of Burgat’s work is that it includes transcripts of talks and other exchanges that he had with prominent figures of the ‘Islamist’ scene. As it happens, these are at times more enlightening that his own explanations. Thus the clearest rebuttal of his views was expressed by the famous Moroccan Islamic fundamentalist Sheikh Abdessalam Yassine, the founder of al-Adl wal-Ihsan (Justice and Charity), who told Burgat:

You, the external observers, when you read the literature of the Islamists …, when you analyse their discourse, you only perceive the tip of the iceberg … that is the denunciation of Western cultural domination …, the denunciation of bad governance, the existence of this social injustice … In your articles, I read the analysis of a pure Westerner who sympathises with Islamism … indeed …, you sympathise with Islam. But, for you, this spiritual sphere remains voluntarily opaque. You don’t want to see it; you don’t want to look at it. In fact, I recognize the failing of those intellectuals who place great emphasis on their own point of view without taking into account that of the others.

**Meanderings**

Let me now sketch briefly the subsequent evolution of French ‘Inverted Orientalism’. The post-1979 generation of French specialists of the Muslim world was affected by a most tragic event: the assassination, or death in detention, in 1986 of Michel Seurat after his abduction in Lebanon the year before by a group calling itself ‘Islamic Jihad’ and suspected of being actually a facade of Hezbollah, acting on behalf of Iran. This was a devastating shock for the French Orientalist community, and for Olivier Carré in particular, with whom Seurat had closely collaborated. Consequently, the image of Iran darkened considerably in their eyes, and so did the notion of ‘Islamism’ for most of them.
In the introduction to the first book he published after Seurat’s tragic death, a collection of essays that came out in 1991, Carré displayed a very different assessment of so-called ‘Islamism’ in the light of Iran:

The Iranian example, especially since 1981, diminishes the credibility of the ‘Islamist alternative’ … The tragic example of Michel Seurat, with whom I have worked and from whom I draw inspiration, alas confirms remarkably the antagonistic game of the two barbarisms (Islamist and ‘secular progressive’).39

Thus, Carré broke radically with ‘Orientalism in reverse’. He reversed it, so to speak, meaning that he went back to old-fashioned Orientalism pure and simple. The latter on the French scene – but the same pattern applies to other communities of Orientalists – is nowadays divided between two schools. One was labelled ‘neo-Orientalism’ by Farhad Khosrokhavar,40 although it is rather a traditional one – to put it roughly, it is the view that Islam is incompatible with modernity. The other I have called ‘new Orientalism’, for it is indeed new, and defined as the view that not only are Islam and modernity compatible, but in fact Islam is the only and necessary path to modernity in the Muslim world.41

‘Orientalism in reverse’ shares a common core with traditional Orientalism: the essentialist view according to which ‘religiosity is a permanent and essential phenomenon’ for Muslim peoples, to repeat Carré’s already quoted sentence. Breaking with his illusions about ‘Islamism’, Carré, to be sure, did not go so far as rejecting Islam as such. By an obvious instance of wishful thinking, he came to believe that the time of ‘Islamism’ was coming to an end in the Muslim world.42 Two years later he published a very interesting book – regrettably not yet translated into English – where he announced in the title itself the coming of what he called paradoxically ‘secular Islam’, actually a return to what he called ‘the Great Tradition’ with capital letters.43

By ‘Great Tradition’, Carré meant the long Islamic tradition established after the tenth century CE until the emergence of a new Islamic ‘orthodoxy’ in the late nineteenth and early twentieth centuries, an ‘orthodoxy’ based on puritan interpretations of Islam – those of Ibn Hanbal and Ibn Taymiyyah in particular – that laid the ground for the wave of ‘Islamism’. Carré’s remarkable book is a plea for a moderate, relatively secularized Islam, which could almost have been written by an enlightened Muslim scholar. The ‘new Orientalist’ bias re-emerged nonetheless in the opening of the book’s conclusion where Carré postulated that ‘secularization can only be Islamic in Muslim societies and cultures’.44 In other words, Carré suggested that no thorough separation of religion and state could occur in Muslim lands.

In 1992, Olivier Roy published in turn a book heralding the ‘failure of political Islam’.45 Reiterating his previous ‘Inverted Orientalist’ assessment that ‘Islamism’ was an agent of modernization and secularization, he decreed that this ‘Islamism’ has failed. By a trick typical of the intellectual profession, instead of admitting that this modern and secular ‘Islamism’ was but a figment of his own and his colleagues’ imagination – in other words, that the failure was that of his own analysis – Roy attributed it to the object of his study. Now, he wrote:

In retrospect, it appears that the political action of the Islamists, far from leading to the establishment of Islamic states or societies, falls in either with the logic of the state (Iran), or with traditional, if reconfigured, segmentation (Afghanistan).46

Islamism was a moment, a fragile synthesis between Islam and political modernity, which ultimately never took root.47

As for the reason for this alleged failure, it is, according to Roy, an intellectual impasse (an aporie) in ‘Islamist’ thought whereby virtuous people are deemed a necessary condition for the establishment of an Islamic society while an Islamic society is the necessary condition for the education of virtuous people.48

Leaving aside the extreme shallowness of such an explanation, the question is how could it be that Roy did not realize the aporie from the start, a failing that he did not even acknowledge. The failure of ‘revolutionary Islamism’ led, said Roy, to its ‘social-democratization’ – an amazing import of a concept coming from a person belonging to a group who rejected the term intégrisme on the ground that it originated in the history of another religion. Failed ‘Islamism’ turned into what he called néofondamentalisme (‘neo-fundamentalism’) – a socially ‘conservative’ interpretation of Islam as opposed to the ‘modernizing’ one – as if this feature had not been at the core of so-called ‘Islamism’ from the very beginning.

Olivier Roy’s next book came out in French barely a year after the 2001 al-Qaeda attacks, and was written in the main before the events.49 It was thus not primarily a reaction to the traumatic shock of 9/11 as much as a further stage in the author’s thinking. The English edition came out two years later, translated, rewritten and augmented by the author himself.50 It
includes, consequently, more references to the defining moment of the Bush administration’s ‘war on terror’, but the bulk of the book remains nevertheless the author’s more general attempt to validate his previous analyses against a reality that kept contradicting them. Theoretical confusion is perhaps what explains the fact that the book reads at times more like a nebulous philosophical comment on the state of the world than like a work of social science.

The development central to the new book could be thought inspired by Carré as it deals with ‘post-Islamism’. However, Roy’s thesis is that ‘Islamism’ itself has now turned into ‘post-Islamism’ through the ‘overpoliticization of religion’, which, by a cunning of history, led to the distancing of the religious sphere from the political, each becoming ‘autonomous, despite the wishes of the actors’ themselves, setting thus ‘the conditions for secularization’.51 According to Roy, one major face of ‘post-Islamism’ is the move of some organizations ‘from Islamism to nationalism’: there is a ‘blurring of the divide between nationalists and Islamists everywhere in the Arab Middle East’, he asserts, with Lebanese Hezbollah and Palestinian Hamas being the key examples in this respect.52 One illustration of this, wrote Roy in 2004, is that it is ‘increasingly difficult to distinguish between a Hamas Islamist militant and a supposedly secular member of Arafat’s Fatah’53 – an assertion that is hard not to read today, in light of the widening gulf and clash between the two forces, as a sufficient reason for rejecting his thesis.

At any rate, to present Hezbollah and Hamas as signalling a shift ‘from Islamism to nationalism’ and a transformation into new hybrid ‘Islamo-nationalist’ forces is unwarranted for two reasons at least. Both have been involved since their inception in the struggle against foreign occupation of their territory, a type of struggle that has never been the monopoly of forces labelled ‘nationalist’ but was always waged in the region, historically, by a broad spectrum of forces within which various religious forces played a prominent role from the initial stages. On the other hand, to ‘blur’ the significance of the ‘Islamism’ of the designated organizations just because they are engaged in the national struggle outbidding their ‘nationalist’ rivals is obviously misleading, as history keeps demonstrating abundantly. Aside from the qualitative differences between the official programmes of both Hamas and Hezbollah and that of secular organizations that have been engaged in the same struggles against Israeli occupation, the very way both of them organize the popular constituencies that they control confirms the fact that their social practices are informed by their religious views.

The other major illustration of Roy’s thesis on ‘post-Islamism’ is the Iranian ‘Islamic Republic’. His long comments on an alleged ‘secularization’ and ‘declericalization’ of the Iranian polity54 – all the more paradoxical in that it was chiefly epitomized by former President Mohammad Khatami, the ‘reformist’ head of the ‘Assembly of Militant Clerics’ – were based on the illusion that Iran was fulfilling by then (2002–04) its ‘political normalization’.55 The present Iranian president, elected in 2005, Mahmoud Ahmadinejad, is, of course, the living refutation of this peremptory assertion, very premature at the very least. By another cunning of history, he is a layman.

I could go on discussing most of the assertions in Roy’s book, for instance his intriguing insistence on ‘the privatization of re-Islamation’56 illustrated by the Egyptian Muslim Brotherhood and the Pakistani alliance of fundamentalist groups, which Roy believes to be no longer interested in changing the state. Or his belief in the ‘deterrioralization’ of ‘Islamism’, illustrated by the allegation that al-Qaeda ‘has been conspicuously absent from the Middle East’57 and that it has ‘hardly ever undertaken missions in the region or with a regional objective’,58 an allegation that was evidently wrong back in the early 1990s, when al-Qaeda began to emerge. Or the equally mistaken assertion that ‘if one looks at Islamic radicalization among young Muslims (and converts) in the West, their background has nothing to do with Middle East conflicts.’59

The London bombings of 7 July 2005 put this last assertion to the test. Roy hurriedly brought his support to the British government’s vain attempt to deny the obvious relation between Middle Eastern conflicts – Britain’s participation in the occupation of Iraq principally – and the attacks. He published an op-ed in the New York Times a few days after the bombings, titled ‘Why do they hate us? Not because of Iraq’,59 where he explained that the London bombers were not reacting to US and British wars, but rather saw these wars ‘as part of a global phenomenon of cultural domination’. One year later, during Israel’s onslaught on Lebanon, he published in Le Monde an op-ed where he gave advice to the ‘Sunni regimes’ (sic) and Israel on how best to isolate Hezbollah, concluding his article with the following sentence: ‘More than ever the political way should prevail: this way is not necessarily that of diplomacy, but that of adjusting military force to political ends.’60

Then, in September 2006, Roy published yet another op-ed, titled: ‘We’re winning, despite the “war”’,62
where he explained that ‘the world is safer’ because of the ‘protracted mobilization of police, experts, intelligence agencies and judiciaries’ (he couldn’t possibly omit the ‘experts’). Thus, in the space of twenty years, Olivier Roy, who had started as an ‘Orientalist in reverse’, completed his transformation into the kind of ‘expert’ who advises Western governments à la Kepel, a transformation in the light of which his introspective analysis of 2001, quoted above, seems quite perceptive, even though it was meant to be apologetic.

Of our three outstanding ‘Inverted Orientalists’ – Carré, Roy and Burgat – only the third one still sticks steadfastly to his earlier views. Indeed, Burgat’s subsequent two books on ‘Islamism’ mostly reiterate the same views outlined in the first, even more oversimplified at times, if anything, in the heat of polemics – Carré, Roy and Burgat – only the third one still seems quite perceptive, even though it was meant to be apologetic.

The way Maxime Rodinson described the ‘Third-Worldist’ approach to Islam in 1968 bears a striking resemblance to what I have discussed in this article, showing that ‘Orientalism in reverse’ is indeed a recurrent phenomenon:

The universalism that [left-wing anti-colonialism] derived from its liberal or socialist roots tended to change into a recognition, and ultimately, even an exultation of individuality. Now, it was in the Third World that the exploited, oppressed and brutalized element with its crude strength would, once and for all, overthrow the misery and domination of the old order. From then on, those values intrinsic to the formerly colonized peoples were to receive due praise, which was not diminished even when very normal misunderstandings resulted in perceiving in them, albeit in specific forms, the very same values that animated the European groups concerned. To some of those who were more deeply committed in this direction, Islam itself was seen as an inherently ‘progressive’ force.66

Still, between ‘experts’ advising Western governments on the conduct of their imperial policies and ‘Orientalists in reverse’ denouncing those same policies – albeit with huge illusions about those who are targeted by these policies, thus preparing the disillusionments of tomorrow and their demoralizing effect – there is a qualitative difference that is obvious to my eyes. Nonetheless, while continuing to participate in the political and intellectual struggle against Western imperialist policies, I feel that it is my duty, as always, to criticize what I deem to be misleading views on my own side of the political divide.

Notes
An earlier version of this article was presented as the fourth Edward Said Memorial Lecture at the University of Warwick, 20 November 2007.


Khamisim, p. 18; Macfie, ed., Orientalism, p. 230.

Khamisim, p. 22; Macfie, ed., Orientalism, p. 234.


Foucault’s worst article was the one that was published in the French weekly magazine *Le Nouvel Observateur* in October 1978 under the title ‘What are the Iranians Dreaming About?’ (*Dits et écrits II*, pp. 688–94; Afary and Anderson, *Foucault and the Iranian Revolution*, pp. 203–9). On Foucault’s ‘divagations’ about Iran, see the bitter and vigorous comment by Maxime Rodinson in his *L’Islam: politique et croyance*, Paris, Fayard, 1993, pp. 301–27; English translation in the appendix to *Foucault and the Iranian Revolution*, pp. 267–77.


Expressions such as ‘political Islam’ or ‘militant Islam’ share the same flaw.

The first recorded use of ‘Islamism’ in the new sense occurred in 1979 in an article published in *Le Nouvel Observateur* (12 March) by Habib Bourguiba, a Tunisian nationalist who had been a member of the cabinet under Habib Bourgiba in 1970–71 and was to join again the Tunisian government under Zine el-Abidine Ben Ali. His assessment of what he called ‘Islamism’ was not apologetic, of course. The term then found its first use in the realm of French scholarly Orientalism under the pen of Jean-François Clément, ‘Pour une compréhension des mouvements islamistes’, in *Esprit*, January 1980, pp. 38–51. Clément was also quite unsympathetic to the movements he described. Thus, a further paradox is that the term ‘Islamism’ itself, before it became the pet label of ‘Orientals in reverse’, was first applied to the new generation of Islamic fundamentalists by authors despising them. These authors merely wanted to cover with one single word the whole spectrum of political currents raising the banner of Islam, from the most progressive to the most … fundamentalist/intégriste (a term they did not refrain from using).


Ibid., p. 205.

Ibid., p. 219.

Ibid., p. 218.

Ibid., p. 203.

Claire Brière and Olivier Carré, *Islam: Guerre à l’Occident?*. Autrement, Paris, 1983. Claire Brière, a French journalist, had previously co-authored a book on the Iranian Revolution that was regarded as over-enthusiastic (Claire Brière and Pierre Blanchet, *Iran: La révolution au nom de Dieu, Paris, Seuil, 1979*). It included an interesting interview with Michel Foucault that contributed, however, to the latter’s moment of disgrace when the new Iranian regime started displaying its authoritarian features (Foucault, *Dits et écrits II*, pp. 743–55).


Ibid., p. 172.


*L’Afghanistan*, p. 94; *Islam and Resistance in Afghanistan*, p. 69.


François Burtag, *L’islamisme au Maghreb: La voix du Sud*, Karthala, Paris, 1988. An English updated edition was published four years later, *The Islamic Movement in North Africa*, University of Texas, Austin, 1992. The book was translated by William Dowell, then correspondent of *Time* magazine in Cairo, and bore his name as co-author, probably because he brought important changes to the original edition as there are many differences between the two versions. This is why I have preferred to select quotations from the French edition and translate them directly myself – references are to the third French edition of Burtag’s book: *L’islamisme au Maghreb*, Payot, Paris, 1995.


35. Ibid., p. 68.
36. Ibid., p. 70.
37. Ibid., pp. 71–2.
38. Tehran at that time was engaged in an ‘asymmetric campaign’ (to put it in military jargon) against France in retaliation for the heavy involvement of Paris on Baghdad’s side in the Iraq–Iran war.
42. L’Utopie islamique, p. 16.
44. Ibid., p. 136.
46. L’Échec de l’Islam politique, p. 39; The Failure of Political Islam, p. 23 (translation revised).
47. L’Échec de l’Islam politique, p. 102; The Failure of Political Islam, p. 75.
52. Ibid., p. 64.
53. Ibid., pp. 1–2.
54. Ibid., p. 88.
55. Ibid., p. 1.
56. Ibid., p. 97.
57. Ibid., p. 52.
58. Ibid., p. 307.
59. Ibid., p. 48.
64. L’islamisme en face, p. 100; Face to Face with Political Islam, p. 65.
Counterterrorism legislation and the US state form

Authoritarian statism, phase 3

Christos Boukalas

The counterterrorism legislation introduced in the USA after 11 September 2001 (hereafter S11) has been mainly conceptualized – by both critics and supporters – as an ‘internal’ legal development. Seen as an ‘encroachment on liberty’, as part of a ‘state of emergency’, or as a necessary fortification of ‘national security’, the value and desirability of legal provisions have been almost exclusively assessed by reference to other legal provisions and, ultimately, the Constitution itself. This article attempts to invigorate the discussion about post-September 11 counterterrorism legislation by breaking this self-referential framework. Adopting a particular (‘strategic-relational’) approach to state theory, cross-referenced with an inclusive conceptualization of politics, it assesses legislation as part of political production with effects through the overall field of politics.

Politics is understood as a process coextensive with that of social institution and organization – a socially inclusive activity, punctuated by the institution of the state. The state is seen in turn as an expression of social relations mediated by institutional materiality.1 As such, legislation is a doubly mediated expression of social relations – mediated by the state and within the state – and can therefore reveal something about the state form; that is, the organization of state institutions, the orientation and modalities of state power, and their bearing upon the overall political terrain.

In this context, this article examines the specifics of US counterterrorism legislation regarding the organization of the police mechanism, the modalities of its activity, its targets and objectives, and the implications of these for the broader political terrain. In doing so the article attempts an amalgamation of a Castoriadian conceptualization of politics with a strategic-relational state-theoretical reading of counterterrorism legislation, to argue that the US is currently undergoing a reconfiguration of ‘authoritarian statism’, a state form characterized by the organic development and proliferation of authoritarian elements within the institutional cell of the republic. This article assesses the latter as political production and aims to spell out its political implications. In so doing it is situated against the mainstream interpretations of counterterrorism legislation introduced since 2001.

State and politics

The liberal Left has tended to conceptualize counterterrorism legislation as an infringement of constitutional freedoms driven by a specific administration’s power-lust.2 The mainstream Right (whether Republicans like Dinh or ‘communitarians’ like Etzioni) notice some ‘tensions’ with the rule of law but try to justify the measures as an emergency defence necessitated by vital, imminent threat.3 Both approaches fundamentally accept that such threat is vital and necessitates augmented governmental powers to police the population. The issue is therefore framed as ‘striking a balance’ between ‘liberty’ and ‘security’, with each approach arguing for a different optimal point in such equation. The equation – and its ‘solution’ – is contained within the sphere of law: the tendencies introduced by counterterrorism legislation are seen as a strictly legal development and so is their (desirable or not) reversal. Thus both approaches treat law as a self-referential, self-explanatory framework, isolated from (the ‘rest’ of) social reality and the Constitution becomes the ultimate referential point, with which all social activity must comply.

Another approach, found in many US law schools, seeks to underline the importance of the developments in counterterrorism legislation for the configuration within and among the three ‘branches’ of government.4 It contextualizes the conjuncture as a reshaping of the governmental structure in which executive powers are augmented to the detriment to those of the legislature. Scheuerman connects this to a perceived need for acceleration of decision-making and challenges
the adequacy of the executive to correspond to such need. As it breaks with the self-referential mould of ‘legalism/constitutionalism’, and shows the pertinence of legislation to the structure and articulation of state mechanisms, this approach is far superior to its ‘legalistic’ counterparts. Nevertheless, it effectuates a radical closure of the very question it starts to pose: the question of politics, to which that of legal production pertains. Thus, in close convergence with very conventional ‘political science’, it circumscribes politics to the framework of state structure, and a very peculiar one at that, consisting of three branches engaged in a zero-sum power relation.5

This article aims to foreground the politics of counterterrorism legislation, but in a very different way. If we think of politics as the unceasing process of instituting, organizing and directing society, and ‘society’ as a field of reference coinciding with that of the political process, then the political process necessarily involves everyone in society, albeit to different degrees and not always explicitly. All political production is initiated in society as social forces engaged in dynamic relations with social organization as their stake. In this terrain of social dynamics and antagonism, the state is situated at a neuralgic point. It is the only entity that can formalize policies and render them obligatory, resulting in its constitution as a centre of flows and a main political player. Its authority to compel is again instituted by society itself. Similarly, struggles over policy in which it participates contribute to the (re)shaping of its institutional materiality and the modalities of its powers. Thus, the state is seen in terms originally outlined by Poulantzas and Jessop in the ‘strategic-relational’ approach: as a relation among social relations. Crucial among them are those between the state apparatus and state power, state structure and strategy, and the state’s ‘inside’ and ‘outside’. Let me first say a few things about each of these in turn.

The state is an institutional ensemble; as such it neither possesses nor generates ‘its own’ power. ‘Power’ refers to the capacity of social forces to advance their interests in opposition to the capacity of countervailing forces to advance theirs. Nonetheless, ‘power’ can only exist in so far it materializes in practices and institutions. Hence, the state apparatuses are sites of contestation and elaboration of power relations among social forces; and at the same time their configuration conditions the play among social forces.6

State actors are essential in elaborating the political strategies of social forces, while at the same time the historically specific configuration of state structures favours some kinds of strategy and hinders others. Conversely, political strategies (re)shape the state’s structural assemble, so that at any given moment state structure is the condensed outcome of past strategies, in interaction with developing ones.7

Politics is the constitutive element of society inasmuch as it condenses the overall objective of communal living through an antagonistic process – a process whose content, meaning and limits coincide with those of ‘society’. The state signifies a differentiation between the political process and other social activities, circumscribing the former to the statal sphere of competence, thus rendering the state separate from ‘society’. Thus statehood constitutes a radical division of political labour.8 Instituted as identical to the public sphere, the state is represented as the expression of the general interest, in juxtaposition to the individual interests that rule the private sphere of (‘civil’) society.9 Its claim to monopolize instituted authority is based on the twin claim to represent the ‘general interest’ and to possess the knowledge of political science.10 Due to this monopoly, political strategies can only succeed inasmuch as they are incorporated in the ‘general line of force’ of state power – or successfully destroy the political system. Importantly, such strategies may implicate the lines of division between the state and its ‘outside’, resulting in redefinition of the ‘political’ and the ‘social’.

The theoretical linchpin for this relation-of-relations between apparatus and power, structure and strategy, and most broadly state and society, is the notion of the ‘state form’; that is, the historically specific articulation among these relations. In this context, legislation is a doubly codified political activity: it is assumed under state monopoly, and, within the state, under a special institutional culture (distinctive ritual, history, reference and jargon, and a dedicated state branch). Furthermore, legislation broadly defines the scope and methods of state activity, hence codifying the relations between the state and its ‘outside’. Thus, legislation constitutes a ‘design’ of the state mechanism and the blueprint for exercising state power. While by no means exhausting the question, it can provide important indications about the state form.

**Patriot(s) in Congress: procedural anomaly or state strategy?**

The USA PATRIOT Act (henceforth ‘Patriot Act’, ‘Patriot’ or ‘the Act’) effectuates through 342 pages changes to more than fifteen statutes, ranging from electronic surveillance to immigration control, from money-laundering to compensation for terrorism victims. It reappraises a wide variety of subjects
already inscribed in the coercive agenda in the light of the ‘top priority’ status accorded to counterterrorism.

The attorney general submitted the first Patriot draft just one week after the attacks and demanded that Congress enact it within a week. Final drafts were prepared in closed, ‘over-the-weekend’ meetings involving administration officials and Senate and House leaders. The bill was never subject to a Senate committee debate; the House heard no testimony from the bill’s opponents; and amendments proposed by the House Subcommittee on the Constitution were ignored. The bill was formally introduced in the Senate on 5 October 2001 and enacted six days later. It was introduced and enacted in the House on 12 October under a procedure barring any amendments, while Representatives based their vote on summaries. Thus a bill of central importance was passed without deliberation or examination. The votes in the Senate were 98 : 1; and in the House of Representatives 356 : 66. The president signed it into law on 26 October. The haste meant that a bill intended to ‘protect the American people from further attacks’ was enacted without any assessment of the failures that facilitated the 911 attacks or its relevance to preventing future failures.

Two conclusions can already be drawn. First the legislature’s normal decision-making process is disrupted. And, second, the knowledge informing the legislating process is monopolized by the executive. Legislative time is radically speeded up, showcasing what Scheuerman terms an ‘accelerated legislature’. The ‘motorization’ of legal production is a structural element in the postwar polity, largely resulting from the mode of statal presence in the economy, which speeds up policymaking time to match that of capital turnover. This happens at the expense of ‘deliberation’, as if ‘speed’ and ‘deliberation’ were entities in a zero-sum equation. Nonetheless, in Patriot’s legislative process ‘deliberation’ did occur: behind closed doors among a restricted ‘club’ of Congress members. In other words, the legislature operated as a special committee of the executive – as much in terms of time/rhythm as procedurally.

Furthermore, Congress did not know what the bill it was passing was supposed to counteract – the process lacked any factual basis. The ignorance of how the attacks of 11 September occurred meant that the only knowledge about ‘terrorism’ and its operation came from the executive. In this context, the police apparatus successfully (and easily) reframed its failure as one of an overtly ‘liberal’ legal system. The executive’s monopoly on truth was never once challenged by any entity in the political scene regarding either the validity of such truth or the right to monopolize it. In short, this was an eloquent case where the executive dictated both the content and the process of legal production. Nonetheless, the executive did not force Congress to comply. The legislature had all necessary resources (legal, ideological, procedural) to resist pressures and thereby assert and preserve its specific role in the policy-making process. Rather, members – passively or not – were accomplices to this ‘procedural’ anomaly.

Further legislation confirms this unity of purpose between the two branches. In 2003 Congress saw a flood of counterterrorism/homeland security legislation, as six major Acts, piecemeal amendments and legislation drafts were brought before the members. This second wave of counterterrorism legislation sought to expand, intensify or fine-tune Patriot’s provisions and to restructure the coercive apparatus. In every case there was proper and full deliberation, both in the informal select members’ club and the formal structure of committees and assemblies. The legislature had recovered its function and rhythm, and the ‘psychological’ impact of the attacks was smothered. Yet this sober Congress enacted every proposal put before it (bar one: the ‘Victory’ Act). What was ‘put before it’ was further expansion/intensification of the draconian Patriot provisions and a legal framework permitting greater unaccountability to policing operations. In other words, Congress, although no longer ‘under the influence’, continued to surrender the population to brutal penalization and arbitrary control, and connived in the decline of legislative and judicial oversight of the executive. This occurred without frictions and
with comfortable majorities. For example, the most important 2003 bill—the Homeland Security Act—was debated in Congress from July to November and passed with a House majority of 299 to 121. Not only the two state branches but also both governing parties fully supported expanding the scope of coercion.

More than four years after passing Patriot, in February 2006, Congress had the opportunity to kill sixteen sections of the Act, scheduled to expire in late 2005. After long debate it chose to take nothing back. The Patriot Improvement and Reauthorization Act rendered permanent 14 out of 16 expiring sections and renewed the other two until the end of 2009. Rather than an executive or Republican coup, ‘counterterrorism’ legislation is beyond doubt a state strategy, involving branches and parties in unison, and it consolidates over time.

**Provisions 1: redefining policing**

Legislation in general defines the structure and operation of state mechanisms, sets priorities and limits to their function, charts the scope and methods of state activity, and (thus) codifies the relations between the state and the population. Furthermore, as the state is a form-determined condensation of social forces and a central locus of social antagonism, the same goes for legal production. It is both informed by and informs the relation of forces in the field of social antagonism; legislation is inherently political. It constitutes the abstract blueprint for the exercise of power within a given state form, and with the same token it provides testimony on the latter’s character.

The ‘war on terror’ has significantly redrawn this ‘blueprint’. Counterterrorism legislation implicates a shift in the operational and organizational character of the state, signifying a shift in the relation of forces in the sphere of social antagonism. It is along these lines that I examine/interpret the legislation here—in reference to broader dynamics, rather than its self-referential sphere of law. For this reason I examine counterterrorism legislation that implicates the life of the totality of the population, leaving aside some ‘exceptional’ decrees which, while granting the state maximum permission in the exercise of force, do so only in relation to tiny, politically marginal categories.

There are two different frameworks in the US legal system for conducting domestic surveillance. Most common is that provided by Title III of the US Code, which regulates surveillance regarding criminal investigations, conducted by law-enforcement personnel, with a view to legal prosecution. In this process, the government, through the Justice Department, requests the judge within whose jurisdiction the surveillance will occur to issue a warrant. The petition is based on ‘reasonable suspicion’ or ‘probable cause’ to believe that a specific suspect is involved in criminal activity. The warrant specifies the person, places and methods of surveillance. The second framework is provided by the Foreign Intelligence Surveillance Act (FISA). FISA surveillance was originally restricted to counter-intelligence. This meant that investigations did not have any criminal prosecution objective and that people could become targets of a FISA investigation regardless of whether they were suspected of any illegal activity. FISA regulated surveillance in the context of foreign intelligence investigations, carried out by intelligence personnel, for the purpose of intelligence collection on the activity of ‘foreign powers’ or ‘agents of foreign powers’. FISA investigations are authorized by a secret court (FISA Court or FISC), a judicial body consisting of nine judges. The only party present before FISC is the Justice Department via surveillance applications approved by the attorney general. Prior to the Patriot Act, of about ten thousand applications FISC had rejected two.13

The Patriot Act effectuates a radical rearrangement of this double framework by augmenting the government’s investigatory powers and (further) releasing them from judicial control—this regarding both Title III and FISA. But, more importantly, the Act introduces FISA process into criminal investigations. This is a monumental move, and certainly (along with the definition of ‘domestic terrorism’) the most important move brought about by the Act. It provides the policing mechanism an alternative avenue to investigate and prosecute when ‘levels of suspicion’ are too weak to satisfy criminal investigation criteria, and subjects the population to an intrinsically deregulated surveillance and prosecution process. At the same time, it initiates a tremendous shockwave that engulfs the roles of the judiciary and the executive in coercion, and the structure and operational mode of the policing mechanism.

The introduction of FISA into the framework of ‘normal’ criminal prosecution is brought by a subtle change in phrasing: before Patriot, FISA investigations could be initiated if the Justice Department claimed that foreign intelligence was ‘the purpose’ of the investigation. Patriot changes that requirement to ‘a significant purpose’ (Sec. 218). Thus the FISA process is now open to the participation of law enforcement, while its findings are automatically valid for criminal prosecution.14 This inverts the FISA process by
introducing it to an area it was not meant to be in, and by placing its authority in the hands of criminal prosecutors. Likewise, it potentially cancels Title III, providing law enforcement a leeway to bypass it: if they cannot justify Title III surveillance, they can use the much lower threshold required for initiating a FISA investigation. Directly related to this treatment of FISA is the fusion of law-enforcement and intelligence functions within the policing mechanism. Sections 203 and 905 of the Patriot Act permit law-enforcement personnel to participate and direct FISA investigations, and command the attorney general and the CIA director to produce guidelines for their common use of FISA.15

So the Act attempts to amalgamate the two distinct categories of ‘policing’: the police mechanism is meant to act in the unconstrained framework of intelligence operation in order to prosecute crime, with one important addition – crime should now be prosecuted before it happens. It will be ‘too late’ and ‘no good’ if ‘another attack’ occurs. It is the orientation of the police apparatus towards pre-emption that dictates the rearrangement of its operational framework towards intelligence. This reorientation seeks to homogenize the policing apparatus by introducing continuity of purpose, compatibility of operation techniques, undisturbed flow of information, directives, and so on.

The Homeland Security Act (HSA) goes further in that direction. Title V mandates federal supervision, funding and coordination of local police and emergency personnel, thus bringing them under federal control. Local police personnel amount to 3 million employees. Their inscription to federal control provides the real muscle that would implement counterterrorism measures. Finally, HSA provides for the construction of a single body of command of this unified mechanism, the Department of Homeland Security (DHS), centralizing thus the control of all policing activity in US territory on a single point – the DHS secretary who operates directly under the authority of the president.

Together, Patriot and HSA unify the coercive apparatus, both horizontally and vertically. The centralization introduced by the DHS does not refer to direct operational control of the agencies, but to the introduction of a central directory upon a multilayered and multi-tentacled mechanism. So, counterterrorism legislation indicates the restructuring of the policing mechanism, as a constant plexus, locally run on this basis and centrally controlled at the top.

Patriot’s most controversial provision is another FISA amendment, Section 215. It permits even low-grade FBI officers to access records or any ‘tangible object’, as part of an investigation to ‘keep the US safe from terrorism’.16 This expands FISA’s initial record-access authorization (applicable to certain types of ‘third party’ like courier, accommodation, vehicle rental) to absolutely every interaction that is kept on record. In order to gain such access the government has to certify to FISC that the records are sought in an investigation that involves ‘foreign intelligence’ or ‘terrorism’ interest. Courtesy of the ‘significant purpose’ amendment, there is no need to suggest suspicion that the targets are agents of a foreign power, or engaged in illegal activity. And, as with all FISA applications, the government is not subject to judicial review, while the FISC has no capacity to scrutinize the governmental claims.17 While originally FISA did not require its target to be suspected of ‘illegal’ activity, as Patriot scraps the ‘foreign intelligence’ requirement FISA can now be applied to investigate people not suspected of anything at all.18 While this is the case for all FISA provisions post-Patriot, Section 215 takes a further leap: it does not demand a ‘target’ at all. It permits the FBI to conduct ‘blanket’ investigations, using its record-obtaining power without presenting any individual as a suspect. Warrants may encompass entire collections of data, enabling the FBI to sweep up entire databases indiscriminately.19

The same regime of investigation that Section 215 laid down in relation to FISA is reproduced in the framework of ‘normal’ policing. Section 505 permits the government to obtain a number of personal records by producing a National Security Letter (NSL): a self-issued subpoena produced by FBI agents unilaterally. Again, the NSL authority permits the government to collect entire databases of information, targeting not a number of suspect individuals, but everybody.20 The novelty these twin sections introduce is to reorient surveillance towards ‘totalitarian’, an operational scope that covers the entirety of individuals and of their interaction. The fact that the Patriot Act provides two different, mutually independent, legal provisions to do so portrays this quest as persistent. Patriot provides the legal architecture for a major shift in the operation of surveillance, one that renders the totality its sole, homogenous target. Thus, the one unified police mechanism is set to investigate one homogenized social body.

To assist this unified police mechanism Patriot has brought about a shift in the spatio-temporal mix of policing. It has introduced ‘roving surveillance’, the legal capacity of the police to use a warrant acquired in a jurisdiction beyond the limits of jurisdiction, thus instituting electronic surveillance (telephone, email)
and physical search warrants of nationwide value – instead of limited to the issuing court’s jurisdiction, as was hitherto the case. A search warrant obtained by a magistrate authorizes the search of a person’s property to be executed within or outside the district, not excluding searches abroad. In addition, the police can delay notifying both the target and the court of a search and seizure (‘sneak and peek’) operation. It is entitled to do so if it determines that real-time notification may cause ‘any adverse impact’ to the ‘government’s interests’, while the length of the notification delay is only specified as a ‘reasonable period’. These ‘roving’ provisions apply to both Title III and FISA investigation frameworks.\(^{21}\)

A common feature of the ‘roving’ provisions is their lack of legal standards. The nationwide value of the warrant means the issuing court has no power to overview activities that may be taking place in another jurisdiction. And the requirements for obtaining a ‘roving’ warrant are practically non-existent: the FBI does not need to show reasonable suspicion of criminal activity. It only has to certify to a judge that the warrant will be relevant to an ongoing criminal investigation and the judge has no authority to reject the request.\(^{22}\)

The combined effect of these provisions is increased authority of the federal executive to act on its own discretion. They ‘emancipate’ it from the control of the judiciary, whose participation in investigations tends to become ornamental – settling thus the issue of the ‘double patronage’ of the police.\(^{23}\) While this ‘emancipation’ is a trait that characterizes the Act in its entirety, these provisions produce a unified, uninterrupted, operational terrain for the coercive mechanism. Hence, the ‘roving warrants’ (Sections 206, 214, 216, 219, 220) cancel the boundaries of jurisdictions and the borders between the fifty US states regarding electronic surveillance; while the ‘sneak and peek’ provisions (Sections 219, 213) shatter another ‘frontier’, that of ‘private space’. They flatten the juridico-ideological hurdles to police activity, creating a smooth space for the enhanced movement of the coercive mechanism.

The roving surveillance provisions also diminish the duration of police intervention, by rendering redundant the process of application and approval for warrants each time the investigation shifts its attention on the map. The ‘spatial’ provisions of the Act are at the same moment ‘temporal’ and can be grouped together with those that extend the duration of surveillance under FISA authority: from 45 to 90 days for physical search orders, and from 90 to 120 days – and through consequent renewals up to a year for electronic surveillance and physical search orders (Sec. 207).\(^{24}\)

Taken together, the provisions referring to investigation/prosecution design a homogenized and unified coercive mechanism, set to police the totality of a homogenized population and all its activity, in a unified socio-political territory. Within this total scope of surveillance/prosecution, counterterrorism legislation designates the primary focus of policing to be the population’s political activity. This takes us to the directly political character of ‘counterterrorism’.

**Provisions 2: criminalizing politics**

As is well known, the Patriot Act modifies the pre-existing definition of ‘international terrorism’ to create a new criminal category: domestic terrorism. Section 802 of the Act defines domestic terrorism as activities that

(A) Involve acts dangerous to human life that are a violation of the criminal laws of the US or of any State;
(B) Appear to be intended: i) to intimidate or coerce a civilian population; ii) to influence the policy of a government by mass destruction, assassination, or kidnapping; and
(C) Occur primarily within the territorial jurisdiction of the US.

The first clause of the section provides against something already covered by law. It sets a necessary, but not sufficient, condition in defining ‘terrorism’. The condition that specifies terrorism as such is given in the second clause. The activity in question must: ‘Appear to be intended: to intimidate or coerce a civilian population’; or ‘influence the policy of a government by mass destruction’. Hence, it is not the ‘content’ of an action that designates it as ‘terrorist’ but the actor’s (apparent) intention. ‘Terrorism’ is a criminal category defined not by ‘objective’ deed, but by ‘subjective’ conviction. This signifies a substantial reorientation of the justice system, which tends to address not anymore the act but the inherent conviction of the actor, and that not as defined by the actor but as understood by others.

Moreover, the definition (Section 802–B, II) informs that the Act seeks to protect ‘the policy of a government’ from being ‘influenced’ by certain means.\(^{25}\) The ‘good’ to be protected is the ‘policy of a government’. ‘Intimidation’ and ‘coercion’ are never defined by the Act. Neither is what ‘policy’ of what ‘government’ is to be protected, nor under what conditions is justifiable to ‘influence’ a government. What transforms a crime into ‘terrorism’ is the actor’s perceived intention to
influence the (any) governmental policy. ‘Terrorism’ is the illegal activity that agents of the executive and/or the judiciary interpret as being politically motivated against governmental policy or institutional normality. Thus, the definition raises the ‘public order’ – that is, the structures, institutions and practices of a society – to the status of a self-referential ‘legal good’ to be protected by force. The promotion of the ‘policy of a government’ and more broadly a historically specific configuration of ‘social order’, as a legally protected good, is a serious indication of an authoritarian polity, wherein the act of the state (‘government policy’) is the only permissible source of social change.

Once the political motivation becomes ‘apparent’, crime X is no longer merely crime X. It is ‘terrorism’. It rises to a qualitatively different, much aggravated status, which requires subjecting those suspected of committing it to ‘special’ investigatory techniques, juridical procedures and penal treatment. This becomes apparent from the list of crimes (Sec. 802) which, when the surplus value of political motivation is attached, are thereby said to constitute ‘federal terrorist crimes’. Featuring in this list of 38 ‘items’ are assault against federal high office holders, intimidation, conspiracy to destroy property of a foreign government, malicious mischief against US government property, and computer hacking. Many of the penalties for these crimes are doubled, ranging from twenty years to life.26 Finally, as part of the 2003 ‘wave’, Congress passed legislation providing for lifelong supervision of ex-convicts of non-violent ‘terrorism crimes’ like computer crime ‘causing severe financial damage’, and applying the death penalty to all terrorist crimes not already subject to it, if death results from the act.27

These provisions dramatically exceed the general principle of ‘danger to human life’ that the ‘definition’ prescribes as the necessary condition for ‘terrorism’ to exist. They include virtually every federal crime and refer for the most part to protection of property rather than life, including some that without the ‘terrorism’ designation would be mere misdemeanours. Once the extra gravity of subversive political motivation becomes ‘apparent’ it becomes ‘terrorism’ and participants may be sentenced to life imprisonment or death.

This penalization overkill has a heavily symbolic dimension – its main significance is ideological. Most obviously it designates the socially ‘good’ from the ‘bad’. But, more importantly, in a gesture of reassurance for some and open threat to others, these provisions are ‘symbolic’ in the sense that they emphasize the state’s willingness to employ violence to counter actions intended to ‘influence’ its activity. This reminder is by no means limited to law: anything from unilateral preemptive warfare to ‘visible’ police presence in the city, from the consistent defence of the US right to torture ‘terrorists’ to the presidential prerogative to monitor communications of US citizens, goes well beyond the framework of counterterrorism legislation. This parade of violence may or may not influence the decision of a few people whether to proceed to mass assassination or not, but it certainly warns the majority about what their opinions and activities should be to avoid the armed and itchy hand of the state. In other words, the threat of extreme punishment shapes the formation and expression of political conviction. The penalization provisions have an important ‘deterrence’ value not for fundamentalist mass assassins but for the expression of ‘dissident’ views and ‘subversive practices’ by the majority. Far from being a legal side effect, and certainly not any kind of ‘abuse’ of legal procedure, the repression of political activity is inscribed in the very core of ‘counterterrorist’ legislation.

Perhaps the most important and largely overlooked provisions of HSA concern the issue of ‘critical infrastructure’, a term without legal definition. The HSA leaves such designation to executive prerogative. The president and/or the DHS secretary are authorized to select and designate as ‘critical infrastructure’ the facilities of any private company. The designation signifies a special regime of protection. Namely, once the company submits information about the situation of its infrastructure to the government (and even if it does so orally), any disclosure about its condition is prohibited. Moreover, the company is automatically offered immunity, even if its vulnerabilities result from criminal negligence, while the law does not require either the company or the DHS to proceed to corrective measures (HSA, Sec. 212 to 215). Thus, all manner of enterprises, once designated as ‘critical’, will avoid both publicity and prosecution for threats they may pose to their personnel and the neighbouring population.

Likewise HSA Section 871 enables the DHS secretary to establish Advisory Committees, and grants him the authority to keep policymaking decisions therein secret. As private corporations are key participants in Advisory Committees (notorious among them is the vice-president’s Energy Task Force), the Act provides precisely that the direct participation of capital in forming the policies of the state will remain hidden. Finally, the secretary is given broad latitude to award contracts to companies even on a basis irrelevant to
‘homeland security’, such as the possibility of losing US-based jobs. Hence, the secretary is allowed to award contracts practically at will (HSA/Sec. 835).\(^{28}\) Thus, the so-called counterterrorism legislation protects government policy from being ‘influenced’ by the population, while at the same time instituting its ‘influence’ by (selected) capital, and officially protects it from public knowledge and control. This move is at the very heart of counterterrorism policy. Much more than a racist project or one of cultural bigotry, ‘counterterrorism’ is a strategy to exclude all classes but (the) one from politics. Again, as with everything else, while legislation provides a thread in deciphering this core issue, it can neither confirm it fully, nor show its full extent.\(^{29}\)

**Authoritarian statism, phase 3**

I have been arguing that one of the key features of the legislation is that it homogenizes and unifies the USA into a single territory regarding policing, undermining the significance of juridico-political entities below the national level. Sub-national entities lose control over ‘their’ respective territories regarding law enforcement. This indicates a possible reversal of a hitherto established trend towards a ‘relativization’ of scales of governance.\(^{30}\) Counterterrorism legislation in the USA shows the ‘national’ level presiding over a flattened domestic territory. Moreover, this ‘flattening’ motion extends to ‘private space’, which, historically, has been one of the most important inner barriers to the bourgeois state. Finally, this spatial unification is intrinsically related to the enhancement of speed; it is a condition for the latter. The homogenization of investigative space is directed by a perceived need to revolutionize investigative time.

The need to enhance speed justifies a second act of unification dictated in the legislation: that of the coercive apparatus. The legislation here provides for a three-pronged approach. First, the judiciary is subjected to the spatiality and temporality of the coercive mechanism, is excluded from the investigation/persecution process, and banished from the coercive partnership. Second, the police mechanism of state and local government is subjected to federal control. Again, this indicates that the national gains predominance, regarding not only scales but also mechanisms of governance. It also reorganizes the coercive apparatus in a structure marked by great disparity (decentralization) at the base with concentration of ‘overall’ control (centralization) at the top. Finally, the federal policing mechanism is horizontally homogenized by merging the two main police functions (enforcement and intelligence).

In sum, the restructuring of the coercive mechanism results in the monopolization of coercive powers by the federal executive, both horizontally and vertically, at the expense of the other federal ‘branches’ and lower-tier governments. But the reshuffling of cards among governmental entities is only the secondary motion effectuated by the legislation. The primary one consists of a vast augmentation of governmental powers vis-à-vis the citizenry. This primary motion largely conditions the ‘structural’ one described above, and is expressed in the new modalities and targets of policing. The intelligence and criminal prosecution functions of the apparatus are homogenized into a ‘criminal intelligence’ mould, where the intelligence function is predominant. This inflated role of intelligence is dictated by an operational turn of law enforcement towards pre-emption: identifying, disrupting and persecuting (criminal) activity before it occurs. In turn, this homogenizes the mechanism’s target: the intelligence/pre-emption turn signifies a radical shift whereby not only does everyone become potentially suspect of uncommitted crimes, but also ‘all’ (people, activity) is suspicious. Yet the key category for police targeting is political activity. It cannot be stressed enough that the core of counterterrorism legislation (the ‘domestic terrorism’ crime) is the criminalization of attempts undertaken by parts of the citizenry to influence state policy. As ‘terrorism’ is the criminalization of the political conviction ‘behind’ the act, counterterrorism is an attempt to shield the socio-political regime. Finally, the social order that counterterrorism seeks to protect is the governance of social affairs by joint state–capital ventures. Its measures are a powerful message of caution to anything that, to one degree or the other, challenges this social order.

Examining law as a particular codification of social relations that provides an abstract framework for the exercise of power means that law can testify on the latter’s character. In these terms, counterterrorism legislation indicates a sudden deepening/hardening of the republic’s authoritarian features and tendencies. Before indulging in perceptions of a supposed ‘dictatorial derailment’ of US polity, it must be recalled that the vast augmentation of state powers vis-à-vis the citizenry, and their arbitrary monopolization by the executive, are not the result of a coup, but smoothly handed by the legislature, in perfect inter-branch and inter-party synergy.\(^{31}\) The institutions of political democracy keep their shape, and continue to function normally; there is no attempt to cancel constitutional
democracy, but rather to transform it towards more exclusive forms. This is undertaken not only by the ‘right-wing’ party, but is common ground for both dominant parties. And, crucially, there is not a representation crisis between the dominant class and its political parties and networks; nor is there (yet) a developed right-wing popular movement. In short, the ‘homeland security’ state is not an exceptional state, but an authoritarian transformation within the institutional context of the bourgeois republic. This implies that counterterrorism features should not be treated as a temporary ‘emergency’ blip, but as permanent ingredients of the polity. Characteristically in 2006–08, when other War on Terror aspects (Iraq, Guantánamo) are being reconsidered, the ‘home front’ is constantly strengthened.

This organic development of authoritarian elements within a democratic context indicates the usefulness of ‘authoritarian statism’ as a framework for analysing transformations of the state. The term was coined by Poulantzas in the late 1970s to account for a reconstruction of the state apparatus, its mode and terrain of operation, in the direction of ‘intensified state control over every sphere of socio-economic life combined with radical decline of the institutions of political democracy and with draconian and multiform curtailment of so-called “formal” liberties’. It is not a fascist state, nor a chrysalis form of such a formation: ‘it rather represents the new “democratic” form of the bourgeois republic in the current phase of capitalism’. In other words, authoritarian statism is not an exceptional state form but a normal form of capitalist state, which nonetheless incorporates, normalizes and renders permanent a variety of emergency-type features: an increased concentration of power at the upper summits of the executive; the erosion of the rule of law; the reversal of the political function of parties that prevent participation and initiative from the base; the material inflation of the administration and the increase of its political significance; and the rise of a (hidden) parallel network of power that bypasses formal channels of interests’ representation in the state.

We can distinguish two earlier phases of authoritarian statism, each accommodating different articulations of governmental practice, structure and strategy. The first phase, described by Poulantzas, was an attempt to counter the crisis of the Keynesian welfare configuration, via (and within the context of) the national state. The second, occurring under neoliberal hegemony, implicated a relativization of scales of governance, proliferation of its mechanisms, and a radical break with the welfare state and Keynesian political economy, towards ‘Schumpeterian’ strategies more competitive and openly antagonistic to the subaltern classes. Each of these phases has seen a further concentration of state power in the executive and an increased criminalization of political activity.

Whilst we are in some sense witnessing an intensification of these features of authoritarian statism, the ‘homeland security’ context effectuates a crucial break with articulations hitherto of the authoritarian statist form, justifying talk of a new third phase. For Poulantzas authoritarian statism constituted a reformulation of the state apparatus related primarily to its economic functions. The concentration of power in the executive and the post hoc derailment of legal production resulted from the state’s role in monopoly capitalism of handling the dynamics of the – ‘integral’ – economic sphere. Similarly, in the second phase, workfarist tactics as much as the relativization of scale and proliferation of governance mechanisms were articulations of a broad economic strategy.

Now the ‘intensified state control over every sphere of socio-economic life’ is primarily effectuated by coercive means and under a ‘security’ imperative. During previous phases, developments were pursued under the overarching aegis of the state economic apparatus. The present intensification of authoritarian statist trends is occurring under the aegis of the coercive apparatus. Combined with the ideological shift of legitimacy basis from ‘economic performance’ to ‘homeland security’, the capacity of the security mechanism to protect, subsidize and invite select capital in policymaking mechanisms, and the development of a dynamic sector of ‘security’ production and economy, the coercive apparatus is in fact replacing the economic in being predominant among the state mechanisms. As the state is a social relation and a strategic factor in the field of social dynamics, this rearticulation of the state form signifies an important reconfiguration in that field. In these terms, the present shifts in the state form signify the effective appropriation of the state by capital (or fractions thereof), and a simultaneous attempt to ‘fortify’ this position against any other class. The bourgeoisie occupies the mechanism of effective social power, construes it as a fortress, and declares it ‘under siege’.

This state-theoretical examination of the legislation captures the evolution of pre-existing elements into a historically novel articulation. Intelligence-based pre-emption, already present since the 1970s, ceases to be a ‘special’ function and becomes the dominant operative paradigm, seeking moreover to engage the totality of
the population and social interaction into policing relations, with special attention reserved for political activity. The scope and operational terrain of policing is thus radically augmented, while – crucially – the coercive apparatus becomes thoroughly ‘politicized’: it is restructured as an uninterrupted continuum operating under direct presidential control. The mutation of social interactions into a policing relation, combined with the ‘security imperative’ dominating state policy and the rise of the (proliferating/centralized) coercive apparatus into prominence, signify an alteration of the state form towards a hardened version of authoritarian statism.

These developments cannot be affirmed or fully assessed by examining the legal ‘blueprint’. Even the charting of the abstract ‘design’ of the state form should consider budget policy and allocation of money to implement the legislation; while a full-bodied assessment would necessarily include its actual implementation, including its impact in shaping state mechanisms and practices, or risk interpreting a high-impact symbolic gesture. Nonetheless, the modality of its introduction (sustained convergence between parties and ‘branches’), and the institutional innovation it has triggered leaves no doubt that the counterterrorism legislation largely exceeds the ‘symbolic’ terrain: it constitutes a programmatic declaration of intention of the ‘state as a whole’ and hence provides an important insight into prevailing strategies and the forces they predominately serve.

In these terms, the ‘homeland security’ rearrangement of the current phase of authoritarian statism is transforming the state into a strictly and openly oligarchic authority, determining politics on the overlapping objectives of ownership and security. At the same time, it should also be noted that while the first configuration of authoritarian statism, intended to counter the ‘Keynesian’ crisis, excluded popular input through the party system, and the second, during the neoliberal transition, banished labour from the formal policy-making process, the current phase attempts to strangle ‘informal’ popular political expression at a distance from the state. Thus, every new phase involves the disruption of a particular channel (party, union, streets), resulting to an increasingly thorough insulating of state policy from popular politics. This is linked to the increasingly formalized participation of capital in policymaking, such that ‘homeland security’ brings the parallel power structures of joint state–capital governance characteristic of authoritarian statism inside the institutional framework of the state and under its protection. The consolidation of (any) consensus on the basis of ‘obedience in exchange for protection’, the predominance of the coercive mechanism, and the prohibition of popular politics, together signify a ‘pre-emptive’ shielding of bourgeois rule against actual and potential popular challenges.

These developments can no longer be seen as a parenthesis pertinent to an ‘emergency state’ or the authoritarian style of a certain administration. They are prevailing elements of an overall state strategy, ‘locked’ in its institutional materiality, and pertinent to the interest of the bourgeoisie as a whole. They are inscribed in and constitute the current form of capitalist state in the USA, and hence should be considered as elements of a (relatively) permanent reconfiguration of the political terrain. Accordingly, any reversal of these tendencies cannot occur as/by a reversal in the legislation alone; it would necessarily involve reshaping the broader political configuration.

Notes

1. By ‘state’ I exclusively refer to the ‘modern’ state; I have no intention of including other forms of statehood.
5. This synopsis does not do justice to the intellectuals mentioned. Scheuerman especially acknowledges developments in the economy as the underlying factor for shifts of modality and power within the state (Liberal Democracy and the Social Acceleration of Time, Johns Hopkins University Press, Baltimore, 2004, pp. 1–25). Yet, his framework restricts the political to an autonomous institutional universe separate from social dynamics; and consisting of a hierarchical configuration of three antagonistic branches.


16. Ibid., p. 11.


25. The other subclause to protect the population, from being ‘intimidated’ or ‘coerced’ is completely empty: ‘coerced’ into doing what, the Act does not say – it would be impossible, since the juridical constellation acknowledges to the ‘population’ no power to implement a collective will; collective will and implementing powers are state monopoly.


29. Further testimony for this can be drawn from an examination of conceptual and operational premises of the security apparatus. There, the category ‘employee’ is systematically merged with that of ‘terrorist’, while security workers are subjected to a quasi-feudal regime of working relations – see Christos Boukalas, *Empire and Reich: War on Terrorism and the Political Metalaxis of the US*, Lancaster University, 2007. As for access of social forces articulated on a basis other than class, it will depend on the permission they get from a particular administration, or the support they can mobilize within the state as ‘oppositional’ gestures – i.e. the degree in which their objectives can be inscribed into the strategy of a capital fraction.


34. Scheuerman, *The State of Economic Emergency*, *Cardozo Law Review* 21, 2000, pp. 1869–94, comes to similar conclusions by discussing the proliferation of emergency powers throughout the twentieth century. Nonetheless, his assessment mainly concerns the ‘interior’ of the state, especially the relations among the ‘branches’; it misses, that is, what is crucial in AS – the augmentation of state powers/control over society.


THIRD TEXT 91, vol 22, issue 2

A Very Special BRITISH ISSUE

Rasheed Araeen A Very Special British Issue? Modernity, Art History and the Crisis of Art Today
Juliet Steyn Realism versus Realism in British Art of the 1950s
Stella Santacatterina Denis Bowen: The Universality of Abstraction
Ian McDonald-Munro John Latham: The Artist as an Incidental Person
Andrew Wilson Gustav Metzger’s Auto-Destructive/Auto-Creative Art: An Art of Manifesto, 1959–1969
Leon Wainwright Frank Bowling and the Appetite for British Pop
Nigel Whiteley ‘Cultural Imperialism’? British Hard-Edge Painting in the 1960s
Jill Drouer The Exploding Galaxy
Hyla L Robicsek ‘You Give Us This and We Give You That’: ‘young British art’ and the Legacy of Anglo-American Influence
Cliff Lauson Separate But Not Marginal: A Conversation with Liam Gillick
Neil Mulholland Self-Conscious Stateless Nation: Neoconceptualism and the Renascence of Scottish Art

WHAT IS BRITISH ART?

Issues emerging from the above will be further discussed in an all-day symposium at Tate Britain on Friday 10 October 2008. Speakers include: Rasheed Araeen, Jean Fisher, Francis Francina, Michael Corris, Mel Gooding, Peter Osborne, Leon Wainwright and Nigel Whiteley.

For further information and booking contact
www.tate.org.uk +44 (0)20 7887 8888

for THIRD TEXT contact:
Routledge Journals, T&F Informa UK Ltd, Sheen Place, Colchester Essex, CO3 3LP, UK
Tel: +44 (0)20 7017 5544 Fax: +44 (0)20 7017 5198
Email: tf.enquiries@tandf.com
OR: Taylor & Francis Inc, 325 Chestnut Street, Philadelphia, PA 191106, USA
Tel: +1 800 354 1420 (toll-free calls within the US)
Tel: +1 215 625 8900 (calls from overseas) Fax: +1 215 625 2940
Email: customerservices@taylorandfrancis.com
Website: http://www.tandf.co.uk/journals

Available from selected bookshops including the ICA, Tate Modern & The Serpentine Gallery

In *Deleuze et la psychanalyse*, philosophy and psychoanalysis meet again, and the manifest ‘altercation’ between Deleuze and (Lacanian) psychoanalysis implicates or enfolds the ‘real altercation’ – the ‘real conflict’, to use David-Ménard’s terms: the quarrel between philosophy and psychoanalysis themselves, with David-Ménard conducting a dispute with Deleuze over his attempts, notably in *Difference and Repetition* and later in *Capitalism and Schizophrenia*, at a mediation in this ongoing altercation. The book gives an elegant and informative account of Deleuze’s main psychoanalytic ideas, as well as serving as a further chapter in a distinctive and profound attempt to map the boundaries between philosophy and psychoanalysis.

The guiding problem, as stated in the first chapter, ‘*Clinique et philosophie*’, concerns the conflict between two opposing ways of conceiving the nature of human desire: in terms of lack and negativity or as productive and positive. David-Ménard situates Deleuze and Guattari’s critique of the use of the concepts of lack and negativity in Lacanian psychoanalysis in the wider context of Deleuze’s philosophical critique of the concept of negativity in general. ‘Before taking the form of a critique of psychoanalysis, the thought of Deleuze took the shape of a critique of negativity in Hegel.’ As the book proceeds, a meditation on the theme of negativity in psychoanalysis and philosophy unfolds, culminating in a final chapter, ‘Kant and the Negative’, which may at first sight appear out of place in a book on Deleuze and psychoanalysis, but whose inclusion is justified by the trajectory of the book, as well as by a clear impulse to cut through the more mystificatory, abstract conceptions of negativity and the ‘void’ that prevail in contemporary Lacanian theory, and to determine more precisely their nature and scope. Mediating not just between Deleuze and Lacanian psychoanalysis, but between philosophy and psychoanalysis in general, David-Ménard attempts to avoid taking sides in the conflict of interpretations by invoking the ‘critical’ path of identifying the source of the conflict and ‘objectivating’ the dimensions of the problem. She claims that the key text in the modern philosophy of negativity is Kant’s 1763 *Attempt to Introduce the Concept of Negative Magnitudes into Philosophy*, which, as well as providing a fundamentally new conception of the relation of negation and reality (one which, David-Ménard suggests, is a key condition of Kant’s critical epistemological break), provides a means for learning ‘how to think sadness’ without ‘overcharging’ thought with abstract and potentially illusory ideas about negativity. This Kantian approach to negation, she argues convincingly, is consistent with Deleuze’s best ideas.

The psychoanalyst has to deal with multiple manifestations of apparent negativity: resistance, repression, guilt, denial, and in general with ‘*ce qui cloche*’ – whatever does not ‘function’ or ‘work’ in human sexual relationships. The aim of psychoanalytic practice is to find a register for the *inadequacy* of objects of desire in relation to sexual ‘satisfaction’. But in the process of thinking through the logic of negation involved in this inadequacy, David-Ménard argues, psychoanalytic theory tends to ‘transform inadequation into a lack, into something impossible, a particular which escapes the universal which claims to structure...
it’. This tendency in psychoanalysis reaches its head in ‘the Lacanian solution’, which conceives inadequacy ‘in the sexual relation as the inscription of something impossible’, and consequently ends up overlooking ‘the subtleties of the drive [les subtilités du pulsionnel]’. ‘From Plato to Lacan’, the message is the same: when you desire, you are in a position of lack. ‘You can hope for nothing more than discharges of energy. You will pursue an impossible Jouissance.’

Giving a subtle and qualified affirmation of Deleuze’s critique of this tendency in Lacanianism, David-Ménard proceeds to employ Deleuze’s thought to ‘defend an epistemology of inadequation’, against both a ‘logic’ and an ‘ontology’ of negation. Deleuze’s basic philosophical task, according to David-Ménard, was to identify the ‘metaphysical errors’ involved in the use of the concept of negativity in Hegelian and post-Hegelian thought, including in the thought of Lacan, and to re-ground the apparent ontological significance of negation in a philosophy of difference and repetition. Here he is Kantian, and is accordingly focused on transcendental issues of temporal synthesis. In the ‘decisive chapter’ on repetition in Difference and Repetition, to which David-Ménard devotes some luminous pages at the centre of the book, Deleuze ‘shows how the work of the negative – lack in being, conflicts, oppositions, contradictions – masks the impact of repetition’. Beneath the local activity of repression, there is a trajectory of ‘biopsychic individuation’, articulated first in the development of habit and memory as syntheses of time, and then in the desexualizing processes of thought. Deleuze emphasizes the ambiguity of repetition in psychoanalysis: that it can be both destructive and inventive. But, according to David-Ménard, he succeeds in showing how ‘each conflict, every contradiction is a misrecognition of an inventive repetition’ weaved by ‘the living, desiring and thinking being’. She observes that for much of the late 1960s, Deleuze can be found defending the necessity of the Lacanian phallic function. Nevertheless, she stresses that the Deleuzean phallus always remains a ‘problem’, both in itself and for the child, and is not presented as a necessary solution to desire’s impasses. It is one among a number of special ‘problems’ that occupy the unconscious mind: lacks proper to need, questions about sexual identity, and problems to do with discovering the point of thinking itself. David-Ménard is particularly illuminating when discussing how the application of Deleuze’s complex theory of repetition generates increased possibilities for intervention within the transference situations involved in the psychoanalytic therapy of both neurosis and psychosis.

In the latter part of the book David-Ménard claims that, in his later focus on art and creative ‘becoming’, Deleuze abandons this fruitful line of inquiry, and in works co-authored with Guattari such as A Thousand Plateaus and What is Philosophy? ends up affirming a ‘philosophy of the infinite’, where philosophy, art and science become privileged forms of ‘becoming’ (or ‘development’ – devenir) at the expense of desire in general. David-Ménard’s resistance to the later Deleuze’s plunge into a ‘philosophy of the infinite’ echoes that of Serge Leclaire in his polemic with Deleuze. In a 1972 roundtable with Deleuze and Guattari, Leclaire contended that the analysis of the social and cosmic aspects of desire must nevertheless proceed through ‘that narrow pass that the object constitutes’, in the here and now. David-Ménard’s contention that ‘Deleuze’s polemic against the Freudian and Lacanian idea of desire as lacking its object misrecognizes that the important thing, in the function of the object, is to permit the death drives to appear’ pursues a similar line. For David-Ménard, as for Leclaire, the ‘object’ must be understood as a fundamental screen for the projection of the movement of the death drive. Although the Deleuze of Difference and Repetition has an account of an ‘object = x’ that circulates through difference and repetition, Leclaire believed that the object had disappeared in the theory of fluxes of the Capitalism and Schizophrenia project.

One of this book’s major contributions is towards a rethinking of the concept of negativity in philosophy and psychoanalysis. In his second Seminar, Lacan had engaged in a discussion on the concept of negation in Hegel and Freud with the Hegelian scholar Jean Hyppolite. While the latter refused to be drawn on the internal connections between ‘negation’ and the death drive, Lacan clearly wanted to relate them somehow. His speculations on negation in this seminar provide one of the stimuli for the application to Lacanian psychoanalysis of logical and mathematical ideas about negation and zero, in the 1960s, by Jacques-Alain Miller and Alain Badiou in the journal Cahiers pour l’analyse. In the final section of the book, David-Ménard returns to Kant’s theory of negation in order to ground fundamental psychoanalytic ideas about negation. She puts into question Deleuze’s characterization of Freud in Difference and Repetition (repeated in a seminar on Leibniz in 1980) as ‘on the side of an Hegelian post-Kantianism – in other words, of an unconscious of opposition’, as opposed to the ‘differential unconscious’ of Leibniz and Fechner. Deleuze’s concept of ‘opposition’ misses the significance and novelty of Kant’s notion of real opposition or real
conflict, making it a mere anticipation of Hegelian contradiction. In doing so, he misses an opportunity to rethink the primary relation of thought to the ‘Real’ that the Lacanians of the Cahiers were trying to think with their application of Frege’s conception of the distinction between the number one and zero to the problematic of primal repression and the constitution of the unconscious.

In his 1925 article on ‘Negation’, Freud had shown how the act of negation already involves a primary affirmation. When a patient says to the analyst, ‘You will think that this woman of my dreams is my mother, but it is precisely not that’, an affirmation is already implicitly made that can be exploited by the analyst in the subsequent interventions. As David-Ménard puts it, ‘in mentioning negatively the content of his idea, the patient returns to a primary exclusion’, replaying an original negation. The act of judgement itself constitutes a ‘negation of the primary magical abolition’ of reality, since it allows the thing to be negated to be included in the space of the symbolic order. Through this negation, the subject is now capable of creating and thinking through opposites; determination becomes possible. The analyst, David-Ménard notes, can take advantage of these opposites to provide exit routes from inappropriate identifications.

But how is this logic of primary exclusion to be conceived? In his courses on logic, Kant gave the indefinite judgment primacy in his definition of negation. David-Ménard appeals to J.N. Findlay’s account of Kant’s distinction between two types of negation in his Kant and the Transcendental Object: the negation of ‘the kind which simply cancels or eliminates a thought-determination’ should be distinguished from the kind ‘which makes a vaguely ‘infinite’ reference to all others, uncancelled possibilities (the Soul, for example, belongs to the infinite remainder class of not-mortal things’). To say that the soul is ‘not mortal’ puts the soul into ‘an infinite remainder class of not-mortal things’. To negate, therefore, is not just a way of logically determining the content of a concept, but more fundamentally is also to open up an infinite ideal space.

The reason David-Ménard suggests that Kant’s 1763 Attempt to Introduce the Concept of Negative Magnitudes into Philosophy is a turning point in Kant’s move to critical philosophy is that its claim for the reality of negative magnitudes – for the reality of debts, deprivation and suffering – and its conception of a ‘world-whole’ based on the principle of an equilibrium of forces – allowed Kant to generate the framework necessary for a theory of the conditions of objective reality. Kant’s transcendental idealism, David-Ménard argues, as well as his conceptions about temporal synthesis, emerge as a reaction to an encounter with the ‘delirium’ of Swedenborgian and Leibnizian idealism. Left to itself, rationalism or the exercise of ‘pure reason’ leads to baroque madness. Kant’s task is therefore to ‘redefine philosophy as the science of the limits of human reason’. Dialectical conflicts (the antinomies of pure reason) must be related back to ‘real conflicts’.

Kant’s first notion of real conflict (as David-Ménard also argues in her essay ‘Sexual Alterity and the Alterity of the Real for Thought’, in Angelaki, vol. 8, no. 2, 2003) ‘introduces a negative magnitude that is distinct from either an ontological negation or a logical contradiction, [and which] allows us to understand how real objects are formed in knowledge’. The zero of indifference and the zero of equilibrium are different in kind. In logical contradiction, one thing cancels another because their concepts are incompatible. To affirm and deny something at the same time leads to an immediate cancellation of the thought of the thing. The product of a logical negation is what David-Ménard notes that tradition calls a nihil negativum. In a real opposition, by contrast, the cancellation concerns the state of another quantity of reality, and ‘the consequence is something’ (take two forces of equal quantity acting upon each other – they are really opposed, but the result is rest, which is not nothing). When a boat travels thirty miles from east to west, and then thirty miles back from west to east, ‘the understanding determines the algebraic sum of the distance travelled as a “= 0”’. This zero, nevertheless, is not a mere non-being; nor is it the result of a contradiction (where ‘the consequence of the logical contradiction’ is ‘nothing at all’). The zero is the result of a real movement of forces. In sum, logical opposition involves an affirmation being negated, while real conflict involves two or more positivities or affirmations cancelling each other out. The result, zero, may appear to be the same in each case, but the zero of real conflict might in fact be the outcome of the equilibrium of immense forces – that is, something more than a nihil negativum.
To confuse the two processes will inevitably lead to a misunderstanding of the nature and sources of real conflict. Is displeasure, Kant asks, merely a deprivation of pleasure, or is it the result of a real conflict between positive forces (and therefore what Kant calls a ‘negative pleasure’)? Kant distinguishes between ‘evils of lack’ (mala defectus) and ‘evils of deprivation’ (mala privationis). ‘Evils of deprivation’, he says, presuppose that there are positive grounds which cancel the good for which there really exists another ground. Such evils of deprivation are negative goods. These latter evils are greater than the former. Not giving is, relatively to someone in need, an evil; but taking from, extorting from, stealing from, are relatively to someone in need, far greater evils. Taking from is a negative giving to. (Attempt to Introduce Negative Magnitudes into Philosophy, Ak. 2:182)

Deprivation, debts and suffering are all caused by real conflict. Debts can be seen as ‘negative credits’, or credits can be seen as ‘negative debts’, according to one’s perspective: whichever is the case, however, ‘the reality of my fortune is determined by the composition of these magnitudes’.

Kant’s idea of a difference in kind between logical contradiction and real opposition was essential for his development of the question of the synthetic a priori. In his early work, the principle of ‘real’ rather than ‘logical’ determination (the principle of determining ground, Kant’s version of Leibniz’s principle of sufficient reason) was that of real opposition of forces, which could be determined according to a ‘world-whole’, or ‘generally established harmony’. In the ‘Table of the Concept of Nothing’ included in the section on the ‘Amphiboly of Concepts of Reflection’ in the Critique of Pure Reason, Kant elaborates on how the concept of nothing can have a number of different meanings: it can be an empty concept without an object, an empty object of a concept, an empty intuition without an object, and an empty object without a concept. In the critical project, therefore, the Kantian zero is elaborated a priori into a fourfold determination. Now if, as Kant argues in the ‘Anticipations of Perception’, ‘an object is only determined by the understanding as real insofar as a degree of intensity characterises the intuition of its materiality’, then perhaps, David-Ménard argues, his early ideas about ‘the zero of real conflict’ can still provide the matrix for thinking through the most elementary transcendental relationship of thought and the ‘real’.

The case of ‘0’ underlies a property that Kant does not yet make explicit but that will be of major importance in the future development of his philosophy: when the algebraist writes ‘= 0’, and through that determines the reality of a state, rather than its non-being, it seems clear that his thought is distinct from that which it permits him to conceive: the zero as example of negative magnitude is both for thought and through thought. If, in his theory of negative magnitudes, Kant privileges the ‘0’, is that not because it is a matter first of all of distinguishing thought from what it conceives as real? The theory of the conflict called ‘real’ will be Kant’s first approach to what he will later call empirical realism.

Although it is not explicitly made clear, this primary transcendental zero can be related to Lévi-Strauss’s notion of mana as the ‘zero symbol’ that guarantees the relationship between signifier and signified, and to Lacan’s notion of the phallus as a ‘pure signifier’. The critical project, David-Ménard suggests, is clandestinely inaugurated by this generation of zero, which provides ‘the first Kantian formulation of the difference between thought and its object’. Referring to Gilles Châtelet’s ideas in Les enjeux du mobile (1993) about a conception of zero that ‘permits one not only to comprehend zero as a ‘milieu’, as the product of the neutralization of +A by –A, but to open zero into two branches’, she argues that the Kantian theory of zero can provide a ‘transcendental determination of the limit’ that allows for the generation of the Real on the basis of zero, and which allows one to globally yet concretely determine the intensive and dynamic basis of real conflict. Correspondingly, when thought gets caught up in ‘dialectical conflicts’, particularly when reasoning about the ‘world-whole’, it loses hold of ‘the reality of the objects about which it reasons’.

One problem with this suggestion, however, is that Deleuze and Guattari note in Anti-Oedipus that ‘the Kantian theory according to which intensive quantities fill up, to varying degrees, a matter without void, is profoundly schizoid’. Perhaps this helps explain Deleuze and Guattari’s interest in the schizoid spaces of film, theatre and psychodrama, where the processes of transference and interpretation become mediated by a range of spatiotemporal ‘dramatizations’. Nevertheless, David-Ménard’s suggestions about grounding transcendental philosophy in such a theory of the ‘real conflict’ of intensities certainly appear to be compatible with Deleuze’s earlier philosophy of difference and repetition. This, for David-Ménard, is the path that leads to a possible finitist appropriation of the message of the Spinozist infinite: that a sad passion when understood is no longer a sad passion, and can be transformed into an object of affirmation in a real conflict.

Christian Kerslake
A disjunctive unconscious


Christian Kerslake’s well-researched book sets out to demonstrate that the major lines of enquiry in Deleuze’s thought are inscribed in a tradition of philosophies of instinct, as opposed to intelligence. This tradition connects Bergson with Leibniz and Jung – one of the explicit sources of Deleuze’s early works. That these authors drew upon esoteric and Hermetic thought is well known, and Deleuze’s work is marked by references to such ‘non-standard’ texts, while remaining, nevertheless, a genuine philosophy of life and intuition. The somnambulist theory of instinct is the empirical touchstone common to both the occultists and Bergson, who redefined the relations between consciousness, movement and memory. Arguing that duration does not follow the norms of intelligence but is nonetheless conscious, very early in his work Bergson came to conceive of intuition not as an occult power, but as a thinking of sympathy, aesthetic sensibility and creation.

Deleuze takes up these themes by linking them, in some of his early works (1961), to a Jungian fantasy: ‘Deleuze began his career with one foot in the esoteric tradition’ and he drew upon symbolist traditions, Kerslake argues, but he was rescued from occultism by Bergson, who freed us from animism by redefining consciousness as a limitation on memory by the sensory-motor apparatus (‘the brain is a valve for consciousness’). Deleuze and Guattari’s theory of becoming, Deleuzean vitalism, and a growing emphasis on a philosophy of creation fully inscribe Deleuze within a coherent tradition that connects Leibniz and Jung while passing through Kant’s philosophy of symbolism.

One of the consequences of this reading of Deleuze is, of course, that his encounter with the themes of psychoanalysis has no importance in his thought as a whole. The only moment where Deleuze seems truly to take an interest in Freud and his successors occurs in *Difference and Repetition*, when he relates sexuality to what, following Kant, he calls ‘the problematic’. However, since the Freudian concept of drive is narrow and unable to account for psychosis, this debate does not last and is quickly taken over by the relationship between the philosophy of intensities and Jungian thought on symbolism.

In this first glance at Christian Kerslake’s painstaking analyses, we are struck by the coherence of the perspective that he outlines. More than a perspective, in fact, what is at issue here are the coordinates of a theoretical universe. Thus it is well worth taking up some of the decisive arguments of his text step by step, starting with diverse sources synthesized by Deleuze’s philosophy. The work is entitled *Deleuze and the Unconscious* and it is indeed concerned with a theory of the relationships between consciousness and the unconscious. These terms are not opposed as two natures of psychic processes but are initially related in a philosophy of instinct. Since Cuvier in the eighteenth century, a tradition of biologists and philosophers has conceived of animal instinct as a somnambulist activity that pursues a sort of dream or vision. In the collection of texts *Instincts and Institutions* that Deleuze put together and prefaced at the behest of Georges Canguilhem in 1953, considerable space is given to Cuvier, Fabre, and to the Bergson of *Creative Evolution*. For these thinkers the unconscious, before being defined as memory, is an active dream allowing animals, possessed by images and constant sensations, to act as somnambulists in their surroundings: unconsciousness and clairvoyance are equivalent ways of characterizing, here, processes that do without all that which, in consciousness, has to do with choices based on lack of information. If Cuvier provides the concept, then Fabre gives the example on which this ‘particular line of thought’ is founded. The *Ammophila hirsuta* wasp hunts caterpillars to feed its larvae, but since the latter do not like corpses the wasp paralyses its prey and offers it to them living and immobile. Fabre describes how the wasp immobilizes the main locomotive centres of the caterpillar by a series of complex and precise operations. What is remarkable is that the animal touches only certain ganglia (nine, to be precise), as if it knew that stinging others would cause death rather than paralysis. This complex and built-in behaviour explains Fabre’s opposition to Darwin: such an unconscious action affirms the fixity of species. Species cannot be transformed by small variations. When Bergson makes the *Ammophila* wasp a touchstone of this ‘divinatory sympathy’ that runs through nature, he links it to his re-evaluation of the role of consciousness: in the instinctual act representation is blocked by action, and the idea is realized so perfectly
in the act that there is no room for reflection. Thus by definition consciousness only comes about when the indistinction between act and thought comes undone: consciousness, the faculty of choosing between several possibilities that is born from this dissociation, is therefore inadequate to its object, for if it were adequate it would not have to choose or be attentive. Deleuze and Guattari will take up and transform this example in *A Thousand Plateaus* in their analysis of the wasp and the orchid, an analysis that gives instinct a function that cannot be situated in an adaptive perspective: the relationship between the wasp and the orchid does not produce anything, not even an activity to protect the larvae, but it does rest upon an instinctive choice freed from all organic functionality.

Above all, however, what Kerslake retains when he insists on the importance of Deleuze's early works – the 1953 anthology but also a 1963 article, ‘From Sacher-Masoch to Masochism’, published recently in *Angelaki* (2004) – is a synthesis between a Hermetic Neoplatonic tradition, the occultism of this divinatory theory of instinct, and Jung's thought on the Anima and Animus. There is an immediate identification of the wasp with the vulnerability of its victim and this paradoxical sympathy runs through animality and even what will be called the becoming-animal of man in *A Thousand Plateaus* (1980). Furthermore, beginning with Mesmer and continuing throughout the nineteenth century, this theory of instinct was linked to the practice of hypnosis: the relationship between the wasp and the orchid does not produce anything, not even an activity to protect the larvae, but it does rest upon an instinctive choice freed from all organic functionality. 

In truth, in the synthesis brought about by Kerslake between all of these sources of Deleuzean thought we can identify a hesitation between two distinct paths. Sometimes Deleuze appears as a disciple of a hermetic tradition, via the conjunction he establishes between the masochist Idea of a suprasensible sensuality and the philosophy of instinct. At other times, on the contrary, Kerslake argues that Deleuze's predominant reference to Bergson serves to transform this occultist moment into a philosophy of living temporality and intuition, one that is capable of inscribing itself within a philosophy of duration that breaks with hermeticism and within the psychopathology of dissociation developed by Janet, Wundt and Bergson. To outline the

The main thrust of Kerslake's work should now be apparent: Deleuze paid attention to Bergson's divinatory conception of instinct before he even wrote *Difference and Repetition*. He then gave a more rationalist version of instinct and desire by taking up Bergson's philosophy of time. Here too, however, Deleuze appears as a synthesizing figure in two ways: the philosophy of time outlined in 1968 in *Difference and Repetition* thinks Bergson and Kant together, which seems paradoxical at first since Bergson opposed the Kantian analysis of time with his concept of duration. According to Kerslake, Deleuze transforms the analysis of duration into a transcendental philosophy of the syntheses of time. The concept of repetition brings about this unnatural connection between Bergson and Kant. It is true that *Difference and Repetition* reads Kant differently than Bergson did: what interests Deleuze is the text on the three syntheses of time that Kant cut out from the second edition of the *First Critique*. More particularly, Deleuze is interested in the passive syntheses of apprehension and repetition, in which no
consciousness of recognition can unify the intrinsic diversity of the experience of time. These syntheses are compatible with the Bergsonian concept of duration and with the distinction between the two memories: one that slips into the demands of the present and another that unfolds in the virtuality of pure memory. From the standpoint of the forms of repetition Deleuze is thus able to establish the continuity between life and desire, as he does so magnificently in *Difference and Repetition*. Kerslake’s reading, which begins from instinct, is here ‘illuminating’, indeed.

However, for Kerslake the conjunction between Bergson and Kant is decisive in still another way, one which organizes the rest of the book: by returning to the Kant of the three syntheses of time, Deleuze also returns to the Kantian philosophy of the symbol and of aesthetic Ideas. For these Ideas there is no (temporal) schema that would make up their nature; instead they open onto a world of analogical references that might be thought of as close to Jungian symbols and to the virtuality of the unconscious for Jung. Since no concept can unite all the directions that are sketched between the symbol and the multiplicity of themes that it symbolizes, it is clear that aesthetic thought is not the prisoner of consciousness or representation. Aesthetic Ideas that are, in this sense, unconscious, can thus be brought closer either to Bergson’s artistic instinct and creative intuition, or to Schelling’s aesthetic philosophy. Here, as well, *Deleuze and the Unconscious* draws a line of force *ligne de force*, one that moves from Kantian symbolism to symbolist philosophies by passing through Bergson’s virtual memory. Kerslake never explicitly says that the journey among symbols that exceeds all conscious memory (and therefore all merely empirical subjectivity) opens on to the virtual of memory, the virtual that would be the appropriate temporal modality for the Kantian transcendent imagination that operates by forming symbols. Nevertheless, the sequence of textual and erudite references does suggest this connection. Freed from the discipline of transcendentalist schematism, is the Time of aesthetic Ideas, the virtuality of memory, which would not have the regressive character of a return to the past but would display (like the Nietzschean Eternal Return) the creativity of that which is to-come *[la créativité de l’à-venir]*?

If ‘Bergson with Kant’ summarizes the relationship between philosophy of life and analysis of desire in Deleuze, then ‘Kant with Jung’ summarizes another transformation of occultist traditions that is at work in Deleuze’s thought: the transformation of symbolism. In reality, only this latter transformation sheds light on the title of the book, since for Kerslake the unconscious is above all the experience that can tolerate losing the bearings of representation in the dynamism of symbols. This is also why he devotes a close examination to the relationship, within a symbol, between the symbolizer and the symbolized by showing that the relationship is precisely unconscious. It is not within the power of consciousness.

Regarding this relationship between a symbol and what it symbolizes, precisely, we should turn now to the insistent polemic that winds its way throughout the book against Freudian and Lacanian psychoanalysis, and against sexuality in the Freudian sense.

Kerslake suggests that

1. Deleuze’s relationship to Freud is only a brief moment in his work and in the final analysis it’s hard to understand why Deleuze needed Freud at the time of *Difference and Repetition*.

2. Jung’s theory of symbolism is much more interesting than Freud’s treatment of symbols, precisely because it connects in a more satisfying conceptual way to the critique of the notion of consciousness.

The lengthy and interesting chapter on Jungian symbolism begins with an overview of the complex relationship between Jung and Freud from 1905 to 1909. The explicit theme of the disagreement between them concerned the importance of sexuality. In the synthesis Kerslake constructs between Jung, Kant, Bergson, Janet, Boehme, Shelling, the somnambulist theory of instinct and schizoanalysis, he admits that Jung did not truly understand Kant, his theory of the syntheses of time, or his theory of aesthetic ideas and the transcendental imagination. However, the relation between the opening on to the world of symbols in its ecstatic function, on the one hand, and the representations of which a conscious subject is capable, on the other, is at the centre of what Kant called the problematic. Kerslake links the opening of an intellectual space that a problem represents with aesthetic Ideas that evoke relations and correspondences whose unity cannot be encapsulated by a concept constitutive of an object. Thus the problematic for Kant would have the same status as Jungian symbols: they break up the unity of representation and subjective consciousness.

The theme of the critique of the subject in Deleuze and Guattari would therefore be in line with the theory of symbols and psychosis according to Jung. Psychosis is conceived by Jung as anachronism, as a return to the myth of a universe governed by a ‘Mother-right’ that History would have abolished. Matriarchy – which
Deleuze praises in his readings of Masoch – may still let itself be heard in the myth of Demeter, but it undergoes a crisis in the myth of the Amazons. To allow a psychotic to explore these mythical secrets would allow him or her to experience a ‘rebirth’, a theoretico-clinical term that, for Jung, is consonant with the Nietzschean Eternal Return and with the dissolution of individual identity in the Eleusinian Mysteries or in the theatre. When he develops this point, Kerslake marvels that Deleuze could situate himself under Jung’s sphere of influence and in the rehabilitation of the mythic unconscious. If psychosis is above all, for Jung, an anachronism, it is because immersion in the world of symbols and their transformations allows us to give meaning to the idea that our lives are primarily based on a ‘mythical reality principle’ that goes beyond the Freudian ‘pleasure principle’ and whose magical force we must be able to appreciate and use. The opening on to the problematic and the opening on to myth go hand in hand.

At the decisive point of his critique of Freud, made in his own name this time rather than that of Deleuze, Kerslake relies upon a reading of Roland Dalbiez. In his work on dreams, Freud certainly discussed the two processes of displacement and condensation; however, Freud seems to have privileged displacement since he had a causal conception of the symbol – the symbolized is the cause of which the symbol is the effect, and the latter displaces and drives away the former. By contrast, Jung was able to develop the process of condensation in his theory of symbolism, which was more open-ended, like Kantian Ideas, and for which problems were more important than solutions. For Jung, Freud is mistaken to reduce the symbolic image to memory components or underlying instinctual processes; on the contrary, the symbolic unconscious is creative and amplificatory.

Having arrived at this point, although very precise on certain aspects of the conflict between Freud and Jung, Kerslake does not account well enough for several factors. In particular, he argues that Freud only had a conception of symbolism that was less rooted in oedipal sexual references during the years he was most influenced by Jung (especially in the 1908 revisions to Three Essays on the Theory of Sexuality). After 1909 Freud would not open the analysis of sexuality to problems that were insoluble in oedipal terms. Yet it appears that Kerslake grants Jung too much importance in this matter. For a text such as ‘The Decline of the Oedipus Complex’, of 1923, turns the difference of the sexes into an insoluble problem whose formulation underpins sexuality and is more important than the improvised solutions that adolescents hastily bring to bear on the fact that there is no essential determination of the masculine and the feminine. Freud even writes that there is a phallic phase because the difference between the sexes remains unthinkable.

Kerslake’s Freud is thus a simplified Freud. In the first place, Kerslake only retains from the debates between Jung and Freud the fact that Freud reduced psychosis to the repression of homosexuality, since Schreber took himself to be the wife of God. However, Freud also argued in 1915 that delirium is an attempt at recovery after a catastrophe that has disturbed all stable relationships between words and things. Thus he compares delirium to the philosophical reconstruction of these relationships. Is this not much more interesting? Furthermore, Freud fails to recognize that external, actual [actuels] and indeterminate factors such as symbols could transform psychotic experience. Should we not therefore compare Freud’s Other with Jung’s indeterminate Other? For this theme of alterity does not begin with Lacan; it was already present in Freud in 1895. What do ‘exterior’ and ‘actual’ mean for Jung and Freud?

Strictly speaking, there is no ‘centre’ in Deleuze’s thought since his genius is in the lines of flight and in the deviations to which he subjects the themes that he appears to borrow. Christian Kerslake’s book is both brilliant and erudite, but it nonetheless establishes a slightly undivided coherence, or a synthetic perspective that is no longer disjunctive. A disjunctive synthesis is a connection in which the heterogeneity of the terms that cling together and make new thinking possible does not disappear in the connection. It is certainly true that Deleuze had an important relationship to Jung and to a symbolist tradition. But he reinterprets this tradition with Freud even though he ‘works badly’ in this conjunction, and with Kant whose theory of the symbol was never symbolist. What Deleuze retains from Kant are again moments of disjunction: the philosopher of schematism and of the categorical a priori is also the one who shows that the transcendental imagination, in the sublime, has precisely no model – the faculties that make use of its resources do not go together, they split apart while they are set against each other, and it is from this synthesis of the heterogeneous that the most vivid creations are produced. A book on Deleuze cannot reduce him to his sources, but can show how it is from their mutual inadequations that a thought, like a desire, is invented.

Monique David-Ménard
translated by Justin Izzo
This collection has the dubious honour of not once, but twice, being published after the fact. Its original magazine appearance, in 1980, came just after hundreds of arrests and the crushing of what was already a loose, if potent, mixture of theorists, artists, activists, workers and non-workers that made up ‘autonomia’ in its broadest sense. Its republication, in hardback with a new introduction and 1979 diary extracts from Sylvère Lotringer, appears at a time when the parliamentary Italian Left has suffered a resounding defeat and Fascist salutes are once again permitted on the steps of Rome’s town hall.

Both times, too, the publication of the collection by Semiotext(e) has been an anomaly among the primarily French countercultural roster presided over by Lotringer. It is a political exception, too, to the primarily theoretical and literary texts that make up Semiotext(e)’s role in the importing of French theory to the Anglo-American world. The 1970s’ ‘Italian exception’ – that combination of extraordinarily prescient analyses of the shifts in work combined with widespread militant opposition both to the state and to the institutional Left – has long since melded, theoretically and practically, into a series of concepts that often drift unattached from their original context: immaterial labour, social worker, refusal of work, exodus. The post-Seattle anti-globalization movement, and Negri’s improbable rise as its best-selling voice with Empire, retroactively obscures the development from workerism to autonomism in the history of the extra-parliamentary Italian Left, leaving us with an affirmationist melange of Franco-Italian concepts that attempt to talk in the broadest possible terms about tendencies in global capital and a multitude that somehow ontologically opposes capital at the same time as it constitutes it.

The recent attempt to link the concept of immaterial labour to that of art (see the ‘Art and Immaterial Labour’ Dossier in RP 149) further indicates the almost total break between theory and praxis. Where Franco Berardi (‘Bifo’) once spoke of the revolutionary movement in Italy as being ‘unquestionably the richest and most meaningful within the capitalist West’ (in ‘Anatomy of Autonomy’, included here), he now speaks of activism as evidence of ‘the male depression of late modernity’, as if pessimistically proving Paolo Virno’s point that ‘the post-Fordist productive process … demonstrates the connection between its own patterns of operation and the sentiments of disenchantment’ (see ‘The Ambivalence of Disenchantment’, published in 1996’s Radical Thought in Italy, edited by Virno and Michael Hardt, a useful, if politically melancholy, counterpart to the Semiotext(e) collection).

What is striking about the documents in Autonomia is their geographical and conjunctural specificity, however, and the concrete nature of the struggles they register and promote. The potentially misleading ‘post-political politics’ of the subtitle is very different from the more recent claim by Lazzarato that ‘there is no politics of politics’. In the earlier claim, it is ‘the political’, understood as a historical and institutional fact, and not as really existing struggle, that is itself the problem. As Christian Marazzi puts it in ‘The Return of Politics’ here: ‘side by side with the crisis of the political, we have an increased politicization of people, a different way of “making politics”’. By contrast, for Lazzarato in his later incarnation, the claim that ‘there is no politics of politics’ is an admission that it is no longer possible to separate out aesthetic, political and economic practices, as all have fused into a ‘single assemblage’. The struggles of autonomia have apparently been flattened out into a monism of inaction.

In place of traditional models of political antagonism and union-based demands, the Semiotext(e) collection demonstrates the attempt on the part of the autonomist thinkers to understand a new ‘social subject’: the autonomous movements and expressions of a class increasingly defined less by its classical exploitation in factory labour than by its ambiguous blurring of the lines between productive and unproductive labour, and between legality and illegality. The innovative elements of autonomia were among the first to see that the so-called ‘marginals’ and non-traditional candidates for militant political organization – students, the unemployed, women – were in fact the social basis for new forms of resistance, of neo-proletarian producers of value beyond measure, of the ‘marginality at the centre’, as one autonomist slogan had it. The anomalous situation of Italy as a relatively ‘young’ and extremely well educated country, with its political
tensions raised to fever pitch some years after the revolts of '68, alongside speedy industrialization, mass internal migration and serious north-south disparities, meant that the changing conditions of work and play were dramatized on the grand stage, becoming a pressing concern for the capitalist state and radical political movements alike. Nonetheless, militants of autonomia were careful not to overplay the specificity of the Italian case, pointing for instance to the influence of American struggles and their theorization by the Johnson–Forest Tendency as well as to radical critical theorists like Hans-Jürgen Krah in Germany or the French Situationist International. As Hardt would later put it, in place of Marx's notion of revolutionary thought as comprising German philosophy, English economics and French politics, the autonomists drew instead on French philosophy, US economics and Italian politics.

Yet what were these specifically Italian politics? In the face of the Italian state's 'strategy of tension', the fear-mongering, misattributed terrorist attacks, and the abrupt attempts to introduce flexibility into the working life of many, practices of mass illegality were widespread during the 1970s – the unilateral reduction of bills and sabotage in the workplace, in particular. There is indeed something both joyous and invigorating concrete in the idea of paying only what you thought was just for rent, bills and food, particularly in a period of high inflation. Early forays into the creative and political use of mass media, Bologna's Radio Alice for example, were central to the autonomist ambitions, both in form and in content. If autonomia can be said to remain alive today, it is in the productive use of mass media (particularly the Internet) by those who share some of its ambitions (see generation-online, multitudes and aut-op-sy in particular). Indeed, Guattari's piece in the collection, 'The Proliferation of Margins', reads as nothing but a paean to new media: 'the technological evolution ... meets a collective aspiration for a new means of expression'.

Although the collection is immensely varied, from prison poetry and cartoons to photos of murdered activists and manifestos by autonomists and defend- ers of Red Brigade actions alike, two major themes can be said to emerge from the Semiotext(e) collection: the refusal of work, and the disputed role of violence. Against some of the more puritanical and Stakhanovite tendencies of communism (including most of Britain's own), the first theme, the 'refusal of work', comprises not only the forms of sabotage and subversion practised by many on the non-institutional Left during the 1970s, but a radical questioning of the moral demand to be a socially useful producer. This leads to an analysis of the changing forms and sources of 'value', especially in terms of the exploitation of basic human capacities (language, communication, affect) in what Tronti dubbed the 'social factory'. The refusal of work can be seen as comprising a new class unity outside the factory, a 'political recomposition' of class no longer tethered to the dyad labour/union. For all its flaws, the unconditional demand for a right to income, for a political wage, against the reproduction of capitalist cycles of profit and investment, is a serious challenge to any thinking of welfare, work and population. Questioning the link between production and value reconfigures the very definition of what it is to be human, and of what it is to perform any activity whatsoever.

It is no coincidence, then, that some of the most interesting current work currently being pursued by those included in the Semiotext(e) collection centres around notions of, for example, language and virtuosity (Virno), the role of dyslexia in neoliberalism (Marazzi), and the role of belief and desire in invention and cooperation (Lazzarato). The autonomia movement originally came to the realization that subjectivation was obliged to spread itself across the entire social field, and that exploitation was no longer simply that which took place at work. This was further understood as the primacy of resistance over exploitation and domination, which explains much of Hardt and Negri's later optimism with regard to the reserves of political potential latent in the global workforce.

Perhaps the most insightful piece with regard to the class composition of the 'new social subject' is Sergio Bologna's 'The Tribe of Moles', which describes how Classes have tended to lose their 'objective' characteristics and become defined in terms of political subjectivity. But in this process the major force of redefinition has come from below: in the continuous reproduction and invention of systems of counter-culture and struggle in the sphere of everyday living, which has become ever more 'illegal'.

This 'from below' is the key to the force of these texts, trying not to fit workers and non-workers into precon- stituted roles, but trying to analyse where the source and nature of resistance might emerge. The major tragedy of the autonomist project is the way in which capital seems so much more adept at harnessing the fluidity of class composition, and its ability to construct new subjectivities. As Virno writes, twenty years after the Semiotext(e) pieces, in an essay entitled 'Do You Remember Counterrevolution?': 'Counterrevolution
... actively makes its own “new order,” forging new mentalities, cultural habits, tastes, and customs – in short, a new common sense.’

The second major theme of the collection, the role of violence, is obviously to be understood in large part as a reflection on the actual violence then happening in Italy – the state’s use of propaganda, persecution, infiltration and false accusations of terrorism directed against the Left, which would ultimately culminate in the Left’s destruction following the arrest and trials of so many in 1979 and 1980; the differences in the strategic use of violence between the autonomists and the Red Brigades, and so on. Yet the general questions raised by the use of violence as a revolutionary tactic remain open here. As ‘I Volsci’, a hard fraction of the autonomist movement based in Rome, put it in ‘Violence of the State’: ‘If democracy has not yet been fully realized, if it is still as much a utopia as communism, then why is its present form nurtured by violence?’

Negri, too, in an interview conducted from prison, posits the open-ended nature of the question concerning violence: ‘Autonomy does not promise violence, but undergoes it.’ Breaking with ineffectual outbursts of violence against the state is something the anti-globalization movement, in particular, has yet to overcome, although, as the Semiotext(e) collection makes clear, there are no easy answers to this problem. As Steve Wright has observed: ‘many of operaismo’s exponents seemed prepared to sacrifice their previous commitment to the study of the problem of class composition for a chance to “seize the moment”’. The destruction of autonomia by the vengeful hand of the state revealed that, however perceptive their insights were into the changing circumstances of work and resistance, a militant movement without serious organization is as precarious as the status of the workers and non-workers who comprise it. The tentative debates around Leninism that take place in some of the texts here perhaps hold the key to answering the questions this raises, one way or the other, though they continue to be under-explored both here and elsewhere.

Bifo, in ‘Anatomy of an Autonomy’, describes the spectacularized process of the courtroom as a symbolic ‘trial of the imagination’: the media condemnation and the fictionalized linking of autonomia thinkers to the murder of Aldo Moro. Between the state-bound oppositional antagonism of the Red Brigades, on the one hand, and the repressive, violent Italian state, on the other, that imprisoned so many leftists for so long, we should perhaps return again to this ‘trial of the imagination’. It is here we might pick up where the Autonomia collection leaves off, with a sober reflection on the changed circumstances of work, class and resistance today.

Nina Power
Hypothetical opponents


Since the early 1990s, there has been a notable resurgence of interest within feminist studies in the body and in questions of materiality. This has given rise to various ‘new materialisms’ and to a ‘corporeal feminism’ that has produced diverse engagements with biology, technoculture and other contiguous fields of enquiry. A number of key feminist thinkers have been grappling with the question of the material, and, most pressingly, the relationship between the material and the discursive. Names that spring to mind include Elizabeth Grosz, Susan Bordo and Donna Haraway (all three of whom are represented in this collection), Judith Butler (contentiously, some would say, in Bodies That Matter), Rosi Braidotti, Anne Fausto-Sterling, Moira Gatens, Anne Cranny-Francis, Anne Balsamo, Margrit Shildrick and Janet Price, and even, in her own way, Judith Halberstam. A recent issue of Radical Philosophy (RP 145) included two searching and timely rereadings of earlier (French) materialist feminisms by Alison Stone and Stella Sandford contributing to such debates.

This collection, then, is inserting itself into a line of enquiry already begun and arguably gaining in force, but lacking perhaps the cohesion and purpose of a movement. Yet, in their introduction to Material Feminisms, Alaimo and Hekman seem unwilling to acknowledge the extent to which they are following, rather than inaugurating, a trend. Indeed, they claim that ‘the guiding rule of procedure for most contemporary feminisms requires that one distance oneself as much as possible from the tainted realm of materiality by taking refuge within culture, discourse, and language’ (assuming, therefore, that culture, discourse and language are not material) and argue that this ‘linguistic turn’ has led to ‘an impasse’ in feminist theory.

The blame for this linguistic/discursive turn (they run the two things together) is laid at the door of those familiar shady figures, the ‘postmoderns’, and the anonymity of this description permits a certain reductiveness in the way that those responsible for the impasse are characterized. Witness the following statements: ‘postmoderns are very uncomfortable with the concept of the real or the material’; ‘postmoderns have turned to the discursive pole as the exclusive source of the constitution of nature, society, and reality’; the postmoderns have ‘rejected’ reality and ‘embraced’ language. The only ‘postmodern’ who is mentioned by name is, predictably, Judith Butler, and the editors aver that she ‘is frequently criticized for her “loss” of the material, specifically the materiality of the body’, although they give no examples of this criticism (and notably distance themselves from it in the way that they actually frame this assertion). In fact, Butler’s work receives little sustained analysis in the course of the collection, and where this does occur it is in the more favourable terms put forward by Claire Colebrook and Vicki Kirby’s essays. For example, in ‘On Not Becoming Man’ Colebrook recognizes that, ‘far from being simply discursive or linguistic, Butler’s critique of an appeal to life before mediation, recognition, performance, or system follows from post-structuralism’s critique of the language paradigm’, and she implies that others have been too erroneously pre-occupied with ‘the scandal of Butler’s linguisticism’.

Nevertheless, Alaimo and Hekman lament the fact that, ‘although there has been a tremendous outpouring of scholarship on “the body” in the last twenty years, nearly all of the work in this area has been confined to the analysis of discourses about the body.’ It’s not clear what they’re positing as a viable alternative to this. Surely any analysis of the body is going to be, to some extent, an analysis of discourses around the body? To think otherwise is to think that the body can be apprehended and written about (i.e. apprehended within/by a discursive medium) in its very materiality, pre-discursively, as it were; that the body in itself can be grasped. It is this impossibility of prediscursive apprehension that Butler asserts – which does not amount to a denial or rejection of the materiality of the body (far from it). Yet they maintain that ‘the discursive realm is nearly always constituted so as to foreclose attention to lived, material bodies and evolving corporeal practices.’

They similarly pit themselves against ‘cultural relativism’ – another ‘impasse’ for feminism to negotiate – but, again, their definition of cultural relativism is a shaky one: ‘Cultural relativism entails that all ethical positions are equal, that we cannot make any cross-cultural judgements.’ To say that ethical positions are
relative is not the same as saying that all are equal; it is also to insist (quite sensibly) upon a knowledge of different cultural contexts and belief systems before attempting to impose a judgement which might be either anachronistic or imperialistic. It is not thereby to refrain from judgement altogether. Furthermore, it is not at all clear (and no evidence is adduced here) that we are indeed caught in an impasse such as they mention but do not describe. The implication is that the impasse of cultural relativism is yet more fallout from the pernicious dogma of the ‘postmodern’. If my own language tends towards the hyperbolic here, this is because such language is in evidence both in the introduction and in the essays written by the editors – with Hekman, for example, opining that ‘feminists in particular and critical theorists in general are facing a theoretical and practical crisis.’

What such language reveals is that this collection is very clearly pitched as a manifesto. Note the following: ‘Karen Barad has argued that we must “construct a ballast” against the tendency in feminism to define theory as unconstrained play. This collection is intended to be a key element of that construction.’ Hekman’s own contribution to the collection is entitled ‘Constructing the Ballast’. It’s difficult to know, however, exactly who they have in mind, from the realm of feminist theory, who does see theory as unconstrained play. This collection is intended to be a key element of that construction.’ Hekman’s own contribution to the collection

emphasize the seriousness and originality of their own project – rather than its continuity with other recent attempts to negotiate a tricky path between the material and the discursive – but they then risk a pendulum swing so far in the other direction that any reference to discourse or signification is effectively vetoed. Alaimo and Hekman make significant efforts to deny that this is what they are doing, claiming that they aim to ‘build on rather than abandon the lessons learned in the linguistic turn’, and that their ultimate goal is ‘a deconstruction of the material/discursive dichotomy that retains both elements without privileging either.’ But this is precisely what the most interesting work of the last fifteen years – including that of Butler and Grosz – has sought to do. Whilst they acknowledge this work, they still seem intent on describing the collection as a departure, or a new beginning (and the back cover blurb makes fulsome promises of ‘an entirely new way for philosophers to conceive of the question of materiality’).

The ‘Material Feminism’ which Alaimo and Hekman espouse is painstakingly differentiated from Materialist Feminism, Marxist Feminism, the ‘New Materialism’ (with which it overlaps but is not isomorphic) and even Corporeal Feminism (which feeds into but is only part of their brand of Material Feminism). It emerges, they write, ‘primarily from corporeal feminism, environmental feminism, and science studies’, and it is these areas that the book attempts to bring together in its three main sections, respectively titled: Material Theory, Material World, Material Bodies.

Among the more interesting essays in the first section, Elizabeth Grosz argues for the uses of Darwinian evolutionary theory for feminism and the need, more generally, for an account of biology and its relationship to culture. The Darwin that emerges from her account is, at first glance, difficult to recognize, characterized by ‘indetermination’ and preoccupied with questions of ‘difference’ and ‘becoming’. As she claims, ‘Darwin offers an account of the genesis of the new from the play of repetition and difference within the old’. Evolution, as Grosz portrays it, ‘is a
fundamentally open-ended system that pushes toward a future with no real direction, no promise of any particular result, no guarantee of progress or improvement, but with every indication of inherent proliferation and transformation. And, according to her argument, evolutionary theory should be as applicable to ‘cultural phenomena such as languages, technologies, and social practices’ as it is to nature. This is its value for feminism, as it offers, Grosz claims: models of self-overcoming and transformation; an orientation towards an unknown future combined with an emphasis on ‘processes rather than ends’; a deconstruction of the natural/social and biological/cultural binaries; an elucidation of the ‘entwinement of relations of sexual and racial difference’; a ‘systematic openness’ which constitutes a route between the determinism of science and the indeterminacies of the humanities; and a non-dialectical and non-empiricist model of history. Such arguments require more substantiation than they receive here but, typically of Grosz’s work, this is a challenging and rigorous intervention in current debates; also typically (of her recent work, at least) it adopts a markedly Deleuzean language in an attempt to move beyond what she sees as the limitations of semiotic analysis. In fact, the essay is a reprint of the first chapter of a collection of her essays, Time Travels (2005) (that isn’t acknowledged here) and it reads better in the wider context of Grosz’s continuing engagement with questions of time, space and evolution in both Time Travels and The Nick of Time (2004). As a stand-alone essay it raises more questions than it can possibly hope to answer.

Claire Colebrook also nods towards Deleuzean ideas of emergence and becoming in her interrogation of the ‘new vitalism’, and, like others in the collection, she endorses the turn towards scientific and evolutionary discourses and away from social constructionist models, announcing that ‘we do appear to be at the threshold of a new wave’. Colebrook’s piece is dizzyingly wide-ranging (including some discussion of Bergson, Husserl, Daniel Dennett, Descartes, Hegel, Marx, Butler, Foucault and Grosz), but only begins to assert its own argument concerning the ‘potentially of nonrealization’ at the very end; its route up to this point is rather a meandering one and the political potential of her redefined vitalism remains to be mined. She is, incidentally, the only contributor to mention materialism of a Marxist kind.

Donna Haraway appears as part of the theoretical framework of Susan Hekman’s essay and – along with Latour, Grosz and Elizabeth A. Wilson – is one of the collection’s recurrent positive role models. (Hekman laments the ultimate ‘failure’ of Haraway’s project ‘to define a feminist discourse of materialism’ and sees Latour’s take on empiricism, combined with a return to ontology as the way to reinvigorate such a project. Haraway’s own essay (another reprint, this time acknowledged) is an anecdotal but engaging piece which, with utopian zeal, continues the enterprise of asserting the interconnectedness of nature and culture, the human and the animal (not least the queerness of ducks). If the end result is rather incoherent, this is perhaps unsurprising given that the essay is billed as a ‘meditation on three works’ – on Darwin, human–animal relations, and an SF novel by Naomi Mitchison.

Overall, this allegation of incoherence might stand as a comment on the collection as a whole, despite the promise of various individual contributions (particularly Grosz’s, Kirby’s, Colebrook’s and Wilson’s). The ‘feminisms’ of the title hint at something expansive, interdisciplinary and multiplicitous, but it is sometimes difficult to gauge what conceptual or political common ground exists between evolutionary theory, disability studies, environmental feminism, the ‘realness’ of race, technoculture, ‘toxic bodies’, the politics of antidepressant use, Chicana feminism, the phenomenology of Alzheimer’s, and the fallout of Hurricane Katrina (all represented here), beyond the frequent invocations to move beyond the limitations of social constructionism and concede the ‘materality of the social’. If ‘matter’ emerges here as something undeniably more complex and compelling than previous accounts of it might have led us to believe, then ‘feminism’ remains oddly opaque, unformed and – in certain of the essays – almost forgotten.

Kaye Mitchell

The man who never wanted to be Sartre


For a long time, it was difficult to identify Pierre Bourdieu with the classic image of the committed French intellectual. He rarely signed petitions or open letters to the press and was not often seen on street demonstrations. His initial work, which quickly estab-
lished his reputation, was on the slippery borderline between sociology and anthropology and developed some intriguing, if not always entirely convincing, analogies between the social structures and cultural dispositions of the Kabyles of the Aurès mountains of Algeria and the peasants of his home area in south-western France. Bourdieu did his military service as a lieutenant in Algeria and then taught at the University of Algiers for two years. Algeria remained an abiding concern but, whilst some of the early texts collected here indicate his sympathy for the Algerian cause, he was not one of the signatories of the Manifesto of the 121 in 1960, which called for the recognition of French soldiers’ right to disobey orders, or even to desert from an army engaged in such an unjust colonial war. The political Bourdieu was slow to emerge and did not really come onto the scene until the 1980s. In 1993, he remarked that he had never wanted to meet Sartre, ‘at least on those demos that were captured in a thousand photos, with Foucault at the megaphone … I didn’t want to be part of that, for anything in the world.’

First published in French in 2002, the year of Bourdieu’s death, Political Interventions helps to correct the widespread impression that he was a mandarin (as well as the builder of a considerable academic empire), providing a much broader picture of a complex man. Some of the material is published here for the first time, including Bourdieu’s contributions to the endless debates about educational reform that took place after May ’68, which have been exhumed from the archives of the Collège de France. Other pieces – petitions, open letters and public statements, and interviews – are reprinted, together with extracts from his published works. Most of the themes will be familiar to any reader of Bourdieu, and, whilst the picture that emerges is broader, it cannot be said to be radically new.

The Bourdieu of the 1960s may not have been a street-fighter, but his work certainly carried a political message, especially where the sociology of education and culture was concerned. Co-written with Passeron and first published in 1964, The Inheritors remains a classic. The book is an assault on the cherished belief that the French educational system is a meritocracy based upon equality of opportunity, even though the statistics prove otherwise. It is not a young person’s innate ability that gives them ready access to higher education, let alone to the elitist Grandes écoles that pave the way for a lucrative career, often in some state apparatus. It is, rather, a mastery of cultural codes and the acquisition of the baggage that Bourdieu terms cultural or symbolic capital. Such capital is accumulated through a familiarization with a lingua franca that is not taught by schools and colleges. The children of families who visit galleries, listen to serious music, or go to the theatre are the true beneficiaries of what claims to be an egalitarian system because they are fluent in this lingua franca. The educational system thus serves to reproduce inequalities rather than to eradicate them. The argument is probably irrefutable (of course any sixth-former in a run-down comprehensive can apply for admission to the Oxbridge college of her choice…). However, its implications are forbidding. Bourdieu and Passeron are very dismissive about ‘cultural free will’, arguing that all ‘choices’ are always-already determined. The gloomy note of Jansenism becomes more pronounced in Bourdieu’s voluminous writings on the cultural field: any choice or expression of individual taste is merely a signifier of an aspiration to difference and a bid for distinction. As his great sociological rival Alain Touraine has always argued, there is little room for individual creativity in Bourdieu’s bleak system. An acquaintance in Paris once expressed a more immediate criticism: ‘I’m originally from a poor working-class background and I love classical music. Bourdieu keeps telling me I can’t. I think he means I shouldn’t. Or mustn’t.’ If every expression of taste is a claim to social distinction, it is difficult to see how there can be any meaningful aesthetics. Indeed, a rather heavy-handed Marxism is never far away from this picture of the cultural field, in which economics is the final determinant.

Bourdieu liked to define sociology as a martial art, and he is capable of using it to deliver some nasty blows. He is waspish about media-friendly figures such as Alain Finkielkraut and similar ‘sub-philosophers’: ‘semi-scholars, not very cultivated’. Philosophers in general are viewed as ‘the most stubborn defenders of intellectual narcissism’ and are castigated for their belief in the ‘intrinsic superiority of philosophical language over ordinary language’. Comments such as those on Finkielkraut are of course typical of the polemical ‘debates’ that so often take place in the French press, and a reminder that Parisian intellectual life can be very bad-tempered. The subtext suggests, however, that something more serious is at stake here – that Bourdieu is making a bid for hegemony on the part of sociology that will oust philosophy from its position at the top of the educational hierarchy. A sociological critique is, it is claimed, the only thing that can grasp the ‘presuppositions inscribed in institutionalized philosophy’. The ghost of some old quarrels appears to re-emerge here: sociology is to philosophy as science is to ideology...
Bourdieu begins to emerge as a much more openly (and classic) political figure in the 1980s, and in somewhat unexpected circumstances. In December 1981, a state of emergency was declared in Poland. Bourdieu, Foucault and others responded to the French government’s statement that this was an ‘internal Polish affair’ by issuing a statement accusing it of being more concerned with its Communist allies than with Polish freedom. Whilst the anger was genuine, and the sentiments no doubt admirable, the statement gives the impression that the signatories were, as happens so often, living the present in terms of a past. The situation in Poland was likened to 1936 in Spain (a Socialist government confronted with a military putsch) and 1956 (a Socialist government confronted with the repression in Hungary). This imagery has more to do with mythic memories than political realities. Poland’s situation was grim, but there was no civil war and there were no Russian tanks on the streets.

After 1981, Bourdieu became much more visible, in more sense than one, and his increasingly vocal politics involved him in some paradoxical situations. In 1982, he was elected to a Chair at the Collège de France, an institution that awards no qualifications and has no student body. Anyone is free to attend its lectures and seminars, but the demographics of Bourdieu’s audience must have been only too predictable. Foucault was caught in a similar trap; he may well have theorized the need for ‘specific intellectuals’, but he spoke in very universal terms. And Bourdieu now became a new ‘Foucault with a megaphone’. From the 1980s onwards, he denounced globalization and neoliberalism, spoke out in support of gay rights, and bravely defended the cause of Algerian intellectuals at a time when the ability to read and write seemed bravely defended the cause of Algerian intellectuals at a time when the ability to read and write seemed impossible to warrant a death sentence from fundamentalists. Like Foucault, Bourdieu suffered the classic fate of the French intellectual and thus became the Sartre he never wanted to be.

Bourdieu’s political apotheosis came in the winter of 1995, when public-sector strikes were called to resist government plans to ‘reform’ the railways and, worse still, the pension and retirement schemes of some workers in certain public-sector categories. Transport strikes brought France, and especially Paris, to a chaotic standstill. Bourdieu supported the strikers, and spoke at mass meetings, including the huge demonstration at the Gare de Lyon on 12 December. The issue was, he claimed, the ‘defence of the social gains of a section of workers, and through this, of a whole civilization embodied and guaranteed by the welfare state’.

It did not feel quite like that to me as I spent hours walking to the library and back every day through crowds of Parisians trekking to and from work; it felt like a classic defence of the corporate interests of a (relatively) privileged few. No redistribution of wealth was on the agenda, and this was not a new Popular Front.

Bourdieu was a vocal proponent of the democratization of the university system, even though his own studies of the ‘inheritors’ appear to demonstrate the near-impossibility of such projects. But in 1990, he argued that the reforms that were being proposed – including the pre-entry selection that has always been anathema to student organizations – were a disguised form of ‘privatization’ that would ‘Americanize’ and ‘marketize’ the universities. He even seems to have opposed the broadening of the curriculum and the teaching of ‘vague skills’ in the name of ‘disciplinary knowledge’. What, he asked in 2000, ‘will become, for example, of people with a degree in scriptwriting?’ Leaving aside the possibility that they might become professional scriptwriters, the answer is surely that, given the state of the job market and the devaluation that makes first degrees from French universities almost worthless, one can only suggest that they will be as well placed as those with a disciplinary knowledge of sociology.

It has never been easy to read Bourdieu in English, mainly because he always insisted that translations of his books had to be as literal as possible, failing to see that the long, multi-clause sentences permitted by French syntax and rhetoric all too often become almost impenetrable labyrinths in English. Sadly, David Fernbach has obviously opted to obey Bourdieu’s wishes, and has added some new literalisms of his own. There are, for instance, references to mysterious ‘disfavoured classes’ [classes défavorisées]. Défavorisée is in fact merely the current French euphemism for ‘working-class’, or simply ‘poor’, meaning those who are one rung higher up the ladder than the ‘excluded’ [exclus]. One feels a certain unease when a distinguished sociologist uses such clichés, but ‘disfavoured’ simply produces a feeling of bewilderment. Certain editorial failings increase the bewilderment. For a reader without a very good grasp of the minutiae of French political history, and an almost elephantine memory for the names of politicians and ministers, the lengthy discussions of educational reforms are dense indeed. Much more contextualization and annotation would have made things a lot easier, and made this a much more useful book.

David Macey
The title of this collection suggests a survey of current approaches to German Idealism. However, the contents page reveals that the category of the ‘contemporary’ serves here to generalize what is in fact a narrow band of issues, the preoccupations of a particular, albeit largely dominant, group. It turns out that ‘contemporary’ should thus be understood in this context to designate (with one exception) various anglophone approaches to German Idealism motivated by problems thrown up by prevalent forms of philosophical naturalism and scientific realism, and, in its most extended use, to encompass the exasperated responses of philosophers nominally working in the same area who fail to identify with those concerns.

What is sought in these affirmative returns to Idealism is the compatibility of a certain mechanistic naturalism with the specifically human sphere of forming and applying concepts, of normative commitment. Terry Pinkard’s essay gives a useful account of the parameters of the reconstructive project common to many of the contributors; it is useful, also, for its explicit articulation of the political commitments inherent in that endeavour. Pinkard proposes a Hegelian completion of the Kantian concept of autonomy that has the merit of preserving the virtues of the latter’s accord with ‘the most basic commitments of liberalism’, whilst dissolving its structural inconsistencies. Strongly metaphysical Kantian interpretations of autonomy are said to suffer a common weakness with classical liberal claims in that the repressed insufficiency of both to sustain foundational principles of absolute independence tend towards illiberal zealotry and irrational unpleasantness. Metaphysically deflationary readings of Kant alone cannot solve this problem. Their ‘thinness’ must be augmented, Pinkard insists, with a Hegelian conception of what, after Pippin, has become known as the ‘sociality of reason’. Thus, a ‘Kantian’ process of normative rational justification, elliptically construed as ‘reflective endorsement’, is perfected by a Hegelian apprehension of reason’s historical emergence from an intersubjective ground. For Pinkard, this is to grasp ‘dialectically’ the double dependence of free individuals upon the recognition of other likewise constituted individuals and the institutionally structured ‘form of life’ in which all are suspended, namely, ‘limited constitutional government, some kind of market society with legal protection and property rights’.

Broadly two kinds of response to these moves are recorded. Frederick Beiser writes with barely suppressed irritation from the standpoint of interpretative scholarship. He charges (post-)analytic approaches, correctly it seems to me, with a fundamental confusion of philosophy and scholarship that delivers neither, but rather ‘a monster: scholarship distorted by philosophy, philosophy obscured by history’. Beiser offers a fair, if at times tetchy, appraisal of wrong-headed attempts to purge German Idealism of metaphysics.

Fred Rush voices a similar complaint regarding the inadequacy of recent ‘Kantian’ Post-Kantian Hegel interpretations. Deprived of a teleological ground, such non-metaphysical readings must content themselves with reason’s ‘sociality’ – altogether insufficient, he suggests, to license the progressive communal rationality to which they are also committed. This latter calls for a fuller structural elaboration of reason’s historicity than a non-metaphysical construal of Hegel can supply. Moreover, the status conferred upon reflective rationality by such deflationary interpretations conflicts with Hegel’s own mediation of autonomy and social cohesion, the achievement of which is precisely to eliminate as corrosive a ‘decisional relation’ to values. Pushing this point further, Rush’s criticism bites most deeply on the liberal suppositions that support the readings of Pinkard, Pippin et al. His argument exposes Pinkard’s putative dialectic of freedom and dependence to be simply antinomical. Agents must be construed both as social products and as agents in any meaningful sense only when not so constrained. It is a hallmark of liberal theories, Rush suggests, that they fail to take their own conditions of theorizing fully into account, a failure that binds them to contradiction.

Sebastian Gardiner, meanwhile, argues from the threat posed by naturalism upon what he calls our ‘value interests’ to the somewhat startling conclusion that we should not only read German Idealism as metaphysical but that we should also be Idealists of that kind. Neither moderate naturalism nor Idealism under its non-metaphysical construal, he contends, offers sufficient resources to defend against the reductionist’s claim that normative self-consciousness’s separation
from nature holds only at the level of description. Despite the procedural stringency of its unfolding, the force of argument derives largely from the austere limits imposed by Gardiner on the consideration of alternative possibilities to strong naturalism, in combination with an apparently unexamined motivating commitment to safeguard commonsensical intuitions – an endorsement of Idealism that is just the obverse of its earlier positivist rejection, and, as such, one suspects, also vulnerable to the line of criticism pursued by Rush in the case of deflationary readings.

Either positively or negatively, the great majority of these essays are determined by a post-Strawsonian impulse to secure the satisfactory completion of a Kantian project that, among its adherents, attracts approval but, for various internal reasons, cannot be fully endorsed. And this is, therefore, also to say that what purports to be an array of approaches to German Idealism amounts, for the most part, to a preoccupation with Hegel in so far as he presents a means to that Kantian end. Reflecting on Andrew Bowie’s essay, editor Espen Hammer notes its Adornian caution that we be alert to the continuity of idealist and instrumental reason: ‘if that is the case’, he observes, ‘then perhaps the bourgeois optimism implicit in the rationalist vision or reason-giving that we find in much of the current renaissance of German Idealism needs to be tempered and a more radical critique of reason be brought back to the table’. This seems a fair comment, but why not collect together in a book some essays that do that, or contribute to the long-standing, although here largely ignored, tradition of seeking to retrieve something of vital importance from Hegel despite his dogmatic monism? Perhaps, with caution, we might say that this volume holds symptomological value as a reflection, if not of the state of the field as such, then of the ascendancy of the post-analytic approach over it. Even that value, however, must be limited by acknowledgement of the normative effect produced by surveys of this type in entrenching further that which they hold merely to report. Under current professional conditions there may well be ‘reasons’ why it is ill advised simply to ignore the predominant transposition of Wittgenstein onto Hegel, in favour of approaches that promise greater productive potential. Acting on the imperative to accommodate the prevalent, however, not only displaces institutionally marginal approaches but tends towards their elimination. This is regrettable for all kinds of reasons, not least among these that it is far from clear that what is urgently required are further philosophical justifications for liberalism.

Peter Kapos