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# The day after tomorrow

## Making progress on climate change

**Mark Hoffman**

In November 2006 over six thousand officials from 180 countries, along with representatives from international business and labour movements, NGOs and faith groups, schoolchildren and a host of other observers, gathered in Kenya for two weeks of discussion. They were there to attend the Twelfth Annual Conference of the Parties to the United Nations Framework Convention on Climate Change and the Second Meeting of the Parties to the Kyoto Protocol. Chauffeured from the airport, through the vast slums that constitute much of the country's urban landscape, and sequestered in Nairobi's tree-lined UN compound, they came, ostensibly, to agree current and future actions to meet the overall objective of the convention: to stabilize greenhouse gas emissions and prevent dangerous climate change. That is, they met apparently to avoid catastrophe.

This catastrophe has several names – salinity valves, carbon pumps, methane outbursts, glacial retreats, deep water formation – together signifying the collapse of the material basis for life itself. The breakthrough that climate observers, NGOs and at least some delegates wanted to see most is agreement on an international treaty to take over from the Kyoto Protocol in 2012. The European Union, in particular, has called for warming not to rise more than two degrees above preindustrial levels, representing about 400–450 parts per million (ppm) of greenhouse gases to non-greenhouse gases in the atmosphere.<sup>1</sup> If this can be done then everybody can apparently rest easy: a few extra hurricanes, a couple of submerged islands, some odd weather events, but overall an environment the rich can get richer in, the poor supposedly become less poor. After hours of discussion, silent and exhausted, rows of impassive middle-aged men and women with coffee-stained grey hands clapped the final smack of the gavel that sounded the end of the conference. And achieved an agreement to carry on talking.

The political process to agree what needs to be done is frozen. Such paralysis has a particular poignancy, for at stake in this process – the earth's climate – is what should, by definition, be common to the totality of any imagined global community. Indeed, for some, it is this aspect of climate change that has been seen to offer a certain perverse form of political hope, as a phenomenon that, observable and empirical as it is, also possesses some inherently transcendental force of appeal. Certainly, the ultimate horizon of the earth as condition of possibility for human existence itself (at least for the present) takes the visible threat of climate change into a different realm than just another example of the many in history that constitute the so-called 'tragedy of the commons'.<sup>2</sup> If Kant once thought that the global form of the earth itself offered hope for 'perpetual peace', today, from the perspective of current planetary transformations

in its ecology, the earth appears as something like an apocalyptic pure sum. Emissions circulate equally throughout the system. With global warming it precisely makes no difference where greenhouse gases are emitted.

### **Uncommon interests**

The paralysis in reaching a multilateral agreement at the UN partly results from, and is itself a result of, a rich–poor divide in the way national interests are distributed at the UN. Under the United Nations Framework Convention on Climate Change (UNFCCC), countries (or so-called ‘Parties’) are divided between Annex 1 (OECD Developed) and non-Annex 1 (OECD Developing) nations. The Kyoto Protocol enshrines this division by giving targets to Annex 1 Parties only, though countries can of course refuse, as did the United States. Developing countries pushed hard for this divide between Annex 1 and non-Annex 1 when the UNFCCC was being negotiated in the late 1980s, finally winning the linguistic formulation that is central to the approach: Parties have ‘common but differentiated responsibilities’ for tackling climate change. This reflects a general understanding of the developing world as subjects of historical injustice in the following terms:

1. It was the West’s industrial revolution, massively expanding the need for energy, and met by the forces of production available at the time for colonial adventures and capital accumulation, which injected huge amounts of carbon into the atmosphere in the first place. This argument concerning the West’s ‘historical responsibility’ for dangerous levels of greenhouse gases means the burden for reducing emissions and taking on targets should fall and remain on the rich nations of the world for the foreseeable future.
2. The historically produced poverty of many non-Annex 1 Parties, as well as many of their people’s close proximity to ‘nature’ – be it in subsistence farming, or in terms of basic infrastructure and welfare – means they will be the most vulnerable to the impacts of climate change. As such, it is the West’s responsibility to help them both to develop as quickly as possible, by not constraining their growth through targets, and to pay for urgent ‘adaptation projects’.
3. The lack of development of so-called developing countries means their mitigation potential is proportionally tiny. (Such a difference is even starker when based on per capita emissions: the average US citizen creates 73 times more emitted tonnes of carbon than someone in Kenya.<sup>3</sup>) Thus, carbon constraints on non-Annex 1 Parties are taken to be essentially futile.
4. It is the view of many non-Annex 1 Parties that already rich nations want them to take on targets because they in fact wish to constrain their future growth. The fact that China and India are non-Annex 1 Parties suggests how strong the possible accuracy of these suspicions might be.

Put together this means that non-Annex 1 Parties will vigorously resist any agreement at the UN that means they have to take on targets to cut emissions, that obliges them to use resources on activities that could be spent on their economic and industrial development, or even that says they must work collaboratively on technology development that would provide the basis for them taking on targets or mitigation efforts in the future. Yet the intractable problem, and unfortunate truth, is that the near doubling of global emissions in the next fifty years will almost *all* come from those Parties who are in principle excluded from emission reduction targets. China, with a current level of capital investment beyond anything seen in human history, is adding to its own total every two and a half years the equivalent of the UK’s total emissions.

The problem is compounded by the political space of the UN itself, where progress is worked through negotiating blocs of supposed mutual interest, namely the EU, G77

and China, and the Umbrella Group (containing the USA, Australia and Japan). In fact these blocs often disguise considerable conflict, and shared economic and political interests are as likely to exist between blocs as lie within them. The European Union is generally content with the notion of ‘historical responsibility’, and more or less accepts (for now) that the burden should fall on the rich. In effect, this means that they are broadly comfortable with a ‘mixed economy’ approach of governments setting targets and letting the free market adjust prices to deliver the desired outcome. Nonetheless there is considerable variation of opinion within the EU itself. So-called post-industrial ‘knowledge economies’ have an advantage in decoupling emissions and growth (while having one eye set on the future growth of environmental technology markets), but new member states like Poland still have a large energy-intensive manufacturing base. It is clear that the ‘unity’ of the EU will be severely tested as talks on a post-2012 international framework go forward over the next two years – especially if the signs are not good from the USA, China or India. Meanwhile, the USA doesn’t like the Annex 1/non-Annex 1 divide at all. They are impatient with any talk of historical responsibility and not particularly sympathetic to talk of equity when it comes to per capita emissions. Business is business and government either clears a path or gets out of the way. Setting caps on emissions is one thing – apparently still too much given their refusal to ratify the Kyoto Protocol – but doing it while your biggest competitor, China, is excused on principle is entirely another. Australia makes a similar argument, as does Japan.

The impact of divided interests is most obvious in the Group of 77 countries and China, a bloc that includes, for example, both Saudi Arabia and Tuvalu. The Saudis do not want the rich or emerging economies to stop buying oil, and so it is of course in their interest to undermine any action to reduce the global use of fossil fuels. Some 10,000 Tuvaluans living on nine extremely low-lying coral atolls are in immediate danger of slipping under rising sea levels. Yet Tuvalu is expected to align its interests with Saudi Arabia and other big economies. At the same time, common interests *across* blocs also create opposition and paralysis. The USA and India agree they don’t want targets. But each needs the other to reject action. If the USA gives way and takes on targets the pressure on India will be massively increased. Similarly, if India gives way, the pressure on the sole superpower, at least ethically, will also be substantial. There has to be endless discussion of this type within the UNFCCC as a whole to ensure that the whole does not move at all. Bright-faced and enthusiastic officials biannually get together and rehearse the same arguments as if articulating and hearing them for the first time. If these are the games that typically paralyse and freeze action in the political space of the UN, there are, nonetheless, wider problems pulling the strings that animate these antics, yet which remain largely in the shadows.

## **Development and the Left**

At the heart of the difficulties for contemporary political imagination that climate change engenders is the fact that it presents itself as a limit point of overcapitalization yet seems to confirm no progressive narrative beyond it. Human ‘freedom’ and the ‘pursuit of happiness’ within the liberal economic, planned economic or redistributive traditions has historically tended, in practice, to require massive overproduction, while, in principle, being expected to develop as part of a broadening constituency of consumers. From each of these perspectives, any project to halt global warming can thus easily seem to be anti-development, or even anti-modern, per se. The forces of production may have advanced such that human want can be potentially eliminated. Yet it is also true that if every Indian’s consumption changed overnight to match an American’s, the embedded high carbon production within that consumption would lead to such an enormous release of greenhouse gases that the Greenland ice sheet would melt in weeks and flood large parts of the globe.



This is the basic foothold for arguments by straightforward anti-technology, green isolationists. At the same time, on the part of much of the traditional Left, the problems produced by climate change are all too often merely evaded, in so far as they can seem to generate very little basis for established forms of social criticism. It's apparently very hard to make anything politically positive, revolutionary, or even genuinely progressive out of it. Greenhouse gases may be an 'externality' of economic production, but they can seem to have little to do with 'social relations' per se. Debate has instead been dominated by issues of technological transformation and the switch to 'new economies' – justifiable anxieties which have led trade unions in many parts of Europe to campaign against any action for fear of job losses. More broadly, the very bleakness of global warming as a natural-historical phenomenon seems to fix the future and thus further undermine an already thinning contemporary sense of any possibility of some unknowable future to come that could resist the currently emergent global capitalist system. This of course goes hand in hand with the increasingly prophetic power of technoscience, and the destiny of an embedded and expanding consumer society fuelled by enormous energy consumption. Climate change may serve to emphasise, in new ways, the 'unnaturalness' of capitalism, against its own ideological claims. But whether it could in itself provide the impetus for some more novel and effective critique of capitalism or global inequality is at present far less clear.

Of course liberal economists are not shy about staking their own claim on the future and are determined to re-present global warming as an essentially economic issue. Sir Nicholas Stern's recent report on climate change asserts that global warming amounts to 'market failure on the greatest scale the world has seen'.<sup>4</sup> But what is thus needed is an appeal to the market to make the market work better. Economists and business are simply required to 'reflect reality', rethink cost-benefit models, and give the market cause to avert any future tragedy of the commons; industry must cost economic activity by including future costs of environmental degradation, as well as costs of living labour, and so on. In this way certain activities that are high in emissions will become prohibitively expensive or would have to accrue enough benefit in the present to be justifiable. Popular with Stern, as a tool to incorporate the external costs of climate change into economic activity, is of course the Kyoto mechanism of emissions trading – a supposedly happy marriage of government intervention and the free market. Governments put a price on carbon through the setting of emissions caps and tradable permits that are bought and sold in a carbon market. The price, depending on the supply and demand of permits, will reflect the severity of the caps imposed by governments on those industries most responsible for emissions. But this depends, in turn,

on the cuts that either the regional – as in the European Union ETS, the only trading system that is currently fully operational – or international community is actually prepared to impose. In a post-2012 agreement these will supposedly reflect what are thought to be dangerous levels of climate change for future generations; or, in the language of discounted economics, the value that future generations will place on a stable climate. Stern argues strongly that future generations will value their security as much as we do, therefore increasing how ‘we’ should assess the present costs of damaging it (an argument that economists usually ignore because of an underlying assumption of discounting: the future may not happen). However, he also presumes that in so far as in the future ‘we’ will be richer – where ‘we’ means the aggregate totality of society – so current assessments of costs can be reduced, allowing ‘us’ to reduce the severity of the cuts that are needed to ensure benefits outweigh costs. The problem, as ‘we’ all know, is that the market alone is just not that interested in the future. The UK is currently having trouble with a lack of gas storage and is trying to get European partners to help with its security of supply. The reason Britain doesn’t have gas storage? The market didn’t invest in it while the country had gas coming in from the North Sea, even though it was known that supplies were running down.

This resistance to and exclusion of the future is a more general characteristic of discussions at the UN and an essential cause of paralysis. One can see this in the position that Africa is made to adopt. Africa doesn’t have a voice – even in Nairobi – and is generally positioned as ‘they whom we weep for, whom we act on behalf of’ when ‘we’ want to secure our interests. Like the urban homeless, it’s not that nobody sees them; it’s that all they can do all day is look. The standard, and obviously justified, African complaint of being ignored in the political space of the UN is the discomfort of being excluded from dynamic engagement. It means being condemned to be onlookers. And, placed outside the stand-off between the USA, the EU and India/China, Africa can indeed only look on. Yet, for Africa, the catastrophe is already happening. As discussions at the UN have to exclude the future (while being about nothing other than the future) in order to maintain paralysis, so Africa must be either excluded from the negotiating ring or determined as a warning of a possible future for all of us. But it’s far from clear what ‘we’ can learn from Africa when ‘we’ are all determined to avoid becoming ‘African’.

## **Re-presenting history**

Climate change ‘insiders’ know much of this, and try to stage the release of political moments to move things along. In Montreal, at the previous Conference of the Parties to the UNFCCC, there was a film shown on the opening morning to a packed house of delegates. A parody of the sweetness of nature, it showed tribal people living close to the earth, before moving on to the devastation that is invisible and outside our door: the blasted heath, the racking winds, melting ice. Finally, Inuit children appeared on stage and sang, before begging delegates to work hard in the next two weeks to save their world before it turns to slush. Row after row of bent heads were of course to be observed sobbing.

Political subjectivity not only believes art can change hearts, it also believes that hearts can direct, transform and focus political will. Yet the political reality is that the future doesn’t vote and lacks potential for investors. Political will in the international space of the UN and other global forums has to be built, coldly, rationally, across many different constituencies. It is work for a Weberian modern world – cold, slow, unforgiving. Shrouded in darkness, hidden, buried in the present – this is where business happens, where discussions about global energy security take place. Current forms of ‘behind the scenes’ engagement thus only work ultimately to endorse and strengthen the fact that, in Adorno’s words, ‘production is for profit and people are planned in as consumers from the start’.<sup>5</sup>

Today, the gathering NGO response on personal responsibility is coming back into fashion after a decade of focusing on the role of government and business to change the economic base, with sophisticated tools and standards to create low carbon consumption. In many ways this is another ideology of consumer power mitigating objective levels of exploitation, but, worse than this, its chatter is being used to nurture neo-mercantilist energy security fears. At the same time, from another perspective, some argue that because Africa will be hardest hit by climate change then action is even more pressing and urgent today. (This is an argument that seems to have had some impact upon Gordon Brown for one.) Yet the shallowness of this argument from guilt is all too obvious. For why would guilt about the future be any more powerful to effect change than guilt about the present? Arguments that rely on a tactic of ‘on behalf of others’ simply repeat the impotence that the many are destined for. They become a reflection of the domination of nature for the sake of overcapitalization that passively accepts damage to the earth’s fundamental systems in exchange for the wealth of the few. Poverty and inequality are the true indicators of a global society organized around economic profit. Positioning climate change as the greatest problem of today can easily act as a cruel reduction of the suffering of those who live with poverty now. Far better would be to make explicit those links between the accumulation of wealth for the few and ecological destruction itself.

Anxiety about the future, and the judgement it makes, could perhaps offer one new way to configure the political response that is needed. It’s the future that writes the history books you’re going to be in. And it causes fear that people don’t quite know what to do with: ‘Am I really the bad guy in this film?’ If there is a political opportunity here it is to be found in the fear of catastrophe that, like any suspense narrative, starts to open up the present to the sign of things to come. History has now permeated nature, colonized it, turned it inside out. Rather than just reducing, boiling, cutting, digging, burning it, history has now possessed nature by giving it an end, a telos. This was not supposed to happen: capitalism, infinitely resourced and resourceful, should move through a natural and ‘open space’ that is infinitely divisible. Instead ‘transient nature’ is now nature possessed, its future fixed in the present through model scenarios of hurricanes, floods, and so on – a telos that is about the survival of humanity itself. Is climate change, then, a typical disaster narrative, in which ‘we’ discover our predicament on the verge of catastrophe, and have just enough time to change; a test of humanity to be resolute, good, and make the right decision, and in which a moment of redemption is offered? Yet perhaps it’s not only greenhouse gases that have permeated nature, but also these narratives of disaster that scientists (‘our’ translators of Nature) are reading from. If so, maybe global warming might yet be ‘socially useful’ after all in opening up rational planning to an alternative teleology that mobilizes against the causes of injustice and inequality. Global warming needs a response that isn’t only at the level of managing an environmental problem to ensure the planet is just about liveable on in the years to come – it needs one that addresses the essential un-freedom, suffering and misery within the present global system.

## Notes

1. See [http://unfccc.int/meetings/cop\\_12/in-session\\_workshops/items/3884.php](http://unfccc.int/meetings/cop_12/in-session_workshops/items/3884.php).
2. The ‘tragedy of the commons’ refers to a situation in which a common and free resource is overexploited to destruction by individuals whose economic actions follow a cost–benefit logic whereby benefits that are exclusive to individuals are weighed against costs that are distributed among all those who use the resource. This results in exploiting a resource to destruction and moving on.
3. Information provided by the US Department of Energy’s Carbon Dioxide Information Analysis Centre, 2003.
4. See the Stern Report online at [www.hm-treasury.gov.uk/independent\\_reviews/stern\\_review\\_economics\\_climate\\_change/stern\\_review\\_report.cfm](http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/stern_review_report.cfm) In particular, the section on ‘Ethical Frameworks and Intertemporal Equity’.
5. Theodor W. Adorno, *Freedom and History*, Polity Press, Cambridge, 2006, p. 50.

# The upper hand

## The eviction at the Youth House in Copenhagen

**Mikkel Bolt Rasmussen**

**A**round seven o'clock in the morning on 1 March, Danish police stormed the Youth House at Jagtvej 69 in Copenhagen. Helicopters dropped police onto the roof of the building while others were lifted in small containers to the top windows, gaining access by breaking a hole in the front wall at the fourth floor. Before entering the house, the police filled it with tear gas. The thirty-six people sleeping in the house were arrested. The action caught the activists by surprise and the spectacular entrance quickly escalated into confrontations with police in the streets around the house.

Within a few hours, young people started building barricades by pushing dumpsters into the street. The police who tried to remove them were met with stones. At around five o'clock that afternoon thousands went into the streets and fighting broke out with the police as protesters set cars on fire and tried to take over the streets of Nørrebro, the surrounding neighbourhood. More and more young people joined the demonstrations, which spread to Christianshavn, where the free city Christiania is located. Cars were burned and barricades were set up faster than the police could remove them. For three days the streets of Copenhagen were filled with angry young people protesting the eviction of the Youth House. Nonviolent demonstrations, as well as violent clashes with the police and the trashing of a high school, disturbed the peace of Denmark's wealthy capital. Police from all over the country were sent to Copenhagen and help was even requested from Sweden. Although there have been more violent clashes between police and activists in Copenhagen, in the 1980s and 1990s, the current situation is more dramatic since it involves such a large section of Danish youth, frustrated with the direction in which Danish society has been heading for the last decade or more. The police have not hesitated in their response and almost 700 people were arrested in the first three days of the disturbances.

### **Danish national democracy**

Neither the anger nor the repression came out of the blue. Since the elections in November 2001, the Danish political system has developed a particular combination of democracy, racism and chauvinism that we might term national-democratic authenticity – totalitarianism. This ideology of Danish nationalism, comprising a cultivation of authenticity and hatred of foreigners, has been promoted with great force by the right-wing government of Anders Fogh Rasmussen. After assuming power, Fogh Rasmussen launched the so-called 'battle of culture' that targeted both left-wing culture and Muslims as destructive forces in Danish society. This campaign against foreigners may seem strange, as Denmark is the least mixed country in the Western world, with very limited immigration and severe immigration laws – even before they were strengthened in 2001. But because politics in Denmark has been reduced to a question of authenticity, the very idea of a multicultural society has become a threat. The challenge of

globalization has been met with entrenchment. The Muhammad cartoons epitomized what has become a cultural crusade against Muslim migrants. The cartoons were not at all about free speech; they were yet another attempt by the right-wing newspaper *Jyllands Posten* to demonize Muslims. (See Heiko Henkel, 'The Journalists of the *Jyllands Posten* are a Bunch of Reactionary Provocateurs', *RP* 137.) The handling, or rather mishandling, of the affair by the Danish prime minister was symbolic of an attitude towards foreigners that perceives them as unwilling to 'integrate' into Danish society.

Cultural heterogeneity and cosmopolitan sensibility are not options for a minority government that depends on the support of the explicitly racist Dansk Folkeparti (Danish People's Party). In 1998 the Dansk Folkeparti gained thirteen seats in parliament after a campaign based exclusively on hatred of foreigners. This situation forced not only the other right-wing parties but also the then Social Democratic government to react. The Social Democrats chose to enter the fight for racist votes and tightened immigration rules several times after June 1998. Several Danish newspapers, among them *Ekstra Bladet* and *BT*, helped pave the way for this development by publishing 'exposures' of migrants' 'misuse' of the Danish social security system.

With the 'state of war' proclaimed by the US president after 9/11 whereby the question of global inequality between rich and poor countries was transformed into a war against 'terror', racism was finally legitimized in Denmark. Fogh Rasmussen's right-wing party won the 2001 election and became the party of government, supported by Dansk Folkeparti, which received 12 per cent of the votes. Unlike in France where it was possible to isolate Le Pen's Front National, Dansk Folkeparti participated in the new right-wing government's programme. Of crucial importance in this programme were new restrictions on immigration, making it extremely difficult to acquire asylum in Denmark. But the defence of the West against Muslim immigration was just one component of the new government's politics. Another consisted in siding with George W. Bush and his war on terror. The Danish government has been there right next to Bush and Blair all the way, invading Afghanistan and then Iraq. Danish troops have taken part in operations in both countries.

The xenophobic campaign against Muslims was accompanied by an attack on everything seemingly left-wing in Danish political culture. According to the government, the country is in need of a cleansing of old left-wing and '68ers' ideas that threaten to destroy the Danish community in favour of a multicultural society. To an unprecedented



extent, the government has tried to put pressure on a number of public institutions, such as state television and the universities, demanding that they distance themselves from dangerous '68ist currents. Former employees from state television have reported a drastic increase in attempts to shape or influence programmes, and the university system is currently going through a transformation in which corporate ideas are replacing the notions of *Bildung* and autonomy. Funding for schools and hospitals is also being reduced. In this situation, where the government is making a thoroughgoing attempt to make a particular Danish neo-conservatism hegemonic, the Youth House and Christiania have been a thorn in its side. Each in their own way, the two places have somehow been able to create alternative communities with different values.

### **From Zetkin, Luxemburg and Lenin to Einstürzende Neubauten**

The Youth House represents a lifestyle in complete opposition to the one the government is promoting. The House dates back to 1897, when it was called the People's House, and it has played an important role in the history of the working class, not only in Denmark but internationally. It was here that the German Social Democrat Clara Zetkin declared 8 March an International Women's Day of Struggle. Zetkin's ally in the German Social Democratic party, Rosa Luxemburg, gave a speech in the house, as did Vladimir Ilyich Ulyanov, better known as Lenin. In 1918 the house was the centre of a large demonstration against unemployment when Danish anarchists stormed the Stock Exchange. After the Second World War it was mainly unions and working-class organizations that used the house. It was abandoned in the 1960s and bought by a supermarket chain that wanted to demolish the building, but because of its historical significance the council did not allow this. A folk music ensemble used the building for a few years. Finally, in 1980, the municipality of Copenhagen acquired the house, but it remained empty.

In 1981 a group of autonomists squatted the building demanding a youth house.

The house was raided a couple of times but on each occasion the activists reoccupied the building. In the end, the Social Democratic mayor, Egon Weidekamp, decided to hand over the house to a group of squatters. Since then there have been conflicts with the authorities and several politicians have voiced regrets about giving the house to 'youngsters'.

In the 1980s and 1990s the Youth House was the scene of the Danish underground. Punk rock and anarchism flourished there and musicians like Björk and Einstürzende Neubauten played before they were famous. A variety of cultural activities took place and the building also housed a popular kitchen. Young people who did not fit in could hang out and live life beyond the demands of their parents and Danish society, experimenting with music and politics outside the confines of the music industry and the party structure. The Youth House's importance also stemmed from the

fact that the cost of living in Copenhagen has risen sky-high in the last two decades, making it difficult for young people to live in the city. There are very few cultural opportunities for young people in Copenhagen apart from very pricey bars, cafés and clubs. In short, the Youth House represented an alternative.



In 1999 the municipality of Copenhagen decided to sell the House. As one member of Dansk Folkeparti put it: 'I am sick and tired of hearing about this Youth House, so let's settle the matter right now, let's tear it down and erase it completely.' Very few buyers showed any interest. One of the few who did was a right-wing Christian sect called Faderhuset (the Father House). It was initially turned down by the municipality as 'insincere'. But through a bizarre turn of events, Faderhuset managed to buy the



house after all, using a middleman, in 2000. Since then the sect has insisted on getting the young people out. According to Faderhuset, it is involved in a battle against ungodly elements – Muslims and homosexuals – and the acquisition of the Youth House is an attempt to drive away sinners. The council supported the sect and criminalized the most vibrant cultural scene in the city. Although the users had been given the house, back in 1982, there was nothing they could do – the politicians handed the matter over to the police. Court cases and various protests did not settle the matter and the scene was set for the events that took place at the beginning of March.

### **The beginning or the end?**

On 5 March bulldozers and a huge hydraulic excavator moved in to tear down the Youth House at Jagtvej 69. Under heavy police protection, masked workers set about removing every visible sign of the house, even painting over the graffiti on adjoining houses.

Since the demolition of the house, the site has been renamed 'Ground 69' and has been the location for a number of actions. On Saturday 17 March, protesters managed to drop more than 10 tonnes of earth on the site, creating a garden with flowers and trees. All over the city people have tried to win back public space. Several thousand streets have been 'renamed' Jagtvej, not only in Copenhagen but throughout Denmark. Students from the Royal Danish Academy of Fine Art tried to transform their building into the Royal Danish Youth House, placing a huge banner on the front of the building. In each case, the police have tried to silence protesters by making wholesale arrests. The young woman who produced fake street signs with the name 'Jagtvej' has been arrested and charged with public disturbance under the Terror Act. There have been several instances of police brutality, random arrests and illegal searches. It seems the authorities are hell-bent on destroying the last enclaves of free space in Copenhagen. But the protesters are part of Danish society and remain so even if they are jailed.

The acts of violent protest are not the biggest stupidity. The government and local authorities have refused to enter into a dialogue with the protesters. They are denying the existence of the problem, and trying to eject the protesters from the national political community. According to politicians of both Left and Right, we are confronted with the unreasonable acts of thirteen-year-olds who have not received a proper upbringing from their parents. There is no political problem: the kids are badly brought up, that's it. Moreover, it is supposedly not a Danish problem, since, according to the politicians, the most violent protesters are all foreigners from either Sweden or Germany.

It is difficult to say whether the young protesters will be able to keep voicing their resistance. But as the municipal council of Copenhagen is pushing to 'normalize' Christiania, we have not seen the last confrontation. A broad spectrum of young people refuses the aggressive policies of cultural uniformity sweeping across Denmark and the world. Danish involvement in the war in Iraq has certainly destabilized the political system, even if it is not possible to point to a viable protest movement, able to undertake a thoroughgoing critique of the ruling powers. Right now, reaction has the upper hand.

# radical philosophy conference

## materials+materialisms

Saturday 12 May 2007

Clore Centre, Birkbeck College, London WC1

9.30–10.00	Registration	
10.00–10.15	Introduction	
10.15–11.30	Plenary 1	<b>Divorcing Materiality From Physicality</b> Isabelle Stengers (Free University of Brussels)
11.45–1.00	Panel sessions	
	Panel 1	<b>Materials of Science and Nanotechnology</b> ROOM B01 'The Inorganic Open: Nanotechnology and Physical Being', Nathan Brown (University of California, Los Angeles) 'Nano-technoscience and the Promise of Matter', Ben Anderson (University of Durham)
	Panel 2	<b>Materialities of Sex</b> ROOM G01 'The Incomplete Materialism of French Materialist Feminism', Alison Stone (University of Lancaster) 'Sexual Materialism: Firestone Revisited', Stella Sandford (Middlesex University)
	Panel 3	<b>After Cultural Materialism</b> ROOM G02 'A Cultural Critique of Cultural Studies', Freee (Dave Beech, Mel Jordan, Andy Hewitt) 'The Pig in the Bath: New Materialisms and Cultural Studies', Michelle Henning (University of the West of England)
1.00–2.15	Lunch	
2.15–3.30	Panel sessions	
	Panel 4	<b>Art and Immaterial Labour</b> ROOM B01 'Art in the Age of Biopolitical Production', Stewart Martin (Middlesex University) 'From Sochaux to Belmar: Grey Labour', Liam Gillick (artist, London and New York)
	Panel 5	<b>Materialism in French Philosophy</b> ROOM G01 'The Production of Subjectivity: Towards a Political Anthropology of the Present', Jason Read (University of Southern Maine) 'French Marxism and the Problem of Agency', Nina Power (Roehampton University)
	Panel 6	<b>Building Materials</b> ROOM G02 'Clouds of Architecture', Mark Dorrian (University of Edinburgh) 'Writing Materials: Matter, Form and the Architectural Specification', Katie Lloyd Thomas (Middlesex University)
3.45–5.00	Plenary 2	<b>The Matter of Knowledge</b> Iain Boal (Retort, California)

£15/students £8

Registration from David Cunningham, Department of English, University of Westminster, 32–38 Wells Street, London W1T 3UW, d.cunninghamo2@westminster.ac.uk. Cheques payable to 'Radical Philosophy Ltd'.

# Whatever happened to martial law?

## Detainees and the logic of emergency

**Mark Neocleous**

Began teaching the detainee lessons such as stay, come, and bark to elevate his social status up to that of a dog. Detainee became very agitated.

Guantánamo guard diary entry, 20 December 2002

What is a detainee? The term has been given a new lease of life as a result of the authoritarianism that has followed the attacks on the World Trade Center, in which the state has ‘detained’ countless numbers of people without charge or trial. The label ‘detainee’ serves to separate their status from that of both ‘prisoner’ and ‘prisoner of war’, and has been central to the legal manipulation of attempts to free them or even to criticize their treatment. Leaving aside the obvious fact that many of those being detained have been tortured and almost all have been subject to inhumane treatment, the central issue surrounding them concerns one of the supposed foundation stones of liberal democracy: the principle of habeas corpus. In being interned without charge or trial the figure of the detainee is an affront to this fundamental right of liberty and the associated belief that any form of imprisonment must follow the rule of law. The detainee necessarily involves derogation by the state from the fundamental norms of human rights. In this sense the detainee is central to precisely the kind of rule against which liberal democracy purports to set itself: forms of ‘totalitarian’ rule or ‘police states’ in general. ‘Detainee’ comes to us from the French *détenu* and its original reference point was the French ‘police state’ of the eighteenth century. In particular, given the militarized context of the wider ‘war on terror’, the detainee also smacks of regimes which employ the military as a means of policing civil order. Symptomatically, detainees are usually also held in spaces, camps or prisons controlled by the military. The detainee, in other words, is an emblematic figure of martial law.

The question ‘what is a detainee?’, then, begs another question: ‘what is martial law?’ More to the point, how can so many individuals now be held as ‘detainees’ without a declaration of martial law on the part of those sovereign entities detaining them? Indeed, whatever happened to martial law as a form of rule? Here, I trace the contemporary logic of martial law through a critical genealogy of its history. This logic and genealogy tell us something interesting about the nature of rule in contemporary capitalist states. This rule, I suggest, has involved the transformation of martial law into a form appropriate for liberal democracies. What I am tracing, then, is in some sense the *liberalization* of martial law. This liberalization occurred through the generation of new concepts that permitted the most important practices of martial law to be carried out, but in a form more easily defended on liberal terms: *emergency powers* and *national security*. I link some of the overlapping themes and assumptions of these two ideas that animate the new liberal authoritarianism to the history of martial law. The political intention behind making such links is to develop further the critique of security. This is a pressing political task for the Left, which, rather than develop such a critique, has tended instead to accept the liberal grounds of much of the current debate about security. This has left it unable to do much more than reiterate liberal demands for a ‘return to law’ or argue for a better ‘balance’ between liberty and security.<sup>1</sup>

### **Military law to martial law**

Until around the 1830s martial law was equated with military law – the rules for governing armed forces in the field. In its original meaning the term thus referred to jurisdiction over soldiers of the Crown and alien enemies. The Petition of Right of 1628, for example, sought to limit the abuse of monarchical powers by making martial law applicable only to soldiers, and

thus held that the Crown had no authority to administer military law within the realm during a time of peace. Likewise, the Mutiny Act of 1689 permitted the trial and punishment of soldiers by courts martial and allowed the king to 'proclaim martial law' for the government of the army during peace and war. No one suggested that civilians would ever be subject to it. This remained so through the eighteenth and into the nineteenth century.

In the first half of the nineteenth century, however, the concept gradually took on a new meaning. A major factor behind the new meaning was an increasing use of martial law in governing occupied territories. Where on the mainland the British state could muddle through well enough with sporadic use of the Riot Act to maintain order, martial law came to be increasingly used in that standard locale of political experimentation, the colonies: in Barbados in 1805 and 1816; Demerara in 1823; Jamaica in 1831–32 and 1865; Canada in 1837–38; Ceylon in 1817 and 1848; Cephalonia in 1848–49; Cape of Good Hope in 1834–35, 1849–51 and 1852; the Island of St Vincent in 1863; and on several occasions in Ireland.<sup>2</sup> As such declarations increased it became apparent that martial law involved a kind of suspension of law. In an opinion delivered after the Canada emergency of 1838, Crown law officers commented that 'martial law is stated by Lord Hale to be in truth no law, but something rather indulged than allowed as a law'.<sup>3</sup> In a heated debate in the House of Commons in April 1851 concerning the repression of rebellion in Ceylon, the Duke of Wellington and Earl Grey agreed that because martial law is neither more nor less than the will of the general who commands the army, martial law means no law at all.<sup>4</sup> They were no doubt bolstered in such a claim by the fact that the constitutional authorities of the time were beginning to argue that in times of crisis constitutional norms might have to be abandoned. Henry Hallam, in his widely read *Constitutional History of England*, commented that

there may indeed be times of pressing danger, when the conservation of all demands the sacrifice of the legal rights of a few; there may be circumstances that not only justify, but compel the temporary abandonment of constitutional forms. It has been usual for all governments, during an actual rebellion, to proclaim martial law, or the suspension of civil jurisdiction.<sup>5</sup>

In other words, what was emerging was the belief that martial law may be applicable not simply to the military, but to the use of the military to maintain order, and that central to this was the suspension of some fundamental liberties.

A parallel can be traced in the US context, where the main dispute concerned the attempt by militant Rhode Islanders to adopt a written constitution for the state in 1841. Their desire for popular sovereignty led them to assemble a popularly elected convention, drafting a constitution, submitting it for ratification and then declaring it ratified, following which they elected officials to a people's government scheduled for inauguration in May 1842. The response from the authorities was to declare martial law and mobilize the state militia across the entire state. Hundreds were arrested without warrant and detained without a clear statement of charges. Many Rhode Islanders believed that since the military was being used in a way never before seen in American history, this clearly would not stand the test of being subject to actual law, and so they instituted two suits in late 1843 and early 1844. One focused specifically on the legitimacy of the substitution of military for civilian authority and the deliberate suspension of due process. The Circuit Court dismissed the cases after cursory hearings, but the issue at stake was deemed so important that it made it to the Supreme Court in 1849.

In the intervening years, a debate took place concerning the definition of martial law. Two books published in 1846, William C. DeHart's *Observations on Military Law* and John Paul Jones O'Brien's *Treatise on American Military Laws*, sought to distinguish martial from military law and argued that the constitution in fact sanctioned martial law as the only means of defence when civil institutions were closed or suppressed by emergency conditions. In the meantime, the war in 1846 nearly doubled the size of the Union, which now contained a considerable 'alien' population supposedly unfamiliar with American institutions and apparently incapable of self-government. The obvious question arose: surely martial law was appropriate for such a situation and such people? By the time the Rhode Island case was decided in 1849, Justice Story was able to argue that the situation in 1842 had been 'so urgent, that its [Rhode Island's] legislature judge[d] a resort to the most extraordinary means of resistance necessary, and accordingly declare[d] martial law'. He went on to suggest that 'Martial law is the suspension of the common law, for the purpose of giving summary power to the military.' Moreover, the court also argued that the insurrection constituted 'a state of war' and, according to Justice Taney, 'a State may use its military power to put down an armed insurrection'; it also argued that the state was itself the final arbiter in such a decision. The court thus held that the declaration of martial law to subdue the

Rhode Island insurrection was acceptable, adding that such government actions should not be questioned in a court of law.<sup>6</sup> This decision – the *Luther* decision, following *Luther v. Borden* in which Luther originally challenged the search on his house and being placed under arrest – altered the understanding of martial law in America, ratifying a process that had been taking place since the early 1830s: martial law now appeared to refer to the establishment of prerogative governmental powers for dealing with situations thought to constitute some kind of crisis or emergency. And since insurrections constituted a form of war, they must form some kind of crisis, for which martial law becomes appropriate and during which fundamental liberties can be suspended. This argument was then easily applicable at national level. As a consequence, one finds the decision in *Luther* being invoked through the use of martial law by the Lincoln administration and into the twentieth century.

What we find, then, is an enormous historical shift taking place in the nineteenth century concerning the logic and focus of martial law, a shift which allowed the state to avail itself of the right to use special, constitutionally prescribed powers in situations in which ‘public security and order’ were thought to be in danger. This shift had its parallel in a shift in the understanding of the ‘state of siege’ in civil law. The state of siege took as its precedent, on the one hand, the Roman dictatorship and, on the other, the history of conferring plenary powers upon the commander of a besieged fortress. But during the nineteenth century the concept slipped from the military to the political

sphere and became applicable to civilians in periods of crisis or emergency. The French constitution of 1800, for example, allowed for the suspension of civil liberties and rights in the places and for the time determined by law ‘when the security of the state required’, while the Acte Additionnel of 1815 adopted the terminology of ‘state of siege’ to describe the general regime of exception. But the key shift came in the imposition of a state of siege in Paris between June and October 1848, and a new ‘Law on the State of Siege’ of 9 August 1849, which sought to regulate the issues surrounding such states, including their declaration and termination. By then, the logic inherent in the law was that a state of siege entailed the same processes as those of martial law: an increase in executive power vis-à-vis the legislature and judiciary, a shift of power to military authority, and the suspension of basic liberties and rights including the power of detention. As with the development of martial law, the ‘state of siege’ shifted gradually from a military to a political register, referring less and less to military encounters with enemy forces and more and more to questions of internal disorder.<sup>7</sup>

The history of both martial law and the state of siege is the history of a shift from regulation of the military within the state to regulation by the military of the whole social order on behalf of the state. ‘Martial law’ and, relatedly, the ‘state of siege’ move from being a code for the internal governance of military power to a rationalization for the use of military power across the face of society in which basic liberties and rights and possibly even the law *tout*



court are suspended. This was comfortably in place by the late nineteenth century, as shown by a number of key cases. In 1902, in *Marais v. General Officer Commanding; Ex parte D.F. Marais*, the Judicial Committee of the Privy Council found that because war had become so extended and the conditions of emergency so diverse, the rule that martial law only applied when the ordinary courts could no longer physically convene was no longer operative. For Frederick Pollock writing in the *Law Quarterly Review*, the judgment tried to 'keep alive the fallacious notion that martial law is identical or logically connected with military law', when in point of fact it was that 'martial law' is now simply the name for 'acts done by necessity for the defence of the Commonwealth when there is war within the realm'.<sup>8</sup> In the USA, Governor Peabody declared martial law in Colorado in 1903 and 1904, suspending habeas corpus, imposing a curfew, and detaining without trial the president of the miners' union Charles Moyer. Moyer bought a suit for damages for being detained without trial, alleging that he had been deprived of liberty. The Supreme Court in *Moyer v. Peabody* (1909) affirmed the dismissal of the action, suggesting that the governor is rightly the final judge and that any individual right to liberty must yield to the necessities of the moment. In so doing the court transformed much of the 1849 Taney judgment into binding law.<sup>9</sup>

What was at stake in these judgments was the possibility of using martial law during times of 'peace' or, rather, reconceptualizing 'war' so that broader moments of crisis, rebellion or insurrection could be brought under its remit. And if these constituted wars of sorts then surely there could be no objection to the use of martial law powers. It is important to note that this question and these themes came to the fore in states which were developing into liberal democracies. Through martial rule or the state of siege, liberal democracies were handed a political manoeuvre which provided a means of liberating executive power from constitutional restraints and suspending basic liberties. But the ruling class recognized that within the broader context of an increasingly democratized polity, declarations of martial law were becoming increasingly inflammatory. The initial solution to this problem was to consider its modern employment a 'qualified' form of martial law. This was granted by the decision in *Commonwealth ex. rel. Wadsworth v. Shortall* (1903), which generated the notion of a 'qualified martial law' that could be put in force for the preservation of public peace and order – the ordinary courts remained open and so liberty in general appeared untouched, but for

the accomplishment of its intended purpose it was martial law with all its powers.<sup>10</sup>

As the twentieth century progressed, however, and Western states became more liberal-democratic and incorporated more and more of the working class into the system, even a 'qualified' martial law sounded a little too harsh, a little too violent, a little too undemocratic; a little too, well, martial. So new forms of policing 'disorder' were required which used some of the key practices of martial law but eschewed the label. What was needed was a new form of language, less obviously violent and without the military overtones. This was found in the logic of emergency.

### **Martial law to emergency powers**

At the end of May 1922 it was suggested at a meeting of the British Cabinet that martial law should be formally introduced in Northern Ireland to deal with the emergency in the province following the partition. The suggestion was rejected on the grounds that martial law powers were, in effect, already being exercised.<sup>11</sup> But how? How could martial law be exercised without being declared? In dealing with this the Cabinet was revisiting a problem it had faced for the whole of Ireland prior to partition. In 1916 martial law had been declared for Ireland, and yet even then Prime Minister Asquith insisted in the Commons that despite the formal declaration, 'martial law has never been put in force for any practical or effective purpose in Ireland'. Rather, he suggested, 'there is no proceeding which has been taken [in Ireland] which could not be justified by the Defence of the Realm Act'.<sup>12</sup> His reference was to the Defence of the Realm Act of 1914 (DORA), which identified certain conditions necessitating the circumvention of fundamental rights. For the following five years the 'emergency powers' granted by the DORA – though they were not yet formally described as such – were integral to the running of the UK. At the same time, the aura and ideology surrounding martial law began to be transformed. Hence Asquith's claim that martial law had not really been put in force in Ireland. This explains the rather bizarre situation, pointed out by the military governor at the time, General Sir John Maxwell, that martial law had been proclaimed and extended in Ireland even though virtually all the public bodies were at the time passing resolutions condemning martial law.<sup>13</sup>

In a range of memos, Maxwell pointed out that martial law *sensu stricto* had not been put into operation anywhere, even in Dublin, and put his finger on the key issue: that discussion of martial law merely encouraged public grievances and so fanned

the flames of the struggles taking place. Moreover, such an inflammatory decision was unnecessary given that the practices of martial law could be conducted under DORA, as they were in Ireland. The leaders of the rebels were eventually tried and executed under DORA, not by military tribunals under martial law. In other words, the *effect* of martial law could be achieved without the inflammatory use of the term 'martial law' and possibly even without its declaration. As Asquith commented in a Cabinet meeting,

all the trials and sentences have been carried out under the statutory powers of the Defence of the Realm Act. There is no single case in which it has been or is likely to be necessary to resort to what is called 'Martial law' and there is no adequate ground for its continuance.<sup>14</sup>

The real beauty of this process was that when martial law was formally lifted, virtually nothing changed in the running of the province, which continued to be governed according to the regulations of DORA.

The introduction and use of DORA stand as a bridging moment between martial law and emergency powers doctrine in Britain. Following this, measures that *seemed* like martial law could be introduced under the new logic of 'emergency powers'. The important move in Britain came with the first Emergency Powers Act of 1920 (EPA). The EPA granted to the executive extensive use of the military to preserve security and order and, within this, the potential suspension of basic rights and liberties. They were, formally, emergency powers, but the use of martial law was still recent enough for most people to recognize them for what they were: when they were being exercised during the General Strike, the former Solicitor General for the Labour government commented that the government had introduced 'what is really martial law'.<sup>15</sup> Symptomatically, it was this historical moment that saw the adoption of the term 'detainee' into the English language: the *Oxford English Dictionary* records it appearing in Crowell's *Dictionary of English Grammar* of 1928.

At this historical moment the main purpose and use of emergency powers were also becoming clear. For all the talk about the need for such powers in times of 'war', the focus of the legislation was industrial disputes and labour revolts. And so the emergency powers granted by the EPA came to be exercised during virtually all the industrial disputes throughout the twentieth century: a miners' strike of 1921, and then again in 1924 during a London Transport strike, for eight months during 1926 to manage the General Strike (even though the Strike itself lasted only a few

days), through the 1948 and 1949 dockworkers' strikes, the 1955 railway strike, the 1966 seamen's strike, the 1972 miners' and dockworkers' strikes, the 1973 strike by miners and Glasgow fireworkers, the 1975 refuse collectors' strike, and the 1977–8 fireworkers' strike.<sup>16</sup> In other words, it was class war, the political administration of capital, and the policing of civil society that lay behind the powers in question.<sup>17</sup> That this is so can be seen by similar powers exercised elsewhere. Article 48 of the Weimar Constitution of 1919, for example, made reference to the use of armed force and the suspension of rights 'if public security and order in the German Reich are seriously disrupted or threatened' (leading one commentator to note that 'the amazing flexibility of its grant of powers ... can only be compared with the common law institution of martial rule').<sup>18</sup> During the Weimar period these powers were used largely for labour disputes and to manage the crises of capital.

What we see developing with this use of emergency powers is a twofold process and application: first, a broadening of the *definition* of what constitutes an emergency, taking the notion well beyond military conflicts and crises; second, a drastic increase in the *scope* of emergency powers. This twofold process and application had at their core the 'disorder' and 'insecurity' generated by labour unrest, socialist agitation and colonial rebellions, all understood within the broader rubric of the need to administer capitalist modernity. This use of emergency powers to crush rebellions and political struggles built, albeit tenuously, on the limited understanding of an emergency situation as one involving violent conflict. But such use of emergency authority as a political instrument ultimately foreshadowed the open employment of emergency power *during peacetime*; indeed, they played a key role in eliding any differences between war and peace.<sup>19</sup> Thus emergency powers are in fact more interesting, politically more revealing, and more challenging, when considered in terms of periods of 'peace' and the everyday functioning of civil society, for they are then revealed as nothing less than a persistent attempt at imposing 'order' on an oppositional labour movement and obedience on radical political organizations. And for these reasons emergency powers come to be exercised as a *permanent* feature of the political landscape and not in 'states of exception'. The tradition of the oppressed teaches us that the 'state of emergency' is not the exception but the rule.<sup>20</sup>

We can push this a little further by turning to the development of emergency powers in the USA. In the early 1970s an increasing concern about the use

of emergency powers prompted the Senate to establish a Special Committee on the Termination of the National Emergency. The aim was to examine the use of emergency powers in the USA and to propose how to bring them to an end. The report which eventually emerged opens with the following pronouncement: 'Since March 9, 1933, the United States has been in a state of declared national emergency.' It went on: 'In addition to the national emergency declared by President Roosevelt in 1933, there are also the national emergency proclaimed by President Truman on December 16, 1950 during the Korean conflict, and the states of emergency declared by President Nixon on March 23, 1970, and August 15, 1971'. In other words, the report found that not only was the Vietnam War being conducted under forty-year-old emergency legislation, but the whole of America seemed to be governed under the same powers.<sup>21</sup> As the Committee notes, a forty-year state of emergency can in no way be defined as 'temporary'. The USA had, in effect, been in a 'permanent state of emergency'.

The permanent nature of this state can be seen, ironically, by the National Emergencies Act, 1976 (NEA) and the International Emergency Economic Powers Act, 1977 (IEEPA), which followed. These were expected to constrain the executive authority exercised via emergency powers. The four existing states of emergency and the majority of the emergency statutes were to be terminated as of 1978, and new procedures were created for delegating legislative power to the president. But the new legislation *kept in place* the key provisions which had underwritten emergency law through the twentieth century, namely Section 5(b) of the Trading With the Enemy Act of 1917 (TWEA) and the key sections of the United States Code dealing with emergencies. And so, more or less immediately following the final termination of the four states of emergency, there was a new declaration of a national emergency – in November 1979 in response to the US embassy being seized and hostages taken in Tehran. Since then, over thirty national emergencies have been declared, all the way up to the one announced on 14 September 2001.<sup>22</sup> In other words – and we might add, contra the current excitement about the present 'state of exception' – the USA spent most of the twentieth century and, so far, all of the twenty-first century in a state of emergency.

The USA is far from alone here. United Nations research in the 1990s found many of the states declaring themselves in a state of emergency had presented their emergency as permanent – either *de jure* or *de facto*: Zambia from 1964 to 1991, Zimbabwe from

1965 to 1990, Peru from 1981 onwards, Pakistan from 1977 to 1985, Malaysia from 1969 onwards, Ireland from 1976 to 1995, Brunei from 1962 onwards. The long and depressing list goes on and on: Turkey's public emergency for more than 77 per cent of the period between June 1970 and July 1987, including a continuous stretch of almost seven years from September 1980 to May 1987; Greece's formal state of war mobilization from 1974 to May 2002; India's twenty-one uses of the constitutional emergency clause between 1950 and 1983; Egypt's almost continuous state of emergency since 1967; Columbia's forty-year state of emergency, just one instance of the wide use of emergency powers across the South American sub-continent. As one of the UN reports points out, 'if the list of countries which have proclaimed, extended or terminated a state of emergency were to be projected onto a map of the world ... the resulting area would cover nearly three-quarters of the Earth's surface'.<sup>23</sup> Three quarters of the earth's surface, then, in which states have derogated from fundamental human rights obligations, on a more or less permanent basis.

What is notable about this global reach of emergency powers is that while a few of the openly authoritarian regimes remain happy to use the language of martial law, most of them prefer instead to talk about emergency powers. The latter better connotes neutrality and necessity, eliding any difference between working-class rebellions, socialist unrest, and 'natural' emergencies such as floods and famines. And the extent to which the language of emergency is far more politically acceptable – internationally and domestically – than 'martial law' is evidenced by the fact that the potential use of emergency powers is now written into the constitution of every state. In other words, the liberalization of martial law has coincided with the constitutionalization of emergency powers. All of this has helped obscure the fact that perhaps the central feature of emergency powers is precisely the key feature of martial law: the suspension of habeas corpus and thus the possibility of detention without trial. And yet, as a recent congressional report on the current national emergency in the USA notes, 'since the conclusion of World War II, martial law has not been presidentially directed or approved for any area of the United States.'<sup>24</sup> The same might be said of many of those states which have been administered under emergency conditions. In other words, the explicit declaration of martial law in situations which were understood implicitly to be emergencies of some sort has been transformed into the explicit use of emergency powers involving the implicit use of martial

law powers. To fully grasp this, however, we need to link the emergency concept to its younger partner: national security.

### Emergency powers to national security

‘This Nation asks for action, and action now’, said the new leader on 4 March 1933. ‘I assume unhesitatingly the leadership of this great army of our people dedicated to a disciplined attack upon our common problems’, he went on. ‘It can be accomplished in part by... treating the task as we would treat the emergency of a war ... I shall [use] the one remaining instrument to meet the crisis – broad Executive power to wage a war against the emergency.’ Thus spoke Franklin D. Roosevelt in his inaugural address. Two days after his speech, and without congressional approval, Roosevelt declared a state of emergency. Ostensibly this aimed at a ‘bank holiday’ in order to resolve the fiscal problems, but Roosevelt was later explicit about its use:

The full meaning of that word ‘emergency’ related to far more than banks: it covered the whole economic and therefore the whole social structure of the country. It was an emergency that went to the roots of our agriculture, our commerce, and our industry; it was an emergency that had existed for a whole generation... It could be cured only by a complete reorganization and a measured control of the economic structure. It could not be cured in a week, in a month, or a year.<sup>25</sup>

This ideology underpinned a series of proclamations, promulgations and institutional developments throughout the 1930s, mirroring the use of emergency powers in the UK and Germany as a means of economic regulation in general and class management in particular. The Agricultural Adjustment Act 1933, for example, began with a ‘Declaration of Emergency’ and held that the emergency was undermining the public interest through adverse effects on key agricultural commodities, while the National Recovery Act of the same year gave the president a more or less unlimited right to issue regulations concerning industry. The New Deal, in other words, was emergency rule writ large.<sup>26</sup>

This particular emergency rule, however, was also conducted under the logic of security. For as well as describing the situation as one of war, Roosevelt also constantly gave ‘security reasons’ for his programme. In June 1934, Roosevelt announced that the New Deal was to ‘place the security of the men, women and children of the Nation first’.

We are compelled to employ the active interest of the Nation as a whole through government in order to encourage a greater security.... If, as our Consti-

tution tells us, our Federal Government was established among other things, ‘to promote the general welfare,’ it is our plain duty to provide for that security upon which welfare depends.... Hence I am looking for a sound means which I can recommend to provide at once security against several of the disturbing factors in life.<sup>27</sup>

Later that month he created the Committee on Economic Security (CES) to prepare for ‘A Program of National Social and Economic Security’. The choice of language here would turn out to be of major historical importance.<sup>28</sup> To understand why, we need to note that by 1934 various socialist activists and radical social insurance experts had been increasingly highlighting the ‘insecurity’ of contemporary capitalism. The economist Abraham Epstein, for example, had published *Insecurity: A Challenge to America* (1933), while Max Rubinow had been articulating demands for ‘a complete structure of security’ in a book titled *The Quest for Security* (1934). Harold Laski published a series of lectures given in the USA as *Liberty in the Modern State* (1930, reissued in 1937) with economic insecurity as a main theme. Harold Lasswell reiterated the theme in *World Politics and Personal Insecurity* (1934), as did ex-President Hoover in *The Challenge to Liberty* (1934). The years 1933 and 1934 were also one of the few periods in American history of intense class conflict, with almost 2,000 work stoppages involving around 1.5 million workers, which led many, including Roosevelt, to believe that a communist revolution was possible.<sup>29</sup>

Roosevelt’s adoption of the rhetoric of security in mid-1934 represented an attempt to simultaneously manage this moment of class struggle, outflank critics and build on the suggestions of writers close to him such as Laski. Throughout 1934 and 1935 Roosevelt could barely stop speaking about security, now identified as ‘the main objectives of our American program’.<sup>30</sup> On topics as diverse as banking legislation, industrial relations and the gold standard, security had become *the* major theme. It had become *the* concept of the New Deal.

At the heart of the New Deal, then, lay an ideological circuit between emergency powers and security. The supposed concern for the security of the nation and its citizens could be used to justify emergency measures, and emergency measures would be exercised in the name of security. This ideological circuit would come to permeate the exercise of state power for the rest of the twentieth century. And within this circuit lay a set of traditional ‘martial law’ operations, not least the possibility of suspending basic liberties and derogating from human rights norms. The quantitative

highpoint of this in the United States is the detention in February 1942 of more than 112,000 people, of whom approximately 70,000 were American citizens; the qualitative highpoint is the treatment of detainees held since 11 September 2001. Emergency measures conducted in the name of security, or, if you prefer, security measures conducted in a state of emergency.

Yet this is not the whole story. The ideology of security being developed in the 1930s was very much an ideology of what became known as *social* security. The *Economic Security Bill* eventually became the *Social Security Act* of 1935. And what became both possible and legitimized in the name of social security was nothing less than a reordering of contemporary capital. On the one hand, the projects organized in the name of social security (most notably a new system of social insurance and pensions) were very much aimed at the working class. As well as working against trade-union radicalism, they went some way to help reshape notions of responsibility and risk, independence and thrift among the working class, and thereby fostering new conceptions of citizenship and social solidarity. Through this the industrial working class became increasingly ordered around a regime of insurance contributions administered by the state. On the other hand, the idea of social security became important to the way capital reorganized itself during this period, which leapt at the opportunities offered by the new regime of insurance generated by the social security measures. As part of the new deal being developed, corporations came to offer a degree of what they could now happily call 'security', but they did so very much on their own terms, without making old-age or illness support an employee right, by maintaining managerial control, and by shifting emphasis away from the political arena to private individual economic relationships. In other words, what emerged as part of the logic of social security was a means for *reshaping* capital and the behaviour of workers around a new regime of insurance. Social security became a central tool for fabricating a new order, one which reshaped working-class expectations and patterns of behaviour, re-established capital accumulation as the main goal, and thus provided 'security' for the system as a whole.

According to Bruce Ackerman, the New Deal was a crucial moment in American constitutional history, legitimizing the activist state and consolidating the foundations of activist government.<sup>31</sup> We might add that it could do so because it placed a conception of social security at the centre of the activist state and a new 'social' liberalism. As a principle of forma-

tion, security had become a key part of the political administration of capitalist modernity and from here on in 'security reasons' could be cited for any and every attempt at a political reordering of society. This created the opening for the ideological power and political force of the idea of *national* security following World War II. When the ruling elites in postwar America looked for a new category to grasp the logic of national and international order, they had a range of options. 'National security' was ultimately thought to be a more expansive term than 'defence' (which was seen as too narrowly military) and far more suggestive than 'national interest'. But 'national' security also picked up on the logic of 'social' security that had been developed a decade previously: namely, that a fundamental reordering could take place under the rubric of security. NSC-68, the most significant national security document to emerge in this period, glosses this as 'positive participation in the world community', which, it explains, means a policy 'designed to foster a world environment in which the American system can survive and flourish'.<sup>32</sup>

It was this sort of assumption that gave rise to the Marshall Plan and Truman doctrine, to Bretton Woods institutions, the International Monetary Fund and the General Agreement on Tariffs and Trade. All can be read as projects for both national security and for the reordering of global capital, since these were understood as part and parcel of the same project and in the same terms. In conjoining security and the reordering of international capital the USA was able to gain ideological support for both the politico-strategic and the economic dimensions of liberal order-building. And it has been in the name of security that the USA has seen fit to reorder – overtly or covertly – the affairs of a myriad nation-states, including those with democratically elected governments, and thereby to restructure the international order more generally. Under the guise of national security the USA has sought to reshape international society, administering global order according to a security doctrine which pays little or no respect to the human rights in which it purports to believe.

This fabrication of a secure order had huge domestic ramifications, including the rise of a national security state with powers of surveillance, purges of suspicious persons from positions of responsibility, loyalty tests, and the policing of cultural production. More than anything, it involved the shaping of national identity around the logic of security, giving rise to a political and cultural fabrication of loyal citizens identifying fully with their national state. What I have elsewhere

called the security–identity–loyalty complex has its roots in the logic of national security that emerged in the late 1940s, but can be traced all the way down to recent developments such as the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (2001) – an Act of and for national security but which has at its heart the fabrication of national identity and loyalty, given away by the Act’s acronym: USA PATRIOT. As a mechanism for policing internal dissent and shaping political behaviour it should be read as the sister document to the National Security Strategy of September 2002.<sup>33</sup>

With this recent legislation and security strategy we may appear to have come a long way from martial law. But the argument in such documents is that which has always lain at the heart of martial law: originally, the suspension of fundamental liberties and then, in the twentieth century, derogation from human rights norms. This new ‘anti-terror’ legislation, copied and repeated elsewhere – in the UK we might point to the Anti-Terrorism, Crime and Security Act (2001), Section IV of which allows detention – merely reproduces the same possibilities for internment and thus consolidates the logic of detention that appeared originally in the early emergency powers legislation, in turn adopted from martial law. It is here that the contemporary figure of the detainee needs to be situated. For although the detainee appears an affront to all human rights agreements and to any understanding of human freedom, as a figure constituted through emergency powers and in the name of security the detainee is in fact provided for within the constitutions of liberal democracies and easily justified on the grounds of liberal order-building.

It is tempting to say that what liberal democratic states have managed to do with the concept of national security and the logic of emergency powers is to return to the original meaning of habeas corpus. The idea that habeas corpus is the touchstone of liberty, nothing less than the ‘writ of liberty’ embodied in legislation, is very much a seventeenth-century invention, peddled by liberal thinkers ever since. But the original purpose of habeas corpus was not to protect the liberty of the people from the sovereign in general and from wrongful imprisonment in particular, but to *secure their presence in custody*. ‘Habeas corpus’ was to ‘have the body’. As Edward Jenks notes, when one explores the origins of habeas corpus one makes a rather embarrassing discovery: namely, that ‘whatever may have been its ultimate use, the writ ... was originally intended not to get people out of prison,


*but to put them in it*’.<sup>34</sup> It would be easy to suggest that this genealogy of habeas corpus undermines its later guise as a fundamental right of liberty, but, as Nasser Hussain points out, this would be a little trite.<sup>35</sup> It would be more telling to suggest that the original principle provided for by habeas corpus is never really quite allowed to disappear; rather, it remains as the iron fist in the velvet glove of liberal constitutionalism. For to the extent that the writ of habeas corpus has been included in all liberal democratic constitutions and international conventions on human rights, so too has the possibility of its suspension, always justified on the same grounds: in times of emergency and for the sake of national security. Martial law provided the state with the possibility to ‘have the body’ and detain the body for as long as it thought necessary. And whatever contemporary human rights legislation and international agreements say, this right to ‘have the body’ – the right, that is, to ‘have’ the detainee – will never be given up by the state. Indeed, the only right regarded as *truly* fundamental by the state is its own right to derogate from human rights norms and ‘have’ whichever bodies it wants. Such derogation is rooted historically in martial law and now, for contemporary liberal democracy, it is embedded in emergency powers and national security.

## Notes

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# The promise of justice

Howard Caygill

Breaking the promise of justice is an act peculiarly repugnant to reason. It implies a double betrayal: not only of the promised justice but also of the justice of the promise. Nevertheless, how is it possible to do justice to the promise of justice? Especially when this very promise brings with it all the suffocating memories of the disappointments, and worse, that attend its history. Perhaps it is a promise better forgotten? Better not to repeat Josef K's error in *The Trial* of believing and pursuing the 'promise of justice'? Yet the prospect of a world without the hope of justice is too horrible to contemplate. The prefigurations of such a world, appearing in acts of rendition, indefinite detention and unaccountable corporate-political governmentality, revive the force of the promise, in spite of everything.<sup>1</sup>

One obvious way to do justice to the promise of justice is to realize its promise, yet this realization might be to betray both promise and justice. For a promise of justice can also be threat and its realization the wreaking of vengeance. The separation of justice from its immediate realization in vengeance is one of the legacies of ancient tragedy and prophesy, yet it is one that has recently been put into question. An emblem of this questioning is the current 'reactivation' of the French revolutionary Maximilian Robespierre by Alain Badiou and, most recently, by Slavoj Žižek, in his collection *Robespierre: Virtue and Terror*. Curiously, the 'reactivation' of Robespierre follows on the heels of that of Saint Paul. The saint who transformed the classical account of justice into the agapic feast and the theological virtues has been 'reactivated' alongside the architect and panegyrist of revolutionary terror and republican virtue.

The reactivations of Saints Paul and Maximilian direct attention to the religious and political charges that invest the 'promise of justice'. Indeed, one of the emerging loci of debate is the meaning of the concept of 'divine violence' introduced by Walter Benjamin in 'The Critique of Violence' in his discussion of the limits of revolutionary action. Žižek provocatively defines divine violence as 'justice, the point of non-distinction between justice and venge-

ance, in which "the people" (the anonymous part of no part) imposes its terror and makes other parts pay the price – the Judgement Day for the long history of oppression, exploitation, suffering'.<sup>2</sup> The enthusiasm for a realized eschatology of justice, the promise finally kept in the wreaking of vengeance – the advent of the Kingdom or rather Republic of God – may be contrasted with the deferred eschatology of Derrida's reading of 'divine violence'. Feeling his courage fail before the implications of this concept, at the end of 'Force of Law', Derrida confirms his consistently held view that justice can only be promised; to realize it is to betray its promise to calculation or vengeance. For Derrida (as for Benjamin), the hesitation before the realization of justice forms part of a wider inquiry into messianicity.

The tension between regarding the 'promise of justice' in terms of either divine vengeance, on the one hand, or divine grace, mercy or forgiveness, on the other, is not only an urgent legal and political issue but also an intrinsic articulation of the promise of justice itself. It reveals the character of the promise to be inseparable from the form of its realization in time, the bringing into being of a promised justice. One way to loosen this articulation of *justice, being* and *time* is to analyse it historically, to trace the forms it has adopted (and not adopted) and to gain a sense of its current mutations and future possibilities. The tensions involved in the realization of justice, and thus the proximity of the questions of being and justice, point towards one of Heidegger's most traumatized texts, the immediately postwar *Der Spruche des Anaximander (The Saying or Judgement of Anaximander)*,<sup>3</sup> which works through some of the articulations of the promise of justice and the question of being and time through a reading of Anaximander's first fragment.

## Heidegger's justice

The proximity of the questions of being and justice is clearly marked in the translation/interpretation of Anaximander's fragment preferred by Nietzsche: 'Whence things have their origin, there they must also pass away according to necessity; for they must pay

penalty and be judged for their injustice, according to the ordinance of time' (*adikias kata tin tou khronou taxin*). The question of the genesis and passing away of beings is framed according to justice and injustice, the latter judged according to the ordering or time. Heidegger lingers over this judgement, subjecting it to a persistent questioning. Is it accomplished in the name of justice? If so, does it suppose a pre-understanding of justice in the recognition of injustice, making it a double judgement in which the absence of justice is first discerned and then condemned? Or is the judgement itself prior to justice, serving to bring it into appearance? Is the ordinance of time itself justice? Or is it the theatre of justice in which is played out the necessity of atoning for past injustice in the name of a future, promised justice?

The move from the question of being to that of justice and the exploration of the latter's aporias gave this text a significance for postwar philosophy that can hardly be exaggerated. It initiated a series of arguments for the primacy of the question of justice ranging from Levinas's ethical critique of ontology to Arendt's, Lyotard's and Ricoeur's attempts to found justice in judging, on the model of Kant's reflective judgement. It also occasioned Derrida's deconstructions of being and justice in 'Differance', 'Ousia and Gramme' and, most importantly, *Specters of Marx*. In the latter, Derrida scrutinizes Heidegger's exegesis of *adikias* (injustice) and its implications for *dike* (justice). Explicitly refusing to assume pre-existing 'juridical moral notions', Heidegger reads injustice in terms of disjointure. Departing from a notion of injustice in which 'something is out of joint' (*aus der Fuge*) he arrives at an understanding of justice as an internally articulated or jointed movement poised between coming into and passing out of being: 'To presencing as such jointure must belong, thus creating the possibility of its being out of joint.'<sup>4</sup> One of the main ways in which the just articulation or jointure of coming to be and passing away can be put out of joint is through the attempt to fix or arrest its movement.

Heidegger describes such an arrest or fixing of the articulation as an 'insurrection on behalf of sheer endurance' or the 'rebellious' insistence 'upon sheer continuance' – what Levinas will later call defending 'my place in the sun'. To this attempt to secure presence at all costs, Heidegger contrasts 'giving', described in terms of the traditional definition of justice as giving the other their due: 'Giving is not only giving away; originally, giving has the sense of acceding or giving-to. Such giving lets something belong to another which properly belongs to him.'<sup>5</sup>

Derrida protests that Heidegger's deduction of justice from giving as yielding to the other is classical, and in spite of its explicit precautions risks 'inscribing the whole movement under the sign of presence'. Rendering justice thus comes down to yielding restitution. He is concerned that Heidegger's jointure or *Fug* can itself become fixed or present as an order. Against such fixity, he seeks to derive the 'relation of deconstruction to the possibility of justice' from the 'irreducible possibility of the *Un-Fug* and the anachronistic disjointure'.<sup>6</sup> Drawing on Levinas's explorations of anachrony or the disordnance of time, Derrida finds it necessary for time to be out of joint in order for there to be a promise of justice. Justice can only be promised, is always to come, a messianism of justice in close proximity to Levinas's messianic concept of justice, in which no time is possible in which to give or for the Other to receive their due.



The messianic promise of justice may itself be situated in terms of other readings of the jointure of justice. One such approach is that of Rainer Schumann's reading of Heidegger in terms of epochs of the thinking of being. Schumann developed a productive reading of the epochality of being in *Heidegger on Being and Acting: From Principles to Anarchy*, but it is in his posthumous *Broken Hegemonies* that he develops a reading of epochality and politics. However, I do not wish to follow Schumann in a historically augmented exegesis of Heidegger. Instead I shall try to divert the ideas of jointure and epochality in other directions. The promise of justice has itself a history; there are epochs in the thinking of justice made up of different historical jointures that can be identified and whose development may be traced. In what follows,

I trace the epochs of the promise of justice within a matrix established by Plato and Aristotle. I show how their statement of the basic jointure of justice underwent a number of variations whose possibilities are still not exhausted. Derrida's and Levinas's intimations of the messianic promise of justice are located within a specific moment of the history of this promise.

### Temperance, courage, wisdom

From the standpoint of the early twenty-first century, the millennial doctrine of justice proposed by Plato and Aristotle seems an enormous ruin from which small fragments have been salvaged and polished up for display. However, the general pattern that it established persisted in a number of unexpected ways. Plato's discussion of justice in *Republic* Book IV articulates it in what, in Heidegger's terms, can be described as the 'jointure' of temperance (*sophrosyne*), courage or fortitude (*andreia*), wisdom (*phronesis*) and justice (*dike*). In this jointure, justice has a double role – it appears as one of the joints, but also the condition for the other three. A further aspect of the jointure evident in Plato consists in the analogy between the individual and the state, an analogy governed by the common term or proportion of justice. Plato elaborates an extremely complex scenario in which temperance is joined to the appetitive faculty, courage to the spirited, and wisdom to the rational, while justice consists in the proper jointure of the three. Similarly, by analogy, the three classes of the state – the banausic, the military and governing – are themselves bound in the *Republic* by justice.

Justice possesses the quality of being one of the parts of justice, the condition of their individual qualities, and their composition as a whole. At 433b Plato describes justice as

the remaining virtue in the state after our consideration of temperance, courage and wisdom, a quality which made it possible for them all to grow up in the body politic and which when they have sprung up preserves them as long as it is present. And I barely need remind you that we said justice would be the residue after we had found the other three.

Here Plato sees justice serving as the matrix and what Aristotle would describe as the *energeia* of actualization of temperance, courage and wisdom. The excessive character of justice – as a set that contains itself as an element – is important to note for a number of reasons. It governs the expression of the other elements of justice. For example, if the courage of the military class is actualized without justice then it tends towards the tyrannical. It also has important historical conse-

quences. For example, the character of justice as one of the four parts can differ from the justice that informs the whole – a step taken by Aristotle in the distinction within justice of strict law and equity, later modulated into the Christian distinction between the cardinal and theological virtues. Furthermore, the identification of a hegemonic moment among the four parts of justice, in Plato's justice itself, opened the possibility of replacing justice in this role with one of the other members. The medieval theologian Aquinas replaced justice with wisdom, while the modern successors of Machiavelli promoted courage. More recently, it is possible to identify a tendency towards the promotion of temperance.

The excess of justice over itself makes an opening for the promise of justice, in the doubling of justice as source of and supplement to temperance, courage and wisdom (1137b). This excessive quality of justice is thematized in Book V of Aristotle's *Nicomachean Ethics* as equity or the justice beyond the legal justice of giving each their due. The *Nicomachean Ethics* declares itself as an inquiry into political science, or the highest good attainable by action, which is to 'live well'. The end of 'living well' licenses the distinction between legal and primordial justice, the latter being beyond law and named as 'the equitable':

the equitable is just, not the legally just but a correction of legal justice. The reason is that all law is universal but about some things it is not possible to make a universal statement that shall be correct.

As an example Aristotle cites the lesbian moulding – to reappear as the centre of Lyotard's account of judgement in *Au Juste* – in which 'the rule adapts itself to the shape of the stone and is not rigid'. This articulation of justice and equity – in which equity provides the promise of a justice beyond legal justice – formalizes the character of Platonic justice as both the source of the articulation of justice and one of its members, as well as anticipating the Christian alignment of equity and grace. In each case, justice actualizes a jointure of justice without being fully contained within it. The jointures of justice in terms of temperance, fortitude, wisdom and justice, of legal and equitable (grace), and of individual or institutional justice, are both familiar and strange to us. But we are at the end of a history in which these articulations have been pulled 'out of joint', a history of occlusions, displacements and substitutions. Much of which, as Anaximander and Heidegger warned us, follows from the 'ordinance of time', the tension between the past, present and future, or the promise of justice. Time as the site for the realization

of justice informs the Christian rearticulation of the Greek account of justice. The excessive character of equity becomes focused upon Christian love (*agape*), which is combined with the futural orientations of faith and hope by Saint Paul. These then become contrasted as the ‘theological virtues’ to the ‘cardinal virtues’ of temperance, courage, wisdom and justice. The theological virtues, notably love, were considered by Augustine to be the condition of the realization of the cardinal virtues in the Kingdom of God, a role subsequently adopted by fraternity in the Republic of Robespierre. The association of love with the futural orientations of faith and hope puts the realization of justice in a future that was present in the sacramental community of the Church. Aquinas confirmed this in Question 61 of Part One of the Second Part of the *Summa Theologica* when he replaced justice with wisdom as the hegemonic virtue. In his revision of the Platonic jointure, justice, temperance and courage are subordinated to wisdom or contemplative ‘rectitude of discernment’. Wisdom identifies for justice what should be done, while temperance keeps the soul within bounds and courage strengthens it in its fight against the passions.

Aquinas’s promotion of wisdom over justice was in turn succeeded by the promotion of courage to the hegemonic position within the cardinal virtues. The demotion of justice from the prime place given it by Plato thus had severe consequences, making it subordinate to wisdom or, more dangerously, to the mutations of courage. The movement towards the promotion of courage accompanied a change in the understanding of historical time from that of the eschatological theological virtues to one of the revolutions of fortune. This change has been described in J.G.A. Pocock’s *The Machiavellian Moment* (1975) in which the revolutionary *fortuna* serves as the agent of Heidegger’s *adikias*: it is the ‘ordinance of time’, as agent of derangement, throwing everything out of joint, especially the jointures established by Plato and Aristotle. The moulding of universal to particular through equity in the latter, or the realization of the cardinal through the theological virtues, is deranged by *fortuna* into a process of ineluctable ruination:

The problem of the particular was its finitude, its mortality, its instability in time, and once a virtue (itself universal) was embodied in a particular form of government it partook of this general instability. The mortality in time of a system of human justice, moreover, was not simply a matter of *physis*, the natural life and death of living things; it was a moral failure, a repetition of the Fall, and at the

same moment another triumph of the power of fortune. When men sought to erect moral systems in finite and historical shapes, they were placing their virtue at fortune’s mercy. The wheel that raised and threw down kings was an emblem of the vanity of human ambitions; a wheel that raised and threw down republics was an emblem of the vanity of the human pursuit of justice.<sup>7</sup>

The world of *adikias* in which ‘justice rode the wheel of fortune’ was a frightening prospect, and it summoned various responses, all of which in some way venture an ‘insurrection of sheer endurance’ or ‘rebellion’ of ‘sheer continuance’, each attempting to stabilize the ordinance of time or to halt the wheel of fortune. The one preferred by Pocock is the eternal return, or the cyclical philosophy of history informing the work of Polybius, through which ‘Fortune’s wheel becomes the image of repetition as well as of unpredictability’. Pocock’s conversion of chance into necessity is close to Heidegger’s reading of Nietzsche’s eternal return as metaphysics in his lectures on Nietzsche.

Another approach to stabilizing the disorienting effects of fortune consists in the appeal to grace, or the Christian ‘virtuous city, which imposed form and stability upon fortune [and] was identical with the kingdom of grace’. The eschatological solution to the *adikias* of fortune ‘would manifest itself when grace was bringing the *eschaton* to pass, that it embodied and actualized the millennium in the Third Age’.<sup>8</sup> The problem with this solution, recognized by Pocock, is that when grace encounters fortune the product is a monstrous hybrid: ‘the politicization of grace came remarkably close to the replacement of grace by politics’. Political grace promised the realized end of history, the advent of a kingdom of grace and justice, but only through the attempt to arrest the revolutions of fortune. This attempt entailed the elevation of the virtue of courage.

### **Sovereignty and the ruin of time**

One of the main forms adopted by the politicization of grace was the theory of sovereignty, which stood in a tense relationship with the promise of justice from the outset. The latter was increasingly cast as the excess of sovereignty, whether as the conscience of the sovereign, the sovereign’s alibi, or even, in extreme formulations, the gift of the sovereign. In Bodin, the claims of justice sit uneasily beside those of the sovereign, in Althusius the two are in symbiosis, while in Hobbes it is only the sovereign that can honour the promise of justice. In each case there is an attempt to stabilize justice, to make it endure. In the bio-politics of the Calvinist

Althusius, the promise of justice, embodied in the commandments of the Decalogue,

infuse a vital spirit into the association and symbiotic life that we teach ... if anyone would take [piety and justice] out of social life, he would destroy it; indeed he would destroy all symbiosis and social life among men.

Yet sovereignty is also essential, for without it 'the body, which is composed of various symbiotic associations, is dissolved and ceases to be what it was'.<sup>9</sup> It is sovereignty that ensures the endurance of the body politic, its immunity to the effects of time. In Hobbes's body politic, described in *Leviathan* (1651), sovereignty not only protects the life of the body, but is that life. Without it there is death. It is also the source of justice, for 'where there is no commonwealth, there nothing is unjust'. The promise of justice, it is hinted, is not only honoured by the sovereign; it is the sovereign – the sovereign itself is the *eschaton* or realized kingdom of grace.

The significance of the renegotiation of the jointure of justice before the destructive ordinance of time as *fortuna* accomplished in terms of sovereignty is perhaps most clearly exposed in a little known 'entertainment' delivered by Francis Bacon in 1592: 'Of Tribute; or, Giving that which is due'. The subtitle clearly indicates that this is a treatise on justice, but one which marks a radical realignment of the terms of the jointure. The 'entertainment' is delivered by four speakers each of whom praises the worthiest virtue, affection, power and person: courage, love, knowledge and Queen Elizabeth I – the monarch praised, not casually, for her constancy. But it is the first, the praise of the worthiest virtue, which is most important for understanding what was happening to the promise of justice. It performs the relegation of justice from its prime place among the cardinal virtues and its surrender of that place to courage or fortitude. While for Plato it is justice that brings into being and sustains courage, temperance, wisdom and justice, for Bacon this is the work of courage (fortitude). Prudence, justice and temperance are praised for being 'good, innocent things' but are ineffective without courage (fortitude), which is 'the virtue of merit, the virtue of resolution, the virtue of effect'. Without it the other virtues are unable to sustain 'the challenges of fortune' and yield to the effects of time – courage allows them to endure in the face of fortune.

Courage, associated with fortitude and magnanimity, possesses parallels with Heidegger's 'resoluteness' in *Being and Time*, and for Bacon it operates in a

similar way. It 'giveth a grace, a majesty, a beauty to all actions' because it confronts fortune and the finitude that it brings: 'Fortitude is able to steel men's minds in such sort that every strict habit or fashion is stronger than the fear of death or the sense of his approaches.'<sup>10</sup> The fixity of fortitude, its ability to 'steel' the mind in being-for-death, is quickly aligned by Bacon with liberty – 'for that is only the work of fortitude' – which actualizes temperance, prudence and justice. While the latter 'deliver us from the servitude of vices, fortitude alone delivereth from the servitude of fortune'. The 'insurrection on behalf of sheer endurance' here takes the first step on the way to the transformation of fortitude into sovereignty. Sovereign liberty emerging from fortitude becomes that which can realize justice and stabilize it against the ruin of time and fortune.

Does such a transformation entail the eclipse of justice, does the predominance of fortitude (Plato's spirited faculty characteristic of the military class) twist the jointure of justice in favour of violently secured fixity and constancy? In Bacon, fortitude secures justice, temperance and prudence from the effects of time and fortune, but at the price of a concept of liberty that is sovereign precisely because it is supposedly immune to the effects of time. This holds also for democratic sovereignty, in which it is the people that is constantly braving the effects of time. In Rousseau's *Social Contract*, justice is to be actualized by the general will. Indeed, in Chapter 6, 'On Law', Rousseau relegates justice to the positive law enacted by the sovereign will, remarking ironically 'all justice comes from God, and he alone is its source, but if we knew how to receive it from so high a source, we should receive neither government or laws'. The same holds for the 'universal justice emanating from reason alone',<sup>11</sup> which remains an ineffectual promise if not actualized by the sovereign. However, the actualization of justice – the realization of its promise – is already problematic, for the sovereignty of the general will cannot be bound by prior promises of divine or rational justice. A law must 're-unite the universality of the will with that of the object', the people are subjects of the law in two senses: it expresses their unfettered sovereign liberty to make law, while making them the object of the same law. For 'the people who are subject to the laws should be their author'. The stability of the sovereign – its immunity to time and the effects of fortune – rests on the unity of the authors and the objects of the law, a unity secured through fictions of equality contrived through violence and dissemblance.

## 'Liberty, equality, fraternity': the reactivation of Robespierre

What I am working too quickly towards here is a sketch of an epochal change in the jointure of justice that moves from its articulation in terms of the cardinal and theological virtues to... to what? Perhaps to the oblivion of the promise of justice, along with those of temperance and wisdom, in the revolutionary device of 'liberty, equality, fraternity' that expresses the basic values of the French Republic and provides the horizon of modern politics. Liberty, equality and fraternity was, and is, conceived as the modern jointure of justice: while fortitude in the guise of liberty now dominates, it still does so in the name of the promise of justice. The occlusion of justice as a specific republican value – with the exception of the declaration of the State of Israel, which declared itself 'to be based on the principles of liberty, justice and peace as conceived by the prophets of Israel' – does not detract from its persistence as the horizon of Republican values.<sup>12</sup> While it does not appear as a residual fourth virtue as in Plato, it nevertheless persists, in an uneasy relation to sovereign liberty, as a promise informing the republican constitution.

The modern jointure of justice as liberty, equality and fraternity possesses some remarkable, and internally unstable, characteristics. It embodies the results of the realignment of justice and fortitude in the modern values of sovereign liberty and equality, but with the addition of fraternity. In a characteristic footnote to *Politics of Friendship*, Derrida refers to the entry on fraternity in Furet and Ouzuf's *Critical Dictionary of the French Revolution*, using it to show how the place of fraternity within the jointure shifted, sometimes appearing at the beginning, sometimes the middle, and finally stabilizing at the end. Fraternity emerged early in the Revolution from the ambience of the National Church and was redeployed violently

during the crises of 1793. Its place alongside liberty and equality as the leading, bridging and residual value depended upon political circumstance.

We can see the significance of the new jointure of justice, and its elements of continuity with the old, by the analysis of two late speeches by Maximilian Robespierre. The reactivation of Robespierre is to be welcomed for the attention it draws to the relationship between terror and justice, but not to the exclusion of reflection on the implications of this figure for the promise of justice. Robespierre offers a forceful statement of the impasse reached by subordinating the promise of justice to courage and its correlates, modern liberty and equality. The eschatological, even messianic



dimension of Robespierre's attempt to realize justice through revolution is inseparable from revolutionary terrorism. His political theology cannot be dismissed, as Žižek tries, as the 'ridiculous attempt to impose a new civil religion celebrating a Supreme Being'. It formed an integral part of his vision of the realization of the promise of justice through revolutionary terror, and has been viewed as a fundamentally Christian project, with 'fraternity' serving as the modern, revolutionary translation of Pauline *agape* (love). In short, it is

not possible to separate Robespierre's discourse 'On the Principles of Revolutionary Government' given to the Convention on 5 Nevoso II (in Christian time, 25 December 1793) in the name of the Committee of Public Safety from the discourse 'On the Relation between Religious Ideas and Morals and the Republican Principles and on National Festivals' delivered on 18 Floreale II according to revolutionary time (7 May 1794). Together they present an extreme articulation of the promise of justice, while remaining within the terms of its jointure.

Both discourses define the aim of the revolution as the stabilization of virtue as the essence of the Repub-

lic, which is to say ‘none other than the passage from the kingdom of crime to that of justice’. The revolution is the passage from the state of injustice to justice, the realization or bringing into being of the ‘promise of justice’. This transition or stabilization (the resolute face-off of Fortune) is described in the ‘Principles of Revolutionary Government’ in terms of the gifts revolutionary violence will bring to the citizens of the Republic: ‘Revolutionary government must give to good citizens national protection, but to the enemies of the people it must give only death.’ An extraordinary feature of the announcement of, and apology for, revolutionary terror in the name of honouring the promise of justice – protection for some, death for others – is the consistent and comprehensive ‘re-activation’ of the Platonic jointure of justice. The cardinal virtues now take their place among the ‘principles of revolutionary government’.

The discourse on the ‘Principles of Revolutionary Government’ is dedicated to the realization of a ‘new reign of justice’ and to this end examines the respective roles of prudence, courage and temperance. There is need for extreme prudence, especially on behalf of the Committee of Public Safety, in order to deal with those in the revolutionary movement ‘who have exceeded the precise line traced by prudence’. One of the principles of the revolutionary government is to remember that ‘wisdom as well as power presided over the creation of the world’ and that in creating the new world of the reign of justice the government must be prudent with enemies in the guise of allies and allies who have erred from the path of wisdom. Whether dispensing mercy or justice, the revolutionary government must be above all courageous and resolute. The second principle of government that the Revolution requires from the Convention is that it exercises ‘all its courage’ to crush its enemies, that it act with ‘firm resolution’ to defend its government. And it does so in order to protect the temperate virtues of its citizens, ‘virtues that are simple, modest, poor often also ignorant’. The jointure of wisdom, courage, temperance and justice is here revived as revolutionary principles vivified by revolutionary, terroristic justice. The realization of the promised justice will not be, perhaps cannot be, accomplished justly. Robespierre accepts the responsibility of acting unjustly in the name of the promise of justice.

In the discourse of 18 Floreale II, Robespierre looks beyond the embattled pursuit of the reign of justice through the reign of terror to the future Republic of Justice. He praises it in terms of the agapic feast

of liberty, equality and fraternity. Under the eye of the Supreme Being Reason, Robespierre evokes the Kingdom of Justice as a realm of Grace, imagining the meeting of a ‘great moral and political movement’ in National Festivals. The festivals will constitute a ‘tender bond of fraternity’ that unite in remembering the heroes of the Revolution who fought against tyranny in the name of the promise of justice. Robespierre imagines such festivals – consigned, chillingly, to an increasingly remote future – as presided over by the goddesses of liberty and equality:

by you, daughter of nature, you, mother of happiness and glory, you, sole legitimate sovereign of the world, dethroned by criminals. You, to whom the French people have restored your domination and to whom in return you will give a country and good customs, you, O august liberty, and we will share our sacrifices with your immortal companion, the tender and holy equality. We will celebrate humanity, the humanity insulted and oppressed by the enemies of the French Republic. It will be a beautiful day in which we celebrate the festival of the human race, it will be a fraternal banquet and sacred, the French people will invite the immense family of which they alone defend its honour and imprescriptible rights.

But this vision of the future kingdom of justice is hardly evoked before it darkens with the mention of fortune and the call for a parallel festival of mourning for the victims of misfortune. The discourse closes with repeated evocations of fortune, pitting the ship of the Revolution against the storm of time and enmity: ‘The ship which holds the fortune of the Republic is not destined for shipwreck’; it will turn the storm against its enemies secure on ‘the immutable foundations of justice’.

The celebration of the reign of justice in the presence of divine liberty and equality by a feasting fraternal humanity is precisely a promise of justice, one that will redeem the injustice of the reign of terror with its revolutionary prudence, courage and temperance. What emerges is a new jointure of justice, with the excess of justice that brings into being the new reign described as revolutionary terror and fraternity. Yet with this complex rearticulation, justice itself begins to pass out of being, succumbing to shipwreck. Robespierre himself, in spite of his bravado, recognized that the attempt to stabilize the Revolution would be ‘the most heroic and difficult undertaking’ and that any jointure of justice brings with it injustice that must be atoned.

The realized *eschaton* of modernity – the realm of justice embodied in the trinity liberty–equality–

fraternity – was born out of the dominance of courage over justice. In the guise of liberty and equality, it brought into the jointure of justice a corrosive instability in which liberty, equality and fraternity undo each other. The unrestrained pursuit of liberty produces inequality, while the pursuit of equality compromises liberty – justice as freedom and justice as equality undermine each other. With the default of wisdom and temperance, fraternity is called upon to serve as the equity that will protect justice from its own injustice. It is called to do so either as a supplement, as in Michelet and Proudhon, who reorder the trinity as liberty–fraternity–equality, or as their shared substance, as in Blanc’s and Buchez’s fraternity–liberty–equality.

Not only is fraternity called to hold together liberty and equality but it also had to contain its own internal injustice, one that expressed the fault line of its jointure as the equity that would hold together liberty and equality. For unlike liberty and equality, fraternity is not juridical; rather, like Aristotle’s equity, it both exceeds and enables the law, keeping it within the bounds of justice.

Even if it aspires to encompass the human race, fraternity nevertheless has enemies. Indeed, in the sombre days of the reign of terror the Trinitarian motto read ‘liberty, equality, fraternity or death’. While fraternity would resolve the tensions between liberty and equality, it too became quickly fixed in particular and exclusive forms: the sexed fraternity of the males, the class fraternity of the proletariat, the religious fraternity of the confession, the racial fraternity of the race, the national fraternity of the nation. Fraternity thus adopts the qualities of sovereignty; it is capable of acting in its own name and in creating its own sexual, class, religious, racial and national justice.

With the weight of this history it is hard to see how the promise of justice can be sustained. Yet it has been reactivated through the rethinking of the time and justice of the promise. The messianic justice developed by Levinas and Derrida attempts to break the jointure bequeathed by the French Revolution. It places in question the concepts of freedom, equality and above all fraternity, rethinking heteronomy beyond autonomy, equality and the same, and fraternity in the name of hospitality and friendship towards the Other. It also attempts to free justice from courage and fortitude – thus preserving the promise from its violent realization and betrayal as promise, as always to come.

Perhaps what is in the course of emerging is a new jointure of justice, in which courage is relegated from its dominant role and replaced not by justice as in Plato, or wisdom as in Aquinas, but by temperance. *Sophrosyne*, or the virtue of achieving harmony, was associated with acting at the right moment, the virtue of being able to wait or delay. The virtue of patience and choice of the right moment to act – a strategics of thought and action – is discernible in the work of Blanchot, Debord, Derrida and Levinas. It adopts a different relation to messianism than the realized eschatologies of the political theology of contemporary ‘re-activated’ Jacobins. From the standpoint of temperance perhaps our inherited notions of justice, wisdom and courage can be rethought in the light of an understanding of time not as realization in the present but as a promise for the future.

## Notes

This is the text of a lecture for the Forum for European Philosophy/LSE Legal Theory Subject Group series ‘The Promise of Justice’, given in the Department of Law, London School of Economics, on 5 March 2007.

1. Judith Butler has reflected on such prefigurations in *Precarious Life: The Powers of Mourning and Violence*, Verso, London and New York, 2004, focusing on contemporary sovereignty’s tactical suspension of law and the consequent infinite suspension of justice.
2. *Robespierre: Virtue and Terror*, Verso, London and New York, 2007, p. xi.
3. ‘Committed to writing during the enforced retirement of the de-Nazification period (1946)’, as Richardson puts it. William J. Richardson, *Heidegger: Through Phenomenology to Thought*, Fordham University Press, New York, 2003, p. 514.
4. Martin Heidegger, *Early Greek Thinking*, trans. David Farrell Krell and Frank A. Capuzzi, Harper & Row, San Francisco, 1984, p. 41.
5. *Ibid.* p. 43.
6. Jacques Derrida, *Specters of Marx*, trans. Peggy Kamuf, Routledge, London and New York, 1994, p. 27.
7. J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*, Princeton University Press, Princeton and Oxford, 1975, p. 78.
8. *Ibid.*, p. 80.
9. ‘Preface to the Third Edition (1614)’, *The Politics of Johannes Althusius*, trans. Frederick S. Carney, Eyre & Spottiswoode, London, 1964, pp. 8–9.
10. Francis Bacon, *The Major Works*, ed. Brian Vickers, Oxford University Press, Oxford 2002, p. 28.
11. Jean-Jacques Rousseau, *The Social Contract, Rousseau’s Political Writings*, ed. Alan Ritter and Julia Conaway Bondanella, W.W. Norton, New York and London, 1988, p. 105.
12. It takes its place in modern political theology alongside other Trinitarian formulas such as ‘life, liberty and the pursuit of happiness’ and ‘credere, combattere, ubedire’.

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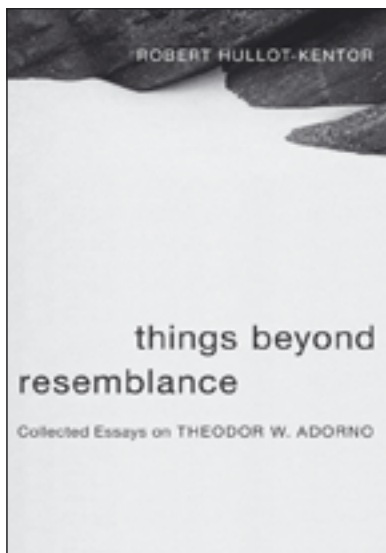
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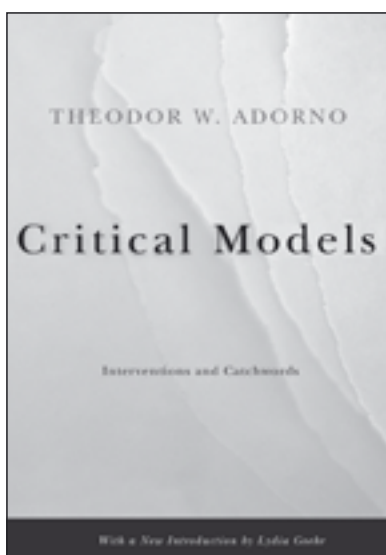
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# The hospital is ill

The name of Jean Oury is synonymous with La Borde Clinic, which he founded in 1953 when he was twenty-nine, in an old chateau in the picturesque region of Cour-Cheverny, as a home for ‘institutional psychotherapy’. In the English-speaking world, La Borde and the practice of institutional psychotherapy are most likely to be encountered in association with the work of Félix Guattari, collaborator of Gilles Deleuze. Its history and significance – institutional, intellectual and political – and the vast developmental landscape of medico-philosophical enquiry out of which it emerged remain largely unknown. The term ‘institutional psychotherapy’ was introduced in 1952, by the psychiatrist Georges Daumézon (1912–1979),<sup>1</sup> but the practice to which it refers dates back a decade earlier, to the wartime clinic of Saint-Alban.<sup>2</sup> For the movement of institutional psychotherapy was to a large extent the outcome of a particular experience of war.

At the psychiatric hospital of Saint-Alban, faced with the eugenic ideology of the then Vichy minister of health, Alexis Carrel,<sup>3</sup> a group formed around the figures of Lucien Bonnafé (1912–2003) and François Tosquelles (1912–1994), comprising patients, neurologists, phenomenologists, surrealists, resistance fighters, refugee psychiatrists and scientists. Bonnafé baptised the group the ‘Société du Gévaudan’. Its aim was to ‘resist and create’: to resist the policy of natural selection that was killing the mentally ill, to resist the Vichy regime that was propagating it, and to resist the broader tendencies of homogenization and segregation that characterize the treatment of the mentally ill; to create a therapeutic conviviality in the face of segregation, and with it, to create a new direction in psychiatry – a psychiatry that would be a living ‘art of sympathy’, not an alienation but an ‘accompaniment’ of the victim.<sup>4</sup>

Tosquelles arrived at Saint-Alban in 1941, from the Setfonds detention camp for Spanish refugees in the French department of Tarn-et-Garonne, north of Toulouse. Under his arm he carried Hermann Simon’s *La Psychothérapie à l’asile* (1933) and Lacan’s doctoral thesis, *De la Psychose: Paranoïaque dans ses rapports avec la personnalité* (1932). The former he translated at the clinic and disseminated in pamphlet form; the latter marked the focus and orientation of the meetings, through which, in Oury’s words, Tosquelles ‘rethought all the concepts of psychiatry’. An intimate relation developed between the humanitarian urgencies of history and the development and techniques of psychiatric assistance. At Saint-Alban,

1. Georges Daumézon, ‘La Psychothérapie Institutionnelle Française’, in *Anais Portugueses de Psiquiatria*, Hospital Julio de Matos, Lisbon, 1952.

2. It was initially referred to as ‘sector psychiatry’ and in 1944 as ‘psychiatry of extension’. Other terms used have included ‘anthropo-psychiatry’ and ‘psychoanalytic psychiatry’.

3. Dr Alexis Carrel was awarded the Nobel Prize in 1912 for the first successful radial-popliteal transfusion. Maréchal Phillipe Pétain, the figurehead of the Vichy State, appointed him to oversee the Vichy Ministry of Health. Carrel was a reputed scientific genius enraptured by the world of Christian prayer and religious mysticism. His 1936 publication *L’Homme cet inconnu* expressed his hopes for a scientific future of ‘aristocratic biology’ with euthanasia as the just tool for building the new enlightened world of man.

4. Lucien Bonnafé, ‘Le Personnage du Psychiatre’, republished in Lucien Bonnafé, *Désaliéner*, Presses Universitaires du Mirail, Toulouse, 1991, p. 69.

[There was] a matrix ... a conjuncture: the war, isolation, the fact of being cut off from the state.... It was a crucible, a melting pot, because the fact was that we had to survive – the patients, the nurses, in the fight against starvation – meant it was necessary to go out from the hospital, to go to the farmers ... and to hide the Resistance. Such training is extremely didactic. It was an ultra-privileged history.<sup>5</sup>

Jean Oury, the junior of Bonnafé and Tosquelles by twelve years, arrived at Saint-Alban in September 1947. Then in his fourth year of medicine, he discovered it to be a place of ‘effervescent’ research. In 1948 and 1949, Oury and Tosquelles went ‘into the mountains’ in search of ‘complicated’ cases. This was a time of financial destitution: they sold lead, sinks and beds on what became a psychiatric black market. For Oury, these experiences constituted a sectoral politics, a ‘psychiatry of the sector’ – one day selling things, other days being stuck in the snow, ‘finding food for the hungry at midnight in the forest’, ‘being confronted with a man enclosed within a house with a gun, tormented, where you had to speak to lift the walls.’<sup>6</sup>

The year 1948 was also when Tosquelles wrote his doctoral thesis for the University of Paris, ‘Essai sur le sens du vécu en psychopathologie’ (The Psychopathology of



Lived Experience).<sup>7</sup> The work declared the ‘intra-disciplinary’ paradigm of what would become known as Institutional Psychotherapy. Part gestalt psychology, part phenomenology, part neurobiology, part psychoanalysis, it revived the Hippocratic notion of the medic–philosopher – *iatros philosophos*. Oury completed his doctoral thesis, ‘Essai sur la conation esthétique’, in December of 1950. Early in 1951, the fifteen-year-old Guattari arrived for ‘psychotherapy and re-orientation’. It was now, for Oury, that ‘things began to really move’<sup>8</sup> at Saint-Alban – in much the same way they had done with the arrival of Tosquelles a decade earlier. Together they read a ‘quantity of books’ and talked ‘into the early hours of the morning’. These psychiatric and political discussions

soon grew with others participating. It was out of these activities that Oury and Guattari coined the phrase ‘prolegomena for a non-deductive ontology’ – the signet of La Borde. As Oury later confirmed, ‘What we do at La Borde is a non-deductive ontology ... to create a space of syntax.’<sup>9</sup> It was in these spaces of syntax, or ‘spaces of the saying’, that an entire postwar generation of French youth would find inspiration. And the paradigm of this enterprise? Guattari, faithful to his mentors, put it succinctly: ‘ethico-aesthetic’.

An introduction to Jean Oury is an introduction to a legacy and a tradition that ‘resists and creates’. Oury stands alongside Jacques Schotte (1928–) and Henri Maldiney (1917–) as one of the last living figures of what the phenomenologist J.H. Van den Berg called ‘a new orientation of psychiatry’.<sup>10</sup> His main works, *L’Aliénation* (Galilée, Paris, 1982) and *Création et schizophrénie* (Galilée, Paris, 1989) have been translated into numerous languages – other than English. The interview that follows is the first to be published in English.

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5. Max Lafont, *L’Extermination douce: la cause des fous sous Vichy*, La Borde de l’Eau, Bordeaux, 2000, p. 70.

6. Jean Oury, *Il Donc*, Éditions Matrice, Vigneux, 1998, pp. 36, 42.

7. This was later published under the title of *La Vécu de la fin du monde dans la folie*, Éditions de l’Arefppi, Nantes, 1986.

8. Oury, *Il Donc*, p. 47.

9. *Ibid.*, p. 49.

10. J.H. Van Den Berg, ‘Phénoménologie en Psychiatrie’, in *Évolution psychiatrique*, Éditions Edouard Privat, Toulouse, 1947.

**DR** Binswanger asserted that man was in the situation of psychiatry if psychiatry was within the situation of man. But it seems that this equation has become corrupted. In its current form, psychiatry has become a very complex and deterministic pursuit. At the same time, a moralism has proliferated that has eclipsed its ethic.

**JO** It is often said that psychiatry, like psychoanalysis, is unfinished. Lacan had this image, that such research took place within a vast developmental landscape where there was only a small conditioned surface to decipher. Lacan even said that here we would find the softened watches of Dalí. So, yes, psychiatry and psychoanalysis are indeed an unfinished project, because it is always in construction, a vast field. Yet we cannot exactly say that psychiatry is always to be invented: those who say this tend to say anything they like. It is often a form of what I call ‘technocratic simplism’ – that culture of bureaucratic requirements and administrative measures developed under the mask of pseudo-scientific progress. I have constantly struggled against technocratic simplism, which, paradoxically, is often presented in very complicated formulae. Think, for instance, of recent neuroscientific research on schizophrenia. It is enormously complicated; nevertheless, it is still simplism.

I have always said that we should concern ourselves with ‘the simple’ as opposed to ‘simplism’. I often ask: what is more simple than standing up? Than walking? This is very simple, but if we study it neurophysiologically then such a study is unfinished. Standing, walking, has an extraordinary complexity, it’s almost a permanent miracle. To reach the simple, the fact of being-here, the fact of saying ‘hello’, of performing a very simple diagnostic, we need to traverse an enormous complexity. If not, we find ourselves within simplism, and simplism is a path leading to homogenization and ultimately dictatorship.

What I call the architectonic – the totality of relations, roles, functions and people that defines the site where *something happens* – is based upon heterogeneity rather than homogeneity! This is the fundamental word, ‘heterogeneity’. It is a fundamental word for many, but especially for François Tosquelles.<sup>11</sup> He often said that the milieu needed to be heterogeneous, even the educational milieu of children. He made clear that in order for things to be alive, for there to be exchanges, groups, inter-groups, initiatives, chance and encounters, there must be heterogeneity. Ferdinand Deligny also always spoke of heterogeneity.<sup>12</sup> When Deligny left Armentières, for example, after his experience with dissident minorities and marginalized communities (*les marginaux*), he highlighted that in order to harness an approach enabling these people to remain even slightly interested in something, it was necessary to constitute an unexpected heterogeneous environment, for objects as much as spaces and different people. This was one of the essential conditions that guaranteed the effectiveness of the milieu.

In the 1960s I even ventured to say that if a milieu is to be even slightly alive, then we have to have what I called ‘a tablature of distinctiveness’. This is based upon a certain

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11. François Tosquelles (1912–1994), the ‘refugee psychiatrist’, was recognized for his ‘rigid antifascist Catalan vigour’. Hunted by the Stalinists and Franco’s army, he fled to France. He brought with him his training in phenomenology and psychiatry from the Institute Pere Mata in Barcelona – where many of the German gestalt psychologists, such as Werner Wolff, had found themselves during the 1930s. Tosquelles arrived at the clinic at Saint-Alban in 1941 after a spell at the Setfonds detention centre in Tarn-et-Garonne. It was at Saint-Alban that Tosquelles encountered Georges Canguilhem, Jacques Lacan, Paul Balvet, Lucien Bonnafé and later, in 1946, Jean Oury at the Rue d’Ulm. Henry Ey deemed Tosquelles the ‘catalyst’ of the Saint-Alban group, the fire of the ‘generation of gestation’. Tosquelles’ doctoral thesis, published in 1948, redefined psychiatric assistance, drawing upon theology, neurology, biology and phenomenology. Tosquelles was a key presence in the life of Frantz Fanon, and with Henry Ey he oversaw Michel Foucault’s training in psychotherapy. Like Oury and Schotte, Tosquelles was also an important figure in the life of Félix Guattari. It was Tosquelles who disseminated Lacan’s 1932 thesis through the wartime clinics, in small pamphlet publications. The group of Saint-Alban comprised resistant fighters, philosophers, scientists, gestaltists and neuro-phenomenologists. This was the milieu of the young Guattari.

12. Ferdinand Deligny (1913–1996) was an educationalist who fought for the rights of children and against the marginality of immigrants. Deligny addressed the necessity of maintaining a heterogeneous milieu in his *Les Vagabonds Efficaces* and *Graines de Crapule* – which are poems in their own right. His other important work is *Les Enfants et le silence* (1980), which critically reassesses infantile autism.

linguistic meditation. To have a functional language, for us almost to understand one another, even if there is a deformity and play of words, it is necessary to have a logical table of differences – a system of ‘distinctive oppositions’. At the start of the 1960s with the GTPsy (which lasted from 1960 to 1966), I photocopied for the participants a remarkable extract on the definition of the phoneme from Trubetzkoy’s *Principles of Phonology*.<sup>13</sup> Phonemes do not exist as such, positively, because there is a question of difference, of ‘distinctive phonological oppositions’. I saw this as a sophisticated and refined methodology for approaching what was in question in our work. My ‘tablature of distinctiveness’ is logically analogous to ‘the table of phonological oppositions’. The sin in logic is to treat phonemes as ‘phonematic realizations’, and if a milieu or a group (*collectivité*) is without a tablature of distinctiveness, then there is not much of anything – there is only the homogenous. We can even say that this ‘tablature’ provides the logical support for a heterogeneity that is not merely at the level of differences between people, but also at the level of spaces (*lieux*).

Take the notion of the *Stimmung*, in the broad sense of the term – where in Spanish we say *olor*, atmosphere. When we pass from one space (*lieu*) to the next, from the kitchen to the library, to the pharmacy, the *Stimmung* is not the same. However, what we find with hospitals and educational establishments is that when we pass from one space to the next the *Stimmung* is always the same: the same atmosphere, the same conditions and the same status. This constitutes the homogenous and the ‘ineffective’. If we are to have effectiveness, then there needs to be difference. If we were all cloned, then only two clones would be enough to know the others – it wouldn’t even be worth leaving the house! Something of the order of surprise, the unexpected, of astonishment, is indispensable. We also find the term ‘heterogeneity’ in Hesiod, who said that if there is no heterogeneity there is discord, war.<sup>14</sup> And what do we have today?! So the question is: how can we maintain heterogeneity?

Institutional Psychotherapy – the term dates back to 1952 – understands all this. Atmosphere, ambience, is important in opposition to the grave ideologies of the pseudo neurosciences, which deny it. To classify someone by cell group carries no liberty. It furnishes nothing because it is inscribed in the genes, in the body: a psychopath wherever we put him will always be a psychopath. In one of the medical journals recently, there was a small article saying that in Alzheimer’s and its evolution of dementias, atmosphere counts. I hadn’t seen such a thing said for many years! But atmosphere does count, because it can even delay the evolution of dementia.

### **MN Might it also be seen to bring a new destiny to dementia?**

**JO** Yes, even to dementia itself, even to the organic, because neurologically atmosphere counts. A long while ago when we were still performing insulin cures – the Sakel cure – atmosphere was crucial. I have had patients who told me that their best memory was having the Sakel cure. It was performed on the condition that it was done carefully and vigilantly, and yes, it degenerated with the hospitals, it became a horror. Without the correct atmosphere, insulin therapy wouldn’t work – it was not a cure in itself, as it was later considered! The dosage of insulin needed to provoke hypoglycaemic coma is 150 units. Yet if there was an atmosphere, if we spoke to the patients, had music playing in the background, if there were correspondences, we could reduce the dosage of insulin by half and it would be as effective as 150 units. This proves that there are parameters, and not merely chemical ones: there are physiological parameters at the same time as cerebral glucose. All this matters greatly.

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13. Nikolai Trubetzkoy (1890–1938) advanced the work of de Courteny and de Saussure. The Polish linguist de Courteny introduced the technical terms ‘phonological’ (physiophonetic) and ‘morphophonological’ (psychophonetic). De Saussure followed with ‘material sound’ and ‘incorporeal language’. In the same way, Trubetzkoy proposed the ‘atomistic’ and ‘universal’. The phonetic, language proper, is of the atomistic level and the phonological belongs to the universal – as that which we imagine to pronounce. The phonological belongs to the realm of sense, to the ‘incorporeal’ dimension of language in Saussure’s use of the term.

14. Hesiod (c. 700 BC), *Works and Days*.

Take Crisis Centres, for example, these places of short stay that carry the hypocritical spirit of simplism. Many things are destroyed at these centres: the history of the individual, for example, because we cannot know another person within a period of critical short stay. In fact, with short stays, medium stays and long stays, we no longer have the medical, because everything becomes a question of the medico-social. Actually, it is not even a question of the social, for these are under-medicalized systems, these places of specialized treatment. So what happens to the individual in these places? What happens to the biography of the patient? And what of the patho-graphy (a term introduced by Viktor von Weizsäcker)?<sup>15</sup>

Here, at La Borde, our daily costs are very low compared to those places, but we have patients that are much more difficult than the ones you find in the hospitals. The inspectors sent by Social Security noted that we have a majority of serious schizophrenic cases exceeding that of the hospitals, and this was interesting for the inspectors because it is much less expensive! To fight against under-medicalization we need a collective effort on both national and international levels, resistance with resolve.

What I want to say is that we need to treat the hospital in order to treat the patients. The hospital is ill. There is an accumulation of regulation that needs to be treated – the hospital requires treatment in order to treat. It is a double movement. The entire project set forth by Tosquelles in the 1940s at the clinic of Saint-Alban was to challenge all areas of suppression. It is not simply a question of suppressing this or that, but of slowly infiltrating suppressive models, of softly subverting. There needs to be a collective structure in order to treat the hospital and the collective. It is not a closed structure. Félix Guattari was very active with the collective.

In his study of Foucault, Deleuze spoke about form and force. Form is the function of hierarchy, and everyday life is organized around a diagrammaticization of forces. But in actual fact, there is not an organized putting into form of things because it is multifocal. There are times when I myself do not know what is happening, and for the better! For something to hold, a point is necessary, a neutral point. In Deleuze's reflections on Foucault – whom I myself am not too keen on – he draws upon someone I like a lot, where the neutral point is found: Maurice Blanchot. In a similar vein to Heraclitus, Blanchot spoke about the passion of the impossible, corresponding to an absolute zero. For things to hold, if we consider a mathematical formula for instance, there needs to be an absolute zero; there needs to be an exteriority to thwart the false antinomy of interior/exterior exterior/interior. With the short stays in these Crisis Centers there is no diagrammatization of force, they want to recentralize everything within the form.

A remarkable juridical psychoanalyst, Pierre Legendre, argued that we can construct a triangle of the organization, a triangulation of power, speech and death. And what is at the centre of this triangle? It is the juridical, which regulates. Here, we might also refer to Giorgio Agamben, who is fashionable at the moment. In *State of Exception* he shows that we are increasingly within a reality of exception that is defined as a coalescence between the legislative and the juridical. There is always a good reason to undertake such a study. Such a structure is increasingly apparent everywhere today. In the factories, since the 35-hour rule, they have reduced the possibility of speaking, the possibility of establishing correspondences with your colleagues; if you do, you're spotted and you face the consequences. This is increasing, and most clearly within psychiatry.

**DR The notion of constellation has played a central role in maintaining a conceptual approach in your work. With constellation we have what you have called the 'liberty of circulation' and this brings into question relations with others.**

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15. Viktor von Weizsäcker (1886–1957), neurologist, gestaltist, psychologist, physiologist, was of the same generation as Freud and Heidegger, although they never met. His work amalgamates phenomenology and medicine. Weizsäcker established the school of Medical Anthropology and coined the term 'psychosomatic', which he later dropped in favour of 'patho-graphy'.

**JO** Yes, if it were not for constellation, none of the work of Institutional Analysis or Institutional Psychotherapy – a continual analysis of and resistance to massive social alienation and its hierarchy – would be realized. With the liberty of speech, the moment of constellation comes into effect. Over one or two hours, let us say, we speak about the history of the patient, but we speak about other things as well, of affective relations, hatred, sympathy, and so on. And the following day, or several days later, there is a change. This patient who was agitated and furious now sits before me changed. With this we see that we have touched upon the encounter. We can say that we have touched upon the analysis of counter-transference even, and why not, of course there is this! For instance when we ask a nurse, ‘Would you like to go on holiday with this patient?’, an influence will unconsciously appear the following day, when the nurse walks past this man the look will not be the same; the look will become a gesture. This is what matters and this is what we can work with. But what does it mean? It means that for the people concerned, there is something of themselves that they do not know, which is put into question. It is at the level of their unconscious desire, in the Freudian or Lacanian sense of the term. It is this inaccessible unconscious desire that places them ‘here’ in a certain way, and if they are ‘here’ it proves that they are not elsewhere.

The idea of the constellation was used by Tosquelles, but most notably by the psychiatrist Elkheim, who knew the development of psychiatry in the United States very well. He prepared something for the 2nd International Congress of Psychiatry in Zurich in 1956, on schizophrenia. He brought with him the experience of a famous clinic near Washington, at Chestnut Lodge where he had worked. At this time, Stenton and Schwartz – two psychosociologists – wanted to explore the clinic. They had noted an extremely complicated patient confined to the clinic. Two psychoanalysts saw this patient separately, but they never met one another. Stenton and Schwartz observed how things went and they approached the psychoanalysts suggesting that what they were doing wasn’t working and that maybe it would be best if they met, to speak about the patient as well as other things. Within several hours of the psychoanalysts meeting, the clinical taboo was altogether different. And the patient, well, he was no longer enclosed. So, as we often say, something happened that exerted an influence. We can generalize the formula of Stenton and Schwartz into the constellations I have described, to modify something of people who are interested, instead of being dispersed, so that when they are put together, there is something that is much more integrated, even within the very existence of the patient in question. This can work very well at times.

**MN** It is interesting because Freud had read Goethe, who was extremely influenced by this notion of constellation, and the question of atmosphere too. We also have the question of psychosis and corporeal complexity because it is the individual body that has difficulties of individuation. Here, we find the social aspect where, evidently, there is the question of the unconscious and a logic of relations.

**JO** In a neurological context – and there is deviation within neurology – we see that linguistics can be drawn upon to study the troubles of language, even though Freud framed the logic of mental illness in terms of pathology. Some neurologists have called this aphasiology where several levels are distinguished. For instance, language and writing are not the same thing. We find lesions, if not cerebral lesions, within reading that are not the same as within writing – I’m saying this rather quickly because it requires much time and elaboration. There is the level of glossology, where there are problems with language proper, and we understand that language is speech (*parole*) – at times there are troubles at the level of speech. There are those who say that there are not troubles at the level of *parole* but of writing itself. This is not simply agraphia in the traditional sense but an ergologic level where we find atechanical troubles. Troubles of writing are atechanical troubles, and, clinically, many neurologists have often confused the two. In the late 1940s Tosquelles and Lacan introduced me to Juan de Ajuriaguerra, who reformulated all of neurology. He was a

refugee from the Basque country who worked at Saint-Anne and had written on the cerebral cortex with Hécaen. This was an extraordinary study. Neuroscience knows nothing of this. Pure psychoanalysts need to remember such work.

**DR** There is a blind spot, a hole, in the standard picture of postwar French philosophy, and in the history of psychiatry and psychoanalysis as well. If the work of Monakow and Mourgue,<sup>16</sup> Goldstein, Weizsäcker, Tosquelles, Ajuriaguerra,<sup>17</sup> and of phenomenology itself (even the slim writings of Landsberg,<sup>18</sup> the Gestapo-hunted phenomenologist, for example) are ejected from psychoanalysis and psychiatry, then we are left with a disparaging antithesis of the human concern...

**JO** Precisely. These neurologists you mention knew their phenomenology, and phenomenology is not a fantasy: it is concrete, in terms of the world, people, the clinic. Nowadays, psychoanalysts are ignorant of physiology, medicine and phenomenology. Freud did not hope for this; on the contrary! Freud was betrayed by the Freudians. What we have now goes in the direction of ego psychology. Lacan attempted to re-establish something with the mirror stage, but it didn't matter because the Lacanians ended up removing the entire foundation of Lacan! People speak of the Freudian 'cause', but there is more to Freud than this! It is annoying, because if we ignore these foundations – phenomenology, neurology, physiology – we are accomplices of segregation. The phenomenology of depression has nothing to do with the phenomenology of melancholy, and yet we see articles written by psychoanalysts who speak of neurotic depression – which in truth means nothing – and who are against psychopharmacology, which they ignore completely. To ignore these things is to be an accomplice of segregation.

In 1967 in Paris, there was a meeting with Maud Mannoni, Lacan, Tosquelles and myself that was later published under the title *L'Enfance aliéné*. At the end of the reunion, Mannoni turned to me and said that we were heading towards a hyper-segregation. And this was in 1967! A psychoanalyst who ignores phenomenology is terrible. However, there is the school of Louvain – Schotte<sup>19</sup> and Szondi, for instance – that has developed work of astounding insight, beginning with the successors of Binswanger in Switzerland, to whom Schotte was close. What there was at Saint-Alban, for example – and this is going back some time – was fervent interdisciplinary research: phenomenologists, psychologists, neurologists, surrealist poets, immunologists from the Pasteur Institute, and then all the activities and projects renewed in the wake of the French Liberation, with groups such as the TEC (Travail et Culture) which later gave rise to the TNP (Theatre Nationale Populaire). It was a magnificent effort that had no dealings with Stalinism because we had the likes of Roger Blin, Jean-Louis Barraut, Decroux, Dorcy, and the *Cahiers du Cinéma* group involved. The young Félix Guattari breathed much of this air. From 1944 to 1945, for example, there were the 'caravans' for the children of factory workers: they would have the chance to go away on

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16. Constantin von Monakow (1853–1930) and Raoul Morgue (1886–1950) were known to Tosquelles through his training at the Institut Pere Mata in Barcelona. Their Bergsonian-inspired neuro-physiological study, *Introduction biologique à l'étude de la neurologie et de la psychopathologie: Intégration et dés-intégration de la fonction* (Alcan, Paris, 1928) was drawn upon by Tosquelles in his doctoral thesis. Oury considered it 'possibly too Bergsonian'.

17. Juan de Ajuriaguerra (1911–1993), like Tosquelles and their comrade Horace Torrubia, was a Basque refugee. He brought to Saint-Alban an extensive neuro-phenomenological scholarship, which remains to be fully addressed in its philosophical and clinical import.

18. Paul Louis Landsberg was a student of Max Scheler who died in a concentration camp. Many of his works, including his lengthy monograph on Machiavelli, have been lost. However, his thoughts on 'transcendental life' were drawn upon by Tosquelles to distinguish between the mechanical 'I' of empirical events and the transcendental 'I' of qualitative human experience (revelatory experience). See Landsberg, *Essai sur L'Expérience de la Mort*, Editions du Seuil, Paris, 1997.

19. Jacques Schotte (1928–), along with Oury and Maldiney, is one of the last living points of contact with the twentieth-century phenomenological tradition. Arguably, it is Schotte, more than anyone else, who built the bridges through which phenomenology and psychiatry could meet, and by which Lacan encountered the likes of Kurt Goldstein and Ludwig Binswanger – who had encouraged Schotte to develop a 'psychoanalytic psychotherapy'.

holiday, on excursions into the mountains. My brother Fernand was very active with this and young Félix would often go along.

## The body in appearance

**DR** Perhaps we can turn our attention to the body and the role of narcissism. **Originary narcissism and specular narcissism are recurrent concepts in your work. In *Creation and Schizophrenia*, for example, you indicate an energy at work within these forms of narcissism, which is not energy in the thermodynamic sense of the term...**

**JO** In *Creation and Schizophrenia* I spoke about the distinction between primary and secondary narcissism – I had conversed with Jacques Schotte about this many years ago. We can call primary narcissism ‘originary narcissism’, and secondary narcissism ‘specular narcissism’. Specular narcissism is at the level of the Self (*moi*) – we can repeat all of Lacan here. Originary narcissism is the very base of the personality. For example, when Lacan says ‘search not for the Other elsewhere but within the body’, I believe it to be at the level of originary narcissism. In the German language, when we speak of the body as the *Körper*, it is of being in general, and more or less the specular. In contrast, the word *Leib* is the body in terms of what Merleau-Ponty calls *flesh*, incarnation. We find this with Gisela Pankow,<sup>20</sup> who showed that schizophrenia is a profound problem of incarnation in the theological sense of the word. At times, it is a problem at the level of primitive identification, and this is at the level of originary narcissism. In my opinion, with schizophrenia, when we talk of dissociation – Bleuler’s *Spaltung* – it is at the level of originary narcissism. When we say

‘things are badly delimited, there is no limit’, it is because there is paradoxically no opening. We can say that catatonics are closed and this is why there is no limit. For there to be a limit, there needs to be an opening.

Positivist and traditional ‘scientific’ logics apprehend space. We have to situate things at the level of what I call a ‘poetic logic’ – which can be extremely rigorous. I have often drawn upon a text by Francis Ponge, *The Making of the Pre*. By chance, maybe even luck, this text appeared in a collection entitled *Les Sentiers de la création*. The ‘pre’ is the preposition par excellence and when the

schizophrenic arrives we try to rediscover this pre-position with him. Remember also what Henri Maldiney said: before we have the ‘being-with’, there is another dimension to consider, and it is possibly this dimension that is in question here. We try to rediscover the ‘pre’ par excellence ‘with’ the schizophrenic; that is to say, to rediscover a site which we can call pre-representational, pre-intentional and pre-predicative. The phenomenologists spoke of this as the ‘pre-egoic’ – what Lacan should have called the ‘pre-specular’ – which is before the self is established (*moification*).

At this particular site, the schizophrenic process happens at the level of what some have called ‘emergence’: the emergence of the fundamental troubles of schizophrenia. These ideas were developed, in part, by the psychiatrist Jurg Zütt, of the Frankfurt phenomenological school. Zütt spoke of this space of emergence where the most telling symptoms of psychosis are inscribed as being ‘aesthetico-physiognomic’, although I prefer to use the term



Maldiney and Schotte, 1945

20. Gisela Pankow (1910–1998) was an assistant to Kretschmer before encountering Oury and Tosquelles at the 2nd International Congress of Psychiatry in 1956 (organized by Henry Ey). Pankow had a particular impact on the psychotherapeutic developments at the La Borde clinic and, although her affinity to Lacan was not particularly strong, their assertions were often parallel. See Pankow, *L’Homme et sa psychoses*, Flammarion, Paris, 1998.

'aesthesio-physiognomic'.<sup>21</sup> Zütt also proposed the notion of 'the body in appearance'. The body in appearance of a catatonic, a maniac, and a melancholic are completely different one from the other. But how do we situate this? How can we have access to this, without enclosing ourselves? When something happens, even partially, there is closure, and this is a feature central to the schizophrenic. So how are we to have access, to be in concordance and harmony with what happens, whilst keeping with 'the open' (*L'Ouvert*)? The complex task of psychotherapy is to be 'here', in this space, this area, whilst having access to a 'here and now' – that is to say, an opening. This is an all too rapid and schematic way of approaching what Freud called 'the other scene' (borrowing the term from Fechner). How are we to define this scene? Is it found at an unconscious or a preconscious level? I think it more prudent to speak of the 'pre-egoic' because it is a question of defining a scene where *something happens*.

**DR** We could say that schizophrenics have great difficulty with what Winnicott called 'potential space', 'transitional space'. And in the case of schizophrenia, where there is no unity of the self, this opening of which you speak would inevitably be developed gradually over time, 'grafted' – but I don't want to say that it's a case of grafting transitional space.

**JO** Yes. There have been distorted relations between generations where the transitional has not functioned properly, where it is badly formed, or where it has been destroyed. In our work with psychotics there is what Gisela Pankow called 'grafts of transference' (as with skin grafts on burn victims). When the graft holds it gradually constitutes the foundations of a phantasm, and 'schizophrenic dissociation' – the *Spaltung* – is a dissociation at the level of the phantasm, at the level of transference. This is why for a great many years I have proposed the term 'dissociated transference' to hallmark the psychotherapeutic undertaking. 'Dissociated transference' corresponds to 'schizophrenic dissociation' – small pieces of transference which permit, as Tosquelles said, 'multi-referential investments'. We all live with our investments. We do not necessarily see them, but they count. How can we have access to the Other if the Other is 'nowhere'? To be within the *Spaltung* is to be nowhere. This is why the first step, for me, consists of finding the means – and sometimes this requires many years – for the schizophrenic to be 'somewhere', even slightly so, even if it is at certain moments only. It is a question of reweaving a form of personal space that can be more or less comfortably inhabited. It is only at this moment that we can address the patient in his or her existential dimension, in his or her historical dimension. To create a space is a difficult task that necessitates a reconsideration of the whole apparatus – a task that is always collective, whether it is in a hospital, a 'district' hospital or at home. This illustrates what Gisela Pankow asserted when she said that the only access to psychoses is through space – it is only afterwards that we can 'recount stories'. It is not a question of geometrical or architectural space, but of something that puts an architectonic of relations into place, of different roles, different functions and different people. It's a question of being able to locate the site within which *something happens* and *what happens*.

So, as you indicated, we 'graft' an opening, a graft of transference at the level of originary narcissism – it is very delicate and complex work. When we work at this level of

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21. Jurg Zütt, neuropsychiatrist from the Frankfurt school of Comprehensive Anthropology, received a formative education in theology and phenomenology as well as medicine. He saw the body not in terms of an isolated physiognomy, but as a phenomenon continually integrated and interlaced with its surroundings and its milieu. Zütt proposed two valuable technical terms: the 'supporting-body' (*tragen de Leib*) as that which is lived within sensation, as 'the hidden and ever-present frame of reality', and, the 'body-as-it-appears-to-be' (*erscheinende Leib*) as that which is presented within an 'atmosphere' of physiognomic habitualities. With these two levels, Zütt saw the body to exist within a reality that was at once affective and physiognomic. Just as the eye is to light, and the ear to noise, so for Zütt the body is affective and 'comes to be not just within perception' but within 'sensation and feeling'. Hence the term 'aesthetico-physiognomic'. See Jurg Zütt, *Auf dem Weg zu einer anthropologischen Psychiatrie*, Springer, Berlin, 1963.

originary narcissism there is a 'base' energy, so to speak. I like to replace the word 'energy', which seems to me overtly thermodynamic and mechanistic, with the Greek word *energeia*. The Latins translated this word not as *energy* but as *actus*. *Energeia* is close to *poesis*. Originary narcissism is a condensed form of *energeia*. Freud, in following the quality and intensity of *energeia*, asserted the Ego Ideal. Already in 1914 he distinguished between the Ego Ideal and the Ideal Ego. The Ideal Ego is on the side of the speculative, the Imaginary. It is almost corporealized yet imaginarily so. The Ego Ideal is a point of clairvoyance, a vaporous point within the Symbolic in direct communication with originary narcissism. Pathological foreclosure is a defect of a fundamental function that I call *the forecloseive*. The forecloseive is what permits the surroundings to distinguish themselves. But we cannot reify these things because it is very dangerous to say 'Here is primary narcissism ...'. Psychosis is a *defect* of primary narcissism. Many years ago a schizophrenic said to me that things were in flight from the void. This seemed remarkable in the sense that primary repression could be an enclosure of the void. We can also say that for there to be a remembering, memory needs to function, but above all there must not be a flight of memory, and, more than this, of a memory which we do not know. So when I say that psychosis is a defect within primary repression, this defect is announced by a forgetting of forgetting...

**DR Which brings Blanchot into the equation.**

**JO** Through Blanchot I place the forgetting of primary repression latently within originary narcissism. Blanchot's book *L'Attent l'oubli* can help us to ask what form of waiting there is within primary narcissism. It is an absolute waiting, a waiting for nothing. In German it's the word *erwarten*, an indefinite waiting. We can distinguish between *erwarten* and a 'waiting-for' something. The area that specifies primary narcissism, the material, so to speak, is the outside-of-waiting, where there is nothing. I had spoken for many years at Saint-Anne about primary narcissism. This outside-of-waiting corresponded to a veritable turnaround within Freud's thinking, who justifiably broke from his group in 1920. After this, we have *Beyond the Pleasure Principle* where he speaks of the death drive, as he does in 'The Economic Problem of Masochism' of 1925. Freud explains it very well, although too hastily. He allowed himself to be duped because he confounded the death drive with the destructive drive. The destructive drive is an amalgam between Eros and Thanatos resulting in destruction. The death drive, however, is the drive par excellence, of total silence, yet of the greatest concentrated energy. It is this that furnishes *energeia* through the drive, the force, of primary narcissism.



La Borda

Psychosis puts into question another level, even on the plane of logic and general linguistics: the level of ergology, of glosseology. This is the other level that Freud calls the ethnological level. Upon this ethnological level, there are laws, and it is these laws that are troubled by psychosis. These laws, however, reassert themselves upon other levels. For example, what we call schizophrenic language, which is at times a destruction of language, has nothing to do with aphasia. At the same time, there is the question of the relationship with the law, the relationship with the Other, to be-with the other...

**DR This points to phenomenological anthropology. Binswanger wrote – and this was later taken up by Maldiney – ‘Man ist Mitmensch’.**

**JO** There was a remarkable Danish phenomenological psychiatrist, Rümke,<sup>22</sup> who presented an extremely clear exposition at the 1st International Congress of Psychiatry in Paris in 1950. It was a revision of all the phenomenologies – an astounding work. Before this, he had written about a notion he called the *praecox gefühl*. *Gefühl* appears in both the German and Danish languages and it means a direct association, almost affective, almost intuitive. Lacan, in his article on the three temporalities, wrote about the instant of seeing, the time of the understanding and the moment of conclusion. The *praecox gefühl* is the instant of seeing. Rümke said that immediately upon seeing a patient who enters, we do a diagnostic. This requires much experience. This diagnostic is the *praecox gefühl*. Rümke would often recount his experiences. In one instance, a patient enters and Rümke turns to his students and says, ‘schizophrenic’. The students deny this: ‘We have done a multitude of tests, he is not a schizophrenic!’ After six months the man returns for consultation ... a schizophrenic. A similar thing is found with the extraordinary German psychiatrist Kretschmer. It was Gisela Pankow who worked with Kretschmer – and keep in mind that Deleuze had read Pankow. Kretschmer said to his students that if you were not capable of performing a diagnostic upon the patient entering, from the patient walking from the door to the seat, you were not capable of being a psychiatrist! So what is in question, is not language, nor speech: it is of the same logic of language, but it is of *the body*. This is why I spoke earlier about writing... I am thinking of Klages, who wrote a book on graphology. He speaks of rhythm and cadence. We are at the level of rhythm, and with the schizophrenic there is a profound trouble of rhythm. I often say that the schizophrenic is *disrhythmic* ... but the rhythm of which I speak is an internal rhythm, at the level of human presence, it is something you feel. You *feel* that Mr X is poorly delimited, you do not think it, but as I said, this takes much experience.

It immediately shows itself in the body in, for example, the way we stand. When we observe someone who is not schizophrenic, the personality – and we can use this image – assembles itself at a single point. With the schizophrenic, there are many points, and we can immediately feel it. I have a friend whom I have known for many years, very Kleinian. He is of Ukrainian origin but lived a long time in Argentina. Afterwards, he went to England and was analysed by Bion. Salomon Resnik.<sup>23</sup> He would often visit Italy. He came to France and he worked in the groups here. He developed all the things of which we speak. He was someone very sensitive to the ways of being – there is a lot of intuition in such work. He once spoke of a schizophrenic whom he saw at his clinic in England. The patient entered, but it was as if he was not there, that he was elsewhere, that he was ‘travelling’, as Resnik often said. Anyway, he asserted that the patient was still in the park and he said to him, ‘You’re still in the park, no?’ This is at the intuitive level, the *praecox*

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22. Henri Cornelius Rümke (1893–1967) proposed the notion of intuitive perception/subjective sentiment of non-contact with the patient. This enables Oury to assert that the primary symptom of schizophrenia, the *Spaltung*, is felt. Similarly, Eugen Minkowski spoke of a ‘penetrative diagnostic’/‘interior resonance’ and Hubertus Tellenbach spoke of the ‘atmospheric diagnostic’.

23. Resnik trained with Winnicott, Klein and Bion in London. In his *Personne et Psychose: études sur le langage du corps* (Payot, Paris, 1973) he wrote of the ‘particular presence of the schizophrenic’ – what Oury calls the ‘odour’ of the schizophrenic.

*gefühl*. Recall Erwin Straus's short phrase: 'before man thinks he feels'.<sup>24</sup> I often say that the act of performing a diagnostic is but an aspect of a respectful undertaking towards the Other.

Thirty years ago there was a group of the Freudian school in which it was fashionable to say, 'we want no diagnostic, we are psychoanalysts!' One of the group even said to me, 'I saw a patient and after six months I knew he was mad.' I told him he was responsible for a homicide by stupidity. The diagnostic is not etiquette, it is an ethical undertaking. We do not speak to a three-year-old child in the same way as we speak to a grandmother. A schizophrenic, a maniac and a confused man are all very different. This is what is most misunderstood! To diagnose is a phenomenological undertaking and all the things of which we have spoken – considering the life of others, the constellation, and so on – relate to the diagnostic. At times, we learn a lot, but it is the patient who tells us these things. It is not I who comes up with them! Phenomenologists did not find their ideas in their heads! They had little pieces of paper upon which they noted down the things they heard. There is a remarkable book on schizophrenia that appeared in 1949 by a Swiss psychiatrist, Wyrsh. It is called *The Person of Schizophrenia* – a magnificent and extremely modest work. We need to be modest. We mustn't be cunning.

**DR Perhaps you could say a word on the Imaginary and Symbolic in relation to concrete phenomenology, which seems to define your ethic?**

**JO** The Imaginary is not the imagination. Lacan tells us that the Imaginary is 'consistency'. The Symbolic, however, is not clever: it is a point, a marker. In a schematic fashion, it is possible to have an overtly hierarchical system where we develop a paranoia: in schematizing these things, we almost render the Symbolic imaginary. However, the undertaking of which we speak approaches phenomenology concretely. When we see a patient, the ethic, the respect, is not to embarrass him, but to respect the other who is there with his personal problem. This needs a permanent form of phenomenological reduction, a 'bracketing off' of things, a putting into parenthesis. For over fifty years I have been saying that to arrive at this base formula, which is a phenomenological formula, the questions we ask are, 'What am I doing here?' and 'What are you doing here?' It works because – as Maldiney says – we are within the same landscape as the patient. Maldiney explores Straus's notion of landscape. We are not on one side with the patient on the other side. For possibility to exist, we need to be in the same landscape. This notion of the landscape in relation to putting things into parenthesis, the bracketing off, corresponds to a phrase of Tosquelles: 'if there had not been the nineteenth-century discovery of asepsis, the possibility of surgery or medicine would not have existed.' Even in psychiatry, there needs to be asepsis. Unfortunately, people do not know where they find themselves. They want to apply intricate techniques like psychoanalysis without clearing the ground – the psychical ground, the existential ground – without this phenomenological reduction. If we do not clear the ground, we create a supplementary pathology, which I call 'patho-plasty'.

This is not to say that we are friends with the patient. I find a phrase of Lacan's of great value, the first phrase of his seminars on anguish, where he says, 'transference is a subjective disparity', it is not a reciprocity. We can attribute this phrase to the collective, a disparity... But when we say this, the technocrats interpret it as justifying a visible distinction, with measures of accreditation and valuation. In psychiatric hospitals they stress that nurses should wear overalls with a badge and a name clearly marked. They say this is done

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24. Erwin Straus (1891–1975) was a neurophenomenologist in the same anthropological tradition as Zütt, Weizsäcker, Medard Boss and Schotte. In Schotte's words, Straus spoke of the necessity to think the clinic in terms of a 'primordial anthropology' of shared human experience. He did this by proposing the technical term of the 'landscape', which is grounded in Weizsäcker's notions of 'pathic experience' and 'therapeutic commerce'. Like Weizsäcker, Straus is a strong presence in the work of Oury, as well as Maldiney and Schotte in particular. See Erwin Straus, *Du Sens des Sens: contribution à l'étude des fondements de la psychologie*, Editions Jérôme Millon, Grenoble, 2000.

so as not to disorientate the patient. The first thing we did here at La Borde was to dress the patients in their own clothes, so there would be the possibility of relationships at the same time as they personalize themselves. When there is no possibility of personalization it is terrible: with the uniform, or the pyjamas they provide, you cannot be heterogeneous. When the nurses wear overalls, we find ourselves one hundred years behind. This is a very serious problem. If we do not do something about it, all our efforts will be in vain, useless.

We must find the means through which people can express themselves. This is what we call, here at La Borde, the 'liberty of circulation'. The liberty of circulation produces the possibility of the encounter, of real encounters – what Maldiney calls 'possibilization', the 'possibilization of the encounter'. The encounter is not foreseen. If it is, it is not an encounter! A real encounter touches the Real, not the Symbolic or the Imaginary. It marks the point where things are no longer the same as before. Thirty years ago, a dreadful, reactionary periodical called *Minute* published an article declaring: 'Oury and Gentis organize encounters'. The journalist clearly understood nothing. So I said, 'Yes, it is true, we organize encounters, we programme chance!'

## The saying and the said

**DR** Could you end with some final words on Lacan's views about language to complement the ground we have covered?

**JO** We can distinguish between the saying (*dire*) and the said (*dit*). This is discerned by Lacan, but most notably by Emmanuel Levinas, who distinguishes it well – even though he did not appear to understand anything about the unconscious. The saying is close to what we call language (*la langage*), but not a spoken tongue (*la langue*), because language is the structure of the unconscious. When Lacan said 'the unconscious is structured like a language' he did not mean it of a spoken tongue (*la langue*), yet he does not draw upon the distinction enough. There is a gulf between language (*la langage*) and the spoken tongue (*la langue*). Poetic language carries more information than scientific language. There are tones, the voice, what we call 'demarcations'. There is an entire science of this. On the side of language (*langage*) I put the saying, and on the side of the spoken tongue (*langue*) I put the said. The saying permits the said. With schizophrenia, there is a de-structuring of the 'fabric of the saying'. When primary repression does not function properly, repression itself does not function. So when there is de-structuring at the level of the saying, it would seem that there is no task at the level of the said. Our work is not to give lessons in speech production, but to work with encounters, chance, transference, desire, at the level of the saying. Levinas showed that unconscious desire was on the side of the saying. In following this, and at the same time keeping in mind Pankow, who spoke of the 'graft of transference', I say that we do 'grafts of space', that we work with the space of the saying, because we know that the fundamental problem of schizophrenia is the problem of space. The 'space of the saying' is where there is possibility for schizophrenics who are incapacitated, who are nowhere... This is where there is desire. Expanding slightly upon what I said earlier, we can say that a psychotic process is at the level of the said. It is the 'Making of the Pre' (to paraphrase Ponge) that hasn't functioned properly with the schizophrenic: the emergence of discourse to speech enabling the said to exist does not function effectively.

Is it possible, therefore, collectively, to make a space of the saying for each and every schizophrenic? This requires a complete revision of the 'apparatus' to ascertain what exactly prevents access to the 'site'. I have often thought that our task is one of constructing and producing 'secured areas' of transitional space. Within a collective mode, it was what I called – borrowing a theatrical term – 'practicables'. In admitting someone, we seek to

construct a practicable, but of course we must not reify this because it is not a question of constructing a scene with planks upon which the schizophrenic can stand! Rather, the 'practicable function' consists of delimiting a site where something can happen, a scene that is permanently constructed and reconstructed – this is the most precarious scene possible. For several years, I have said that it is a question of constructing, through an enormous collective effort, 'spaces of the saying'.

[*Oury presents a photograph*] During the war, this man had been an engineer working with solar energy, a very intelligent man, completely mad. He could not be anywhere, not in his bedroom, not at the table, not in his bed. He had found himself an old bicycle and he had also found an old typewriter that he would often use. But to see him in my office was not possible, so much so that I had to write to him asking him if we could meet under a tree. So he arrived and we both kept a distance. If I approached him too closely he would walk away; we had to maintain a distance. This man travelled a great deal by bicycle, he couldn't be anywhere. He couldn't enter the chateau of the clinic. We worked with him for one year. There was an entire team working with him – teams functioned better then than today, because today things are a little deserted. Anyway, one night, after a year of working with him, I was told that he had arrived at the chateau, that he had sat down in a chair, and that he had opened a newspaper to read. The same night, another patient – who was not schizophrenic, but slightly melancholic – told me that she had sat down in her usual chair and begun to knit when she saw a man she had never seen before sitting beside her, who looked extremely comfortable within the chair, contented, reading the paper. This is the space of the saying, he sat in the chair, he unfolded the paper, there was a desire here, but it didn't last. To work for a year to see five minutes like this is worth every effort.

Similarly, I spoke to a child psychiatrist a long time ago who had been working with a girl who was almost post-encephalic, psychotic. After fifteen years, and gigantic efforts by the psychiatrist, she smiled. Fifteen years of effort, for a smile. This is what counts. But the Social Security ignores this, it does not care. A smile is spontaneous. 'How much does a smile cost?' The smile is not a laugh, the laugh is more or less aggressive. We can save time with a smile, but that doesn't mean you have to smile on purpose. If we walk past someone a little paranoid and we don't smile we will be working with them for weeks. But if we smile, in a second, we have something, a reaction, and we save time. We work at the level of the poetic, a level infinitely more complex than the logic of computers and the neurosciences. The quantity of information communicated through poetic language is much larger than that communicated by scientific language. You need to have complexity to have the simple. Here at La Borde we work at the level of gesture. This is within the domain of what is called the 'deictic'. Here, when people know each other they don't speak to one another much, but they gesticulate. I have often said that there is an articulation between the anaphoric and the deictic. The anaphoric, is, for example, where I have met Mr X – let's say eight days ago – and today someone tells me that they have seen him. I hear this, and it means something to me because there is already an anaphorical construction, a carrier of construction, so to speak. For people to know one another here at La Borde, they need to be here for a while, to spend some time here in order to have the anaphoric. It is the anaphoric that permits. This counts enormously, and it is the fabric of speech, of the saying.

The body is not a thing, it is not an isolated physiognomy, it is within the Symbolic, within language (*langage*), within these areas, and it is in our interests to work and develop this.

**Interviewed by David Reggio and Mauricio Novello  
La Borde, September 2004**

*Translated by David Reggio; edited by Peter Osborne*

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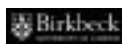
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Theodor W. Adorno, *Current of Music: Elements of a Radio Theory*, Suhrkamp, Frankfurt am Main, 2006, 691 pp., €48.90 hb., 3 5185 8385 9.

The reception of Adorno in Britain and America has largely focused on *Negative Dialectics* and *Aesthetic Theory*, late works which accepted the tragedy of an ongoing betrayal of Marxism in the Soviet Union and an ongoing capitalism in the West. Hence those Adornites who emphasize optimism of the will rather than pessimism of the intellect (i.e. political revolutionaries) have had to reanimate Adorno's dialogue with Walter Benjamin. The publication of *Current of Music: Elements of a Radio Theory* should give this constituency succour. Written between 1938 and 1941, mostly in English, these texts show Adorno responding to Benjamin's famous artwork essay (published in 1936, in French, in Max Horkheimer's journal *Zeitschrift für Sozialforschung*). If for nothing else than restoring the crucial role of Benjamin in developing Adorno's thought, their publication – as volume 3 in fragments appended to Suhrkamp's *Collected Adorno* – is to be welcomed.

It's easy to understand the problems mainstream academics have with Adorno. Every sentence is written against those who would master fields of knowledge belonging to one side or the other of a split between subject and object. A sentence like 'The objective structure of society induces in the social critic doubts regarding the ultimate reality of certain subjective phenomena', cannot be parsed by anyone who accepts institutional demarcations between science and art, politics and sociology, psychology and literary studies or analytic philosophy. Adorno calls for 'the consistent abolition of the idea of things in themselves', a dialectical missile sourced from Hegel's *Logic* and aimed at the Neo-Kantianism which provides the theoretical foundations of non-Marxist sociology. In practice, the way institutionalized knowledge deals with such affronts to its rigid separations is to treat Adorno – like William Blake or Gilles Deleuze – as a 'primary text', its own 'thing-in-itself', which may be studied for an eternity because it stands outside the tightly controlled rationality of any particular discipline. However, Adorno anticipated such easy relegation to the status of natural object, and studded his texts with alluring traps for expertise-via-myopia.

It has become a cliché of interpretation that Adorno was 'not as keen' as Benjamin on the culture industry, less enthused about its possibilities, more critical of its authoritarian aspects. This notion that one might have a subjective evaluation of something as ubiquitous and unavoidable as the capitalist media is completely inimical to their approach. It also ignores the historical actualities underlying the pair's differences (in Benjamin's case, the possibility of a revolutionary, class-based fightback against Nazism if certain Stalinist illusions were smashed; in Adorno's case, the totalitarian nature of bourgeois democracies at war). The cliché presents separate moments in a dialogue as if they are supra-historical 'options' rather than part of a cumulative assault on error. If nothing else, *Current of Music* makes clear – as left-wing interpreters of their dialogue have long insisted – that Benjamin convinced Adorno that there was no point in resuscitating a pre-industrial culture ('aura'). That error was left for the existentialists and Heideggerians, who are duly excoriated.

Adorno writes in English; the introduction, footnotes and other scholarly apparatus here are all in German, though they were originally written by an American, Robert Hullot-Kentor, temporarily replacing Rolf Tiedemann, editor of the *Collected Works* (to whom this volume is dedicated). This weave of German and American scholarship reflects Adorno's position as a key figure in denazification and reconstruction in Germany after the Allied victory in 1945 (having become an American citizen during the war, he only took up a German passport again in 1955). Bizarrely enough, given Adorno's formidable reputation, *Current of Music* could also make a screamingly funny screwball comedy.

Adorno placed great emphasis on his need to be comfortably off, and made sure Horkheimer had secured him a plum job before he and his wife Gretel embarked for America. Adorno's post involved assisting Paul Lazarsfeld on the Princeton Radio Research Project, housed in a deserted factory building in Newark. Lazarsfeld was one of the principal founders of empirical sociology in the United States, but also a classical

music enthusiast. Hullot-Kentor calls him an ‘academic tycoon’, and, certainly, he had no qualms about selling his methods (questionnaires, focus groups) and results (statistics and graphs) to commercial interests. We’re not told, and so are forced to imagine, Lazarsfeld’s reactions on hearing that Adorno was researching the ‘hear-stripe’ (the buzzing sound a radio makes when it’s switched on) because, due to compression and timbral flattening, the musical content of broadcasts was irrelevant; or that authentic music would be played by manipulating this ‘hear-stripe’ and not on musical instruments at all; or that the conducting of classics by Toscanini was no consolation for a farmer ruined by falling prices; or that commodification meant ‘the ideal of Aunt Jemima’s ready-mix for pancakes’ had been ‘extended to the field of music’. This to a pioneer of market research hoping for sponsorship from Maxwell House Instant Coffee! Lazarsfeld should have been played by Henry O’Neill and Adorno by Harpo Marx: a laugh a second, not a dry seat in the house.

In the development of Adorno’s ideas, *Current of Music* stands midway between the phenomenology of his doctorate on Husserl and the indictment of the culture industry in *Dialectic of Enlightenment* (1944). He calls for a ‘physiognomy’ of radio, really a phenomenology: scrutiny of the power relations and unconscious fantasies involved in radio listening. He presents three pages of ‘axioms’ for a scientific sociology of music, which both summarize Marx’s *Capital* and contain a critique of war capitalism and its ‘free-market’ window-dressing comparable to Lenin’s. Due to the limitations of ‘Marxisms’ as defined by reference to the later history of the USSR, few care to discern this axiomatic Marxism in Adorno’s work, even though it provides the endoskeleton for all his livid analyses and vital epigrams. But, as these pages demonstrate, it’s there. The ability to summarize *Capital* in this succinct manner could not have arrived without a great deal of work, both on Adorno’s own part and in conversation with colleagues like Benjamin and Horkheimer. Those who would smuggle Adorno into a pluralistic pantheon of ‘continental philosophers’ thus have a problem. Whereas theory today is about ‘problematizing’ discourse and accentuating its distance from the material world, Adorno believed that the categories outlined in *Capital* supersede philosophy – and that to carry on philosophizing without them is to indulge in vacuous jargon. He was concerned to provide answers rather than problems: ‘In our approach we try to combine sociological, psychological and technological aspects because we believe that they are only “aspects” of our society and, in the last

analysis, that they may be reduced to fundamental categories of our society.’ Of course, Adorno does not read like an orthodox Marxist. Every sentence reflects on the psychical or subjective implications of his social statements. However, this was because he was proposing a Marxism that would be faithful to dialectics and would resist regression to a neo-Kantian sociology that thinks it has achieved scientific rigour when it describes a ‘thing-in-itself’ unblemished by ‘subjective’ intention.

From Popular Front intellectuals to captains of industry, the liberal dream was that classical music on the radio could ‘raise’ the cultural level of ordinary Americans. (It should be pointed out that before World War II, most music broadcast on US radio was classical music of varying degrees of lightness; jazz was introduced during the war years, and blues and rock’n’roll only in the 1950s.) Adorno showed how and why this project of cultural betterment was risible. Starting from a phenomenological rather than musicological analysis, he argues that, over the radio, string orchestras lack the bite, the message to the body, which might make the music speak to new and uninformed listeners. The great symphonies – when heard live, full of reflection on individual emotional response and collective responsibility – become a dreary, classy-sounding wash, like muzak in a fancy restaurant. In a tirade against Walter Damrosch’s ‘Music Appreciation Hour’, he excoriates the snobbish cant about ‘greatness’ used to dress this tepid fare. Damrosch describes Beethoven as successful and well-to-do; Adorno details Beethoven’s financial troubles, including his arrest by the police ‘because of his ragged appearance’. He similarly attacks ‘theme recognition’ (music appreciation as a spelling bee); it has no place in a genuine response to music, which is to experience something unknown. Adorno’s attention to the musical material gives him a weight lacking in most Left approaches, which are usually a matter of morals. He points out that flutes and percussion come across on the radio ‘over-distinct’; a fact that was also registered by the revolutionary composer Edgard Varèse, who organized music appropriate for electronic mediation by abandoning strings and using percussion, wind and brass.

There was no need to wave flags. Adorno’s Marxism is part of his grain of thought. Perhaps the musical terminology renders the following quotation opaque to those who conceive Marxism as a brand of ‘economics’, but the following is simply a rewrite of a famous adage:

Any given piece of music may be regarded as the resultant of two forces, namely, some pre-given

form – however sublimated its pre-giveness may be, as in the case of modern music – and the concrete, subjective intention of the specific composition.

The adage of course is that ‘people make history, but not in circumstances of their own choosing’. This understanding of musical composition as a historical act – like Marx’s understanding of the commodity as a product of labour – is polemically contrasted to the idea of music as property, as a badge for the upwardly mobile, as treasure to be ‘appreciated’. Marx’s observations about value and property are brought to the very heart of aesthetic experience, something ‘Marxist’ art history – bewitched by the commodity nature of art objects, their imagined transcendence of time and place – rarely succeeds in doing: ‘because we can only hear music out from our own situations’ (my translation). Adorno did not want to raise the cultural level of the masses by teaching them high-flown concepts: he wanted to bring to consciousness visceral responses which listeners deem ‘natural’, but are really sedimented history. The ‘political’ or ‘economic’ Marxist can dismiss this focus on music as a diversion, but they will be repeating diatribes against artistic freedom and experiment that occurred in the Soviet Union just as workers’ power, internationalism, women’s rights and all the concrete achievements of Bolshevism came under attack in the Stalinist Thermidor.

In his polemic against the kind of analysis musicologists call ‘Schenkerian’ (and everyone else calls those deadly dull lists of successive scherzos and rondos in classical sleeve notes), Adorno writes: ‘every work has a concrete, inner form which lies so-to-say under the husk of official form and which is actually more important’ (my translation). Adorno is using music here to talk about (1) the singular personality in everyone trapped under standardized conventions (Adorno’s Freud), and (2) the new possibilities of power – the soviet – held back by current relations of production (one of the Marxist axioms listed earlier). Music is what allowed him to think Freud and Lenin simultaneously. For students of Russian history (rather than consumers of fashionable theory) such a correlation is neither bizarre nor perverse, as Martin Miller shows in *Freud and the Bolsheviks* (Yale University Press, 1998). Adorno’s emphasis was prescient. In the 1960s, music became the prime commodity to articulate mass utopian longings in the West – and hence carried an anti-commodity logic. The existence of similar mass movements in the USSR and China (even if suppressed, or redirected into a top-down ‘Cultural Revolution’) proved to anyone sensitive to

music as subaltern culture that these regimes were not different from capitalism in either psychic structure or economic power relations.

Adorno understood the sexual component of all musical response. This makes his ideas shocking to liberal common sense. It allows him to evade the sense of proving himself to the cultural authorities that makes Edward Said’s musical writings unconvincing. Perhaps the following may sound like an interpretation of poetry rather than a reasoned philosophical argument, but it’s to such boundary-trashing that Adorno ineluctably leads. As usual, Adorno reaches his peak in explaining the revolutionary import of Beethoven. He has been inveighing against the way in which the compression of sound in radio – reducing symphonic music (a concert hall phenomenon) to something listenable in a private living room – travesties his music, when he writes:

The Beethoven tension obtains its true significance in the range from Nothing to All. As soon as it is reduced to the medium-range between *piano* and *forte*, the Beethoven symphony is deprived of the secret of origins as well as the might of unveiling.

Perhaps you need to be a Freudian (or a Benjaminian, or a stand-up comic) to understand the enormity of Adorno’s words: ‘the secret of origins’ is nothing less than the *vagina*, while ‘the might of unveiling’ is nothing less than the *phallus*. Beethoven is *fuck music*, and that’s why the petty-bourgeois philistines can’t really take it, why they flee the twelve-tone music of those who have heard his call.

It may diminish the titillating crescendo of this review to add that Adorno also castigates ‘Music Appreciation Hour’ as ‘preposterous and hypocritical’ for ‘teaching *Tristan* without mentioning adultery’. For Adorno, such censorship is ‘gerontocratic’ because it doesn’t ‘recognise children and adolescents as people’. This is the politics of Bertolt Brecht’s *Kuhle Wampe* at large in pedagogy, just where it belongs; all because Adorno understands that radical education is as much about destroying stupidity and falseness as much as it is about conveying knowledge. Given Adorno’s arguments, it’s possible to see how an education in music via listening to classics on the radio (in my case, Radio 3 in the late 1960s) gives a sense of apartness and closure which is highly ideological, something only exposure to ultra-modern ‘noise’ rather than ‘music’ (in my case, cellist Siegfried Palm playing Bernd-Alois Zimmerman) can smash. Adorno’s ability to slip out of received argument and observe what people actually *do* is exhilarating. He writes, for example, about ‘knob-twirling’: the way a hi-fi buff achieves ‘perfect’

reception or reproduction of some revered classic, then switches off the set because actually he's bored. The buff should have been producing his own electronica! Adorno's anecdote carries the subversive thrust of an observation by Henry James or Sigmund Freud, demolishing seemingly self-evident truths ('such-and-such a percentage of the population love classical music') with a single closely observed fact (and it's also a perfect sketch of my father in the early 1960s). People are no longer faceless inhabitants of statistics, but frustrated individuals with real reactions and real desires. Adorno's psycho-politics insist that people are secretly terrified by 'ubiquity-standardisation' and require opportunities for self-expression if they're to flourish. (How this radical sympathy for the victims of alienation could be called 'elitist' remains one of the mysteries of Cultural Studies.) When he analyses the listener letters to the 'Music Appreciation Hour', he complains that they parrot back the cant about 'greatness' fed them by the presenters: 'their behaviour might be compared with that of the fanatical radio listener entering a bakery and asking for "that delicious, golden crispy Bond Bread".' This is satire on American consumer society as canny and demotic as a paragraph in a Philip K. Dick novel.

The reception of Adorno in Britain has been dogged by a timidity and literalness that is profoundly depressing. Because he writes about Beethoven and Schoenberg, he's taken to be a conservative totally out of sync with the uses made of modern media since the 1960s. *Current of Music* proves the opposite. It is a polemic against a middlebrow culture of 'distinction' sponsored by Damrosch, and in favour of broadcasts which could really alert the ears. Unfortunately, the academic discussion of rock and pop over the last decades has been dominated by the likes of Simon Frith and Dick Hebdige, whose youth sociology reprises the errors of Lazarsfeld: the misguided notion that something has been scientifically achieved because a commonplace has been granted statistical *gravitas*. Their sociological positivism – the equation of pop with what sells – misses the critique of mainstream pop implicit in countless subaltern music genres. Adorno's sense of the struggle involved in making great music – of Beethoven's war with his sponsors, his desire to make something extraordinary happen in his audiences – burns out of his text, and speaks to anyone who knows what music really can do. The missing part of Adorno's argument, and one which phalanxes of research students should be encouraged

to pursue, is how rock musicians did indeed learn to play on the 'hear-stripe'.

Before this can happen, one must understand that Adorno broke new ground precisely because he restricted his analysis to what he knew, which is the ground of tradition. He only knew music as the score, which means he discounts improvisation, and has no concept of the power of recorded nuance (see David Cunningham, 'Notes on Nuance: Rethinking a Philosophy of Modern Music', in *RP* 125, May/June 2005). He can only hear jazz variation as a 'worrying' of the written notes, one that always returns to the ordained. He doesn't understand how the unwritten process of syncopation initiates a musical aesthetic



of active response (dance) that breaks with passivity (muzak). However, his lack of finger-popping hipness does allow him to diagnose a central tension in swing, one that finally exploded in bebop and free jazz. His diatribe against versions which make tunes their own as 'pseudo-individualization' requires the dialectical twist he makes in his concluding remark on jitterbugs – 'to become transformed into an insect, man needs the energy which might possibly achieve his transformation into a man' – because note 'worrying' is how jazz achieved, in John Coltrane, music to equal Beethoven's. The point is not to adopt Adorno's preju-

dices, but to make judgements based on his devastating critique of a moribund classicism. At a time when iPod/downloading has created a culture of atomistic listening to isolated 'tracks', his insistence on *context* – the need for segues and interrupts to counter musical positivism – suggests avenues for intervention (as Culturcide and Negativland have already shown).

Once you accept that there is a counter-principle to mere popularity (or units measured for their ability to return a profit), Adorno's concept of the 'hear-stripe' is highly suggestive too. If you listen to Captain Beefheart's *Safe As Milk* album (1966), you hear a studio engineer say 'the following tone is a reference tone, recorded at our operating level'. The tone then dips in pitch, indicating that someone has slowed down the tape on which what we're hearing was recorded. This is not someone constructing an image of symphonic grandeur, it's direct and dirty play with the tools of reproduction. On the song 'Electricity', Beefheart pays homage to the socialized energy that powers rock. It features an electronic instrument called a theremin blurring pure sine waves all over the

'music'. Beefheart was making explicit and polemic what the Chess brothers in Chicago had discovered when they recorded Muddy Waters and Howlin' Wolf: there *is* an aesthetic appropriate to modern mediation, but it was invented by descendants of those whose sweat and blood provided the raw capital for the English industrial revolution. It's called the blues, and in various underlit guises – free jazz, harmolodics, funk, dub, improvisation, hip hop – it's been harrying pop positivism for the last hundred years. Anyone studying such musics – and no one can find this material without doing something like 'studying', even if it's more to do with second-hand record shops, eBay and downloading than the university library – badly needs the musical Marxism of *Current of Music*. Just as the best music demolishes your previous concepts of musical pleasure, so Adorno's rough treatment of all you hold dear is what's required to make you think for yourself. The book to read while playing your CDs of Stefan Jaworzyn's *Ascension*.

**Ben Watson**

## Disorientating

Sara Ahmed, *Queer Phenomenology*, Duke University Press, Durham, NC, 2006. 232 pp., £50.00 hb., £12.99 pb., 0 8223 3861 0 hb., 0 8223 3914 5 pb.

'What does it mean to be orientated?' This is the question that opens *Queer Phenomenology*, a book by turns dazzling and disorientating, and provides its philosophical *raison d'être*. And the answer to that question is: many things, for 'orientation' is here taken in the broadest sense imaginable, mined for its etymological subtleties, marshalled as metaphor, but also read literally as a statement about the arrangement of persons in relations to objects (and other persons) in the world.

Three main meanings of 'orientation' dominate in the book: first, one's orientation in space and one's (spatial) relationship to objects and others; second, sexual orientation, particularly homosexuality; third, racial genealogies and the idea of 'the orient'. Gender also gets a look-in, in Ahmed's discussion of work spaces and domestic spaces, but it is not accorded a chapter of its own. As becomes clear, these apparently distinct meanings of 'orientation' are, on Ahmed's reading, necessarily imbricated, so, for example, she sets out to investigate the idea that sexuality might have an impact upon 'how we reside in space'. This suggests that her overall purpose is to examine the

relationship between the spatial and the social (and social designations and categorizations such as gender, race and sexuality), and thus to consider the *politics* of spatiality in some broader sense. The question, then, is not only 'what it is to be orientated', but what the significance and what the effects of our disparate orientations might be: how one kind of orientation (sexual or racial, say) can serve to position (orientate) us in particular ways within society, a positioning which both expresses and curtails the sorts of social power and agency available to us as individuals. Her assertion, however, that 'social differences are the effects of how bodies inhabit spaces with others' is troubling. For surely such 'social differences' are not *only* effects but also causes. In fact Ahmed's own argument requires a complex reciprocity of the social and the spatial in a manner not reducible to any neat causal relationship, and the temporal ordering that this implies.

Setting aside this question of causality, one can certainly concede that the ideological nature of the spatial arrangement of persons (and persons to objects, and so on) is incontrovertibly visible in the non-neutrality

of spatial distinctions such as left and right, east and west, which, in their hierarchies of value, reveal the normativity of both social and spatial orientations and of those orientations' inextricability. Such orientations invoke, in turn, some idea of the 'line' to be followed – the correct route, any movement away from which constitutes a 'deviation' (a description with, again, both social and spatial connotations). But there is something of a deviation in Ahmed's own argument here – a sly movement from spatiality to *directionality*, upon which her argument hinges. This, then, is a further meaning of 'orientation': the directions in which we are headed, the ways in which we are (or are not) facing, the manner in which we are 'directed'. To be 'directed' in this last sense is equivalent to a kind of Foucauldian regulation, raising questions of agency and control. A further question is *how we come to be orientated* in certain ways and not others.

In Ahmed's use of 'directionality' we can see her influences writ large. As these are myriad, they are worth some consideration. In her introduction she signals her debt to queer geography, corporeal feminism, critical race theory, Marxism and psychoanalysis, in this way acknowledging her own 'directedness' and her refusal of a more orthodox (i.e. 'straight') philosophical orientation. But it is the word 'phenomenology' which perches so uncomfortably there on the front cover, beside its unaccustomed neighbour, 'queer', the very pairing of them a kind of calculated affront, promise and challenge, all at the same time. Ahmed confesses (or rather boasts) that she is no ordinary or conventional phenomenologist, yet she takes phenomenology as a jumping-off point here, wielding periodic references to Husserl, Heidegger and Merleau-Ponty. Indeed, the idea of 'directionality' itself harks back to Brentano's conception of the intentionality of mental states, the 'directedness' of consciousness upon its objects. Most simply this can be understood as the 'aboutness' of mental states, that they are always 'about' something (fear of something, desire for something, and so on) and it is in this sense that they 'intend' some object. Although phenomenology is sometimes read as encouraging a kind of idealism, it is intentionality that guarantees the 'worldliness' of consciousness for the phenomenologist, its connection to the world.

From the phenomenological argument that consciousness is 'intentional' (directed towards objects), Ahmed concludes that 'consciousness is also embodied, sensitive, and situated', arguing that bodies too 'are directed in some ways and not others'. Yet this move from talk of consciousness to talk of bodies

is not warranted by Brentano's original thesis about intentionality, and, while it may be warranted by Merleau-Ponty's phenomenology of bodies, Ahmed doesn't argue this explicitly. Furthermore – useful as it is, in so many ways – I'm not sure that intentionality can be either reduced or expanded (take your pick) to provide the basis for such a wide-ranging exploration of orientation. As it stands, Ahmed doesn't provide any discussion of intentionality – but then she never said that she would 'do right' by phenomenology, only that she would *queer* it. This 'queering' seems to constitute, for the most part, a *critique* of phenomenology: at each stage she criticizes the phenomenological approach for the way in which it 'brackets' (as perceptual/phenomenal 'background') social factors like race, gender and sexuality. So, in the first chapter she identifies how Husserl's dismissal of the domestic world beyond his writing table serves to exclude or cover over the feminine labour which makes possible his occupation as philosopher; in the second chapter she gives a reading of the heterosexual matrix which shows that its treatment as 'background' naturalizes a set of cultural choices and covers over the 'work' that goes into orientating people in particular, heteronormative ways; in the third chapter she argues that 'the racial and historical dimensions are beneath the surface of the body described by phenomenology, which becomes, by virtue of its own orientation, a way of thinking the body that has surface appeal.'

These 'Marxist' (in her own representation of them) accusations against phenomenology are most evident in the first chapter, where she argues that phenomenology erases the material and economic conditions of philosophy – the matter and labour upon which it depends – along with the 'signs' of an object's particular history. Objects are 'cut off from [their] histories of arrival' in phenomenology, and presented instead as 'given'. 'Matter' takes 'form' – but the process of that taking form is elided. Yet if phenomenology has only 'surface appeal' and lacks the necessary 'worldliness', then why choose it as the theoretical framework for an argument that aims to look beyond and behind the *appearance* of race and sexuality in order to establish their historical and cultural contingency? In seeking to evolve a phenomenology that takes account of matter and history, Ahmed arguably ends up with something that is not phenomenology at all.

In fact the more obvious and pertinent influence in the discussion of directionality is Judith Butler. Witness the following claim:

Lines are both created by being followed and are followed by being created. The lines that direct us,

as lines of thought as well as lines of motion, are in this way performative: they depend on the repetition of norms and conventions, of routes and paths taken, but they are also created as an effect of this repetition.

In her emphasis on performativity and repetition in the establishment of sexual identities (in Chapter 2), and in her discussion of the different materialization of black and white bodies, where the former lack the 'motility' of the latter (in Chapter 3), Ahmed is clearly building on Butler's work in *Gender Trouble* and *Bodies that Matter*. If Ahmed differs from Butler, it is only in her choice of spatial descriptions and metaphors, as her argument returns frequently to this idea of 'orientation', in the senses already outlined. Thus she shows that sexuality is often described in terms of directionality (inclination, tendency, orientation), where heterosexuality equals 'straightness' and homosexuality constitutes a 'deviation' or 'aberration'. Ahmed's consideration of the ways in which homosexual desire is brought back 'into line' (for example via representations of it as gender inversion, or via the practice of butch/femme) is engaging, but adds little to the work already done by Adrienne Rich (on compulsory heterosexuality), Butler (on the heterosexual matrix) and Judith Roof (on the heteronarrative). What all have in common is an investment in 'queerness', but here 'queerness' takes on the particular (spatial and directional) meaning of *disorientation*. We might ask, then, finally: *what does it mean to be 'disorientated'?* Which is another way of asking what queerness means and what it can do for us. Ahmed claims that to 'make things queer is certainly to disturb the order of things', and, despite her earlier assertion that '[t]his is not about the romance of being offline or the joy of radical politics (though it can be)', it seems that we are indeed dealing here with the politics of disorientation. Her parenthetical comment indicates both her indecision (is it a politics or isn't it?) and her tentativeness (is she advocating disorientation or isn't she?).

More charitably, this tentativeness may be a product of the contested nature of 'queerness', rather than a stylistic or argumentative flaw of Ahmed's thesis. As she proceeds to wrestle with the paradoxes and complexities of 'queer' as concept and category in her conclusion, its very utility is put into question. It doesn't help that she is using 'queer' in two distinct, but related ways: the first capacious to the point of meaninglessness ('as a way of describing what is "oblique" or "offline"'); the second ('to describe specific sexual practices') precise and exclusive. The distinction is indicative of a problem that runs throughout *Queer*

*Phenomenology*: a certain unacknowledged slippage between metaphorical and literal uses of her terms of orientation. To be heterosexual is not to be literally 'straight'; to face your writing table is not the same as facing your future; lives don't 'follow lines' in the way that bodies do, and so on.

There is, in any case, a danger in all such discussions that queer will become a kind of value in itself, radical simply in its opposition to what is 'straight' (conservative, logocentric, patriarchal), and so perpetuating a 'logic' of otherness, irrationality, deviance, confusion or – here – disorientation. This is evident, for example, in Eve Sedgwick's positing of 'queer' as the refusal of straightforward, stable signification (in *Tendencies*) and it is an argument (following Foucault and traceable also in Butler) which links 'straightness' to intelligibility, and intelligibility to regulation. Ahmed's stated awareness of the dangers of an uncritical queer-enthusiasm actually weakens rather than strengthens her argument, because it makes her unwilling to use queerness as a ground for action. 'Queer commitment', as she figures it here, is merely 'a commitment not to presume that lives have to follow certain lines in order to count as lives, rather than being a commitment to a line of deviation'. A commitment 'not to presume' is barely a commitment at all; but then the very idea of (a commitment to) a line of deviation is problematic, because the line that begins as a deviation always seems to end as a kind of conformity (or 'straightness') of its own once it becomes, in Ahmed's terms, 'a line to be followed'. Nevertheless, it would be good to have some line to follow here, something to align oneself with.

As Ahmed represents it: 'My project in this book has been to show how orientations are organized rather than casual.' This is, of course, another way of saying that they are cultural rather than natural; thus her emphasis on orientation and directionality doesn't 'queer' phenomenology so much as it 'phenomenalizes' an already constructivist queer theory. Is such a project worthwhile? Certainly, but only if it has the courage to commit to and explore the politics of disorientation. It's telling that Ahmed avers that 'In calling for a politics that involves disorientation, ... it is important not to make disorientation an obligation or a responsibility for those who identify as queer.' Without such an obligation, Ahmed's disorientations can't amount to anything as concrete as a politics, and queerness will remain a deconstructing device, too easily assimilated and redeployed by the structures it seeks to unpick.

**Kaye Mitchell**

# A bad book

Jason Powell, *Jacques Derrida: A Biography*, Continuum, London and New York, 2006. ix + 262 pp., £65.00 hb., £10.99 pb., 0 82649 001 8 hb., 0 82649 449 8 pb.

Is there any need for a review of a book that hardly demands serious attention on any other count than that it is the only English-language book claiming to be a biography of Derrida so far published? Perhaps not. Still, there are certainly negative reasons why a book such as this might demand some comment. The publisher suggests that it is appropriate to 'lower/upper level undergraduates' and 'general readers'. Since these are precisely the kind of readers who are at the mercy of bad information, they are also precisely those to whom scholarship owes a particular duty of care. Yet, not only is this book punctuated by careless conceptual, descriptive and historical errors that could generate serious problems for *any* such readers; it is inadequate to the task it claims to address.

From the introduction onwards, it's fairly clear what this book is not. What is far harder to discern is what it *is* in any productive sense. It has features of a conventional biography, in that it refers to some of the things Derrida 'did', but it has none of the empirical bases usually associated with such a genre. There is no archival work, no reference to correspondence or the press, and no primary interviews. Most of the biographical matter is plundered from other critical (and not so critical) accounts of Derrida's work, with a resulting lack of detail. Unlike the film by Dick and Kofman (2002), it has no sense of what Derrida did for breakfast. Thus, when Powell says that a 'whole and coherent study' of Derrida's life and thought 'is as yet lacking', it still is. While the book may retract from providing such a thing, by recognizing its own lack of access to the letters, this lack can only, as Continuum's own blurb for the book states, present Derrida as 'a mystery' – quite an achievement for a biography. It also retracts from parity with its object, stating that a 'truly complete' biography would require 'several volumes, especially if it were to accept Derrida's own demanding standards of reading' – though the Preface does claim 'a sketch of a biography that would be complete, given the work on and knowledge of Derrida's life then in print', and 'a continuous narrative of Derrida's life'. These pre-deconstructive notions of finality and unity become merely offensive, where, somehow ignoring the infamous issue of Nietzsche's umbrella, Derrida's death is taken to mean that the *œuvre* is 'complete ... at least'. In fact, by no means all of Derrida's works

in print at the time of the book's writing are referred to, indexed or compiled by Powell's book.

If there are thus immediate problems with the biographical part of the book, such material still accounts for less than half of its volume. The *œuvre* is itself an object of Powell's attempt, which also has features of a monograph on Derrida's thought. In the sections of the book which cover this aspect, the lack of an empirical dimension is mirrored by an almost complete lack of interest in the theoretical aspects of its own work. There is no consistent attention to the methodologies, concepts or critical issues of biography, autobiography or life-writing in general, nor any genuine attention to the concepts of archive and memory in Derrida's thought. Significantly in this regard, *Archive Fever* (1995) gains scant mention, and *Geneses, Genealogies, Genres and Genius: The Secrets of the Archive* (2003) gains no reference at all. (Although it is perhaps more indicative of the disparity between the book and its object, rather than being simply indicative of Powell's general attitude towards Derrida's autobiographical inflections, that there is this comment on *Memoires of the Blind* (1990): 'The whole text ... is littered with references to himself in quite unuseful ways for the writer of a biography.' This recognition of the object's resistance to the labour of the book is queasily ironic, given that the book pitches itself against the resistance to deconstruction associated with analytic philosophy.)

In what Powell offers in place of such methodological considerations, there are two basic understandings of the development of Derrida's thought apparent in the book (if 'understanding' is not to overstate it). First, and though it only receives sporadic attention, is Derrida's growing interest in religion. While this attention appears to be received mostly from Caputo, it is also part of a specific trend in thinking about Derrida which itself requires rather more circumspection than it gains here. Second, and this is particularly important given the biographical claim of the book, Powell describes Derrida's wax and wane in a way which seems indebted to a fundamentally Romantic teleology. (Noting at several points Derrida's 'weakening powers', Powell questions whether the ageing Derrida was frightened by the modern world.) Although a traditional biography might not be expected to take account of the way

in which deconstruction threw into question the very notions of *œuvre*, time and telos, a book which claimed to offer a summary of the development of Derrida's thought might certainly be expected to encounter *in some way* such issues of periodization and transition. Such immunity to questions of history and historicity is particularly problematic, and while there are many other problems with this book, the errors connected to issues of temporality are indicative of its overall cast.

At a basic level, there are several problems also generated by what appears to be ineffective editing. For example: in a discussion of Derrida's 'Force and Signification' (1963), the book cites the following: 'As in Hegel, the philosophical, critical, reflective consciousness is not only contained in the scrutiny given to the operations and works of history. What is first in question is the operation of the consciousness itself.' Aside from some typographical deviations, relatively minor in comparison to the ensuing wrench, the Bass translation reads: 'What is first in question is the history of this consciousness *itself*.' The point, roughly, is that whereas consciousness may be posited through its reflection upon history, what is first in question is a historical reflection upon this consciousness in its reflection upon history. Powell's 'translation' simply returns to the previous position, essentializing rather than historicizing, in a manner that is particularly bad given that the object of Powell's discussion is authorial intentionality and recognition of the Other.

Such errors may be merely careless, but there are others which cannot be excused as mere faults of transcription. Although the book pitches itself as providing a historical backdrop to Derrida's life and work, it fails at points to comply with the minimal standards of such scholarship. Here, for example, is Powell's description of Althusser's contribution to 'post-Marxism': 'Only in 1960 did Althusser introduce "scientific" Marxism into the ENS, and in 1961 began giving his "young Marx" seminars in which he considered this early Marx as more radical and more scientific than the Marx of *Capital*.' Althusser of course thought quite the reverse – considering the early Marx prior to the epistemological break to be humanistic, and therefore ideological; the later, 'mature' Marx, to be effectively structuralist in terms of the serious economic analyses, and thus non-ideological, and indeed scientific.

These (very basic) errors are compounded by clumsy descriptions of Derrida's thought that impact upon one of the only consistent themes to define the book: an opposition between 'heart' and 'machine', subtended by the usual binary associations – presence and absence,

personal and impersonal, life and death, originality and repetition. There is a consistent sense throughout the book that Powell cannot but side with the organic here: Derrida's 'messianic faith' is positioned against the 'dead' and 'machinal', which is elsewhere described as 'pernicious'. This not only appears to forget the rather important 'without messianicity' qualification, but also forgets the idea of the prosthetic production of the human, as explored, for example, in the recently translated *On Touching – Jean-Luc Nancy* (2000). Since this is one of the few consistent oppositions to run through the book, it might be thought to inscribe autobiographically the individuality of the author, yet its mechanical repetition (let alone the implication of its regressive humanism) is at once the enunciation of a cultural, and indeed historical, voice. Such an opposition is embedded in the book's general sense of the importance of deconstruction:

Derrida proves or gives reasons for ... the obvious or machine-like process of life and death, the way in which so much can be predicted, the way in which so much is known, that there is no mystery.... This means that it is very rare that a 'real' event ever takes place. In such a technological world (and deconstruction is also an attempt to reform technology), most existent things are therefore just specters of what they could be, and we must wait the truer coming of things.

There are a number of problems with descriptions such as these, particularly for 'general readers'. Derrida's thoughts on the event include a questioning of 'happening' as such, in which the tension between punctuation and diffusion asks us to consider, for example, the event of poverty. Whether poverty has not 'happened' in some sense seems to be to limit the radical questioning of deconstruction. Powell's attachment to a 'truer coming' implies a regressive desire for something which would lie beyond difference – and such a desire might be noted in the moments where Powell elides the tensions of deconstruction by his own hierarchizing of binaries. The assertion that 'deconstructive ontology' involves 'the psychoanalysis of the subject in its individuality, rather than its universality', for example, elides the necessary tension between particularity and generality. If deconstruction for Powell appears to offer an impossible promise of the future resolution of such complexity, there is also a lack of recognition of deconstruction's complex history of relation to the Idea in the Kantian sense – an ideality which may be infinitely deferred, but to which culture may strive asymptotically. (As Powell puts it: 'Derrida's ideal existence of things is not precisely "ideal"')

... but is a ... genuine event, which, however, has been indefinitely deferred.’) Bennington’s precision in terms of this philosopheme in the essays ‘Derrida and Politics’ (1989) and ‘An Idea of Syntax’ (2000) would be helpful here: for at least part of deconstruction’s difference to this philosopheme is that in each moment of aporia, which encounters a ‘madness’ of decision, the possibility of justice is given alongside the possibility of injustice. In this complexity, deconstruction is radically political, and though politics is infinitely protracted, in the sense that it cannot be finally resolved, it does not fall simply within the terms of the Idea: although this would have to be read next to Derrida’s thoughts on the delay of thought in *Philosophy in a Time of Terror* (2003). It is also endlessly singular, so that it happens in each moment – *now*.

As these examples should indicate, Powell succeeds in neither speculative nor empirical terms; nor is there a productive relation between the two aspects of the book. Rather it is defined by awkward caesurae between plainly biographical and weakly critical paragraphs, between which no productive meaning emerges, synthetic, differential or otherwise. The book fails to function either as a remotely useful or accurate introduction to Derrida’s thought, or as a traditional biography that could be helpful as a basis from which to understand the world that changed around, and was changed through, deconstruction. Hence, if the publisher’s blurb refers to the ‘unnecessary apologetic tone that reveals more about the author’s milieu than Derrida’s recognized importance to the discipline of philosophy’, this recognition of Powell’s terribly limited knowledge of the state of Derrida’s position within the academy is correct. The book pitches part of its necessity in the negative response to Derrida on the part of analytic philosophers, but there is no impression of drifts, trends or conditions within the contemporary academy. And there are a number of things that the author should be very apologetic about indeed.

In addition to those things indicated, the book is made up of simple errors and badly articulated comparisons that are not clearly delimited at later points, thus demanding a great deal from the introductory reader. Some of these would require too much unpacking to explicate. For example: the central ‘philosophical’ thesis that Derrida is ‘basically Heideggerian’ and ‘basically Platonistic’. Many other errors are too numerous to catalogue here, though it might be mentioned that the trace ‘is’ Heidegger’s *Riss*, *différance* has a ‘true proximity’ to Lacan’s *objet petit a*, and, more horribly, the trace dismisses ‘any’ reference. While there are moments where *différance* is more or

less adequately described, many attempts to qualify deconstructive ‘purity’ are nonsensical in their metaphysical articulation. Here, for example, *différance* appears, grammatically, as lack: ‘the truest essence of language, *différance* (the absence within presentness)’. These are errors which have been rendered obsolete for some time and which should require no further parry. Finally, it is perhaps Powell’s own citation of Derrida’s comments on the 1993 reprint of Wolin’s Heidegger book that might best provide the reader with terms by which to ponder his contribution to Derrida scholarship: ‘Derrida called the collection of documents weak, simplistic.... It was “a bad book” ... “execrable”.’

Sas Mays

## Shelter from the storm

Alasdair MacIntyre, *The Tasks of Philosophy: Selected Essays Volume 1*, Cambridge University Press, Cambridge, 2006. xiv + 230 pp., £40.00 hb., £14.99 pb., 0 521 85437 7 hb., 0 521 67061 6 pb.

Alasdair MacIntyre, *Ethics and Politics: Selected Essays Volume 2*, Cambridge University Press, Cambridge, 2006. xii + 239 pp., £40.00 hb., £14.99 pb., 0 521 85438 5 hb., 0 521 67062 4 pb.

These are important volumes by one of the most thought-provoking of contemporary philosophers, collecting together some of the main papers from the latest stage in MacIntyre’s long career, specifically the period 1985–99 – that is, after *After Virtue* (1981) and, as he puts it, ‘after I had recognized that my philosophical convictions had become those of a Thomist Aristotelian’. (An earlier collection, *Against the Self-Images of the Age*, appeared in 1971; *The MacIntyre Reader*, edited by Kelvin Knight, 1998, is a useful selection covering all periods of his work.) MacIntyre arrived at this conviction only after a complicated intellectual journey. He started his academic career teaching philosophy at Leeds and then Oxford. He was a member of the Communist Party in the early 1950s, but left just before Khrushchev’s denunciation of Stalin and the Soviet invasion of Hungary. He flirted briefly with Trotskyism. Then he contributed to the *New Reasoner* (a precursor of *New Left Review*) and helped to create the New Left. However, he soon abandoned active involvement in left politics. After a bruising confrontation with student radicals at Essex

University, where he had become dean in the late 1960s, he left for the USA where he has lived and worked ever since. In traversing all these different positions, what is striking is that MacIntyre has not simply repudiated his earlier views and replaced them with newer ones. He has continually incorporated insights and ideas from each so that his philosophy has been extended and enriched through the changes. The publication of *After Virtue* established him as one of the most original and influential contemporary moral and social philosophers. That book appeared to sum up his position. However, these volumes demonstrate that he is still thinking actively, and developing and changing his ideas.

The articles collected in them cover the main areas of MacIntyre's work. This has been wide-ranging. In the first volume there are essays on the explanation of action, on the nature of truth, on problems of relativism, and on the nature of philosophy and the commitments it involves. There are also important pieces on the interpretation of the thought of Aristotle and Aquinas. One is reminded that, apart from his work in philosophy, MacIntyre has also made a major contribution in theology. There is an interesting discussion of the roles of philosophy and religious faith in an essay about a recent papal encyclical on this subject, *Fides et Ratio*. This is also one of a number of essays in volume 1 in which MacIntyre defends his Thomist reading of Aristotle. The encyclical upholds the autonomy of philosophy and MacIntyre's Thomism is only one among the many different positions taken by contemporary Catholic philosophers. This should be known more widely. It refutes the mutterings that one hears from time to time to the effect that Catholics cannot be genuine philosophers since their commitment to the Church comes first for them. A fundamental tenet of MacIntyre's philosophy is that theory and practice are inseparable. Values and ideas of the common good are always rooted in social practices. This approach inevitably raises problems of relativism. In the preface to the first of these volumes, MacIntyre describes how the impact of the work of Kuhn and Lakatos in the early 1970s provoked him into working out his ideas on this issue. There is a series of highly illuminating essays in the first of these volumes dealing with problems of relativism whose republication is particularly welcome.

The essays in the second volume deal mostly with issues in ethics and political philosophy. This has been the main area of MacIntyre's work. MacIntyre is highly critical of the academicism and irrelevance of most contemporary philosophical work. What is



refreshing about these pieces is MacIntyre's engagement and commitment. Although he is not actively engaged politically, his work has little of the academic and scholastic quality which is present in so much contemporary philosophy. He is a powerful critic of modern society who wants his work to have an impact. In *After Virtue*, MacIntyre argued in an Aristotelian fashion that values are always rooted in social practices. In premodern society, in which there is a relatively unified and cohesive community, there are shared ideas of the common good and shared standards by which to arbitrate moral disputes. In the modern world this unity has been fragmented and destroyed. There are no longer common values and hence no basis for resolving disputes or grounding a shared idea of the common good. In these essays we can see how MacIntyre has been developing and extending these ideas. The Enlightenment, as he describes it, rejected Aristotelianism and tried to found ethics on a conception of universal reason. Such reason is supposed to provide a basis for individual autonomy and moral understanding. This is most clearly expressed in Kant's philosophy, interestingly discussed here in the essay 'Some Enlightenment Projects Reconsidered'. But, MacIntyre argues, the Enlightenment project has 'failed'. The institutions which are supposed to embody the ideals of the Enlightenment – a legal system of individual rights, the free market, liberal democracy

– in fact undermine genuine liberty and democracy. In the world of the market and business, money and purely instrumental values hold sway. National politics are dominated by a powerful political elite, often subservient to corporate interests. Moreover, the reconciliation of moral disagreements is impossible because modern social life has been compartmentalized into different spheres, insulated from each other and each governed by its own social norms. In this situation rational moral discussion and debate cannot prevail.

These ideas have some similarities with Habermas's view that in modern society public communication has been 'systematically distorted' and that this is destroying the possibility of rational moral deliberation. However, for Habermas (as for Kant) rationality is a universal and inherent human capacity. It is a distinctive feature and, I think, a great strength of MacIntyre's position that he insists that reason and values are always rooted in particular social practices and institutions. We can always ask the questions 'Whose justice? Which rationality?' (the title of MacIntyre's 1988 book). According to MacIntyre, rational discussion and debate can flourish only in small-scale communities, not unduly dominated by money and powerful political forces. Following Aristotle, his model is the ancient polis. In the modern world, the picture is bleak: such rational communities survive only in a few embattled groups in which 'social relationships are informed by a shared allegiance to the goods internal to communal practices, so that the uses of power and wealth are subordinated to the achievement of those goods'. The academic world, fishing clubs and family farms are his favoured examples. I have little experience of the last two; it seems to me that he has a rather rosy view of the first. Regrettably, the influence of money and power are increasingly determining life in the academy, particularly under the impact of the RAE.

What is to be done? MacIntyre does not try to map out a way forward. However, the limitations of his Thomist Aristotelianism become evident when this question is posed. His philosophy is defiantly untimely, but is that a virtue? Even as Aristotle was writing the polis was being superseded. The scale of social organization has gone far beyond it. Though small-scale communities continue to exist, they tend increasingly to be located within a larger social context. Because of this MacIntyre is often accused of being a backward-looking and conservative thinker. He angrily rejects that criticism and recognizes an inevitability to the modern social order. However, he despairs of the possibility of significantly changing it for the better.

The only hope, he concludes, is to create and defend rational communities as enclaves, preserved and protected against the destructive forces of the capitalist market and the bourgeois nation-state.

Plato had a similarly bleak picture of the possibility of rational action in the society of his time. To portray the plight of the philosopher in an irredeemably corrupt society who cannot use his philosophy for the good, he invokes the image of a man sheltering behind a wall from a violent storm (*Republic* 496d). In using this image, Plato holds out the hope that the storm may abate and that philosophy may one day be influential in society. MacIntyre is more despairing. He seems to believe that the market and the corrupt politics of the nation-state are inevitably going to dominate. He has no thought of any other possibility. The storm will not abate. He dismisses his erstwhile hope that the market and the capitalist state might be restrained or even overcome in a single line: 'Marxist politics have failed.' And this is not replaced by any other vision. The only possibility left, it seems, is to try to preserve and protect moral values within the embattled enclaves of small rational communities. These communities may well provide a more fertile soil for the creation of shared values. However, such communities are also often limiting, stifling and oppressive. The widening out of social horizons and social relations, and the plurality of moral perspectives that have come with modernity, have been for many a liberating phenomenon that has provided greater opportunities for people to develop and flourish. A more complex picture of modernity is needed, in my view, which allows for a better recognition of the contradictory impact it has had.

For there is clearly also a negative side to modern society. The market and the state have indeed grown to be all powerful and, at the moment, there appear to be no forces capable of challenging them. The persistence of conflicts and contradictions in the world, however, give grounds for hope that this situation will not be permanent. It is true, of course, that the Communist politics of the last century 'failed', but the lessons to be drawn from this deserve a more complex and thoughtful response than MacIntyre seems prepared to give. Is the present state of things really the 'end of history', as MacIntyre seems to accept? Is MacIntyre really right to abandon all hope of radical social change? Is it not possible for us to organize our lives better than we do at present? These are some of the questions that these latest instalments of MacIntyre's thought-provoking work raise.

**Sean Sayers**

# Imaginary anarchisms

Benedict Anderson, *Under Three Flags: Anarchism and the Anti-colonial Imagination*, Verso, London and New York, 2005. 255 pp., £14.99 hb., 1 8446 7037 6.

'There was a time', wrote the anarchist Peter Kropotkin, 'when man imagined the earth placed in the centre of the universe...' We all know the story – Freud tells it, too; the 'centre' was displaced (by Copernicus, by Darwin, by Freud himself), and our conception of ourselves with it. Yet this is not the whole story, said Kropotkin; the terrestrial centre was merely replaced by the sun, that 'central body' whose 'powerful attraction governs our planetary world', but this vision, too, suffered time and change. As astronomy came to posit 'infinitely tiny bodies that dash through space in all directions with giddy swiftness ... the centre, the origin of force, formerly transferred from the earth to the sun, now turns out to be scattered and disseminated. It is everywhere and nowhere.' The implications of these words, written in 1896, for a European civilization that comfortably posited itself as the reigning centre of an expanded world were considerable.

As if to echo Kropotkin, Benedict Anderson's new book on anarchism and the anti-colonial imagination opens by invoking the spectacle of a 'glittering canopy of stationary stars' that are, despite their appearance of stability, 'actually in perpetual, frantic motion, impelled hither and yon by the invisible power of the gravitational fields of which they are ineluctable, active parts'. Starting from this image, Anderson thus proposes 'to map the gravitational force of anarchism between militant nationalisms on opposite sides of the planet' at the end of the nineteenth century, tracing the frantic movements of the anarchist idea across continents and oceans, from Barcelona to Havana to Manila. This was the smaller world that had recently been brought into being by the new communications technologies of 'print capitalism' – the very same technologies that midwived the distance-spanning 'imaginary communities' of nationalism that were the subject of Anderson's most famous work. Here, we encounter Italians in Argentina, New Jersey, France, and the Basque homeland; Puerto Ricans and Cubans in Haiti, the United States, France, and the Philippines; Spaniards in Cuba, France, Brazil, and the Philippines; Russians in Paris; Filipinos in Belgium, Austria, Japan, France, Hong Kong and Britain; Japanese in Mexico, San Francisco and Manila; Germans in London and Oceania; Chinese in the Philippines and Japan; Frenchmen in Argentina, Spain and Ethiopia. And so on.

If such breathless rhetoric moves you, you may be willing to keep reading, in Keatsian fashion, without irritably reaching after fact and reason. But we should perhaps stop to ask exactly *what* is being 'mapped' here? For Anderson is not speaking of any actual anarchist 'influence' – something which might be subject to a quantifiable kind of scrutiny – but of more tenuous, shadowy connections, perhaps more figurative than literal. Some might well demand to know the exact ontological claims that are being made on history at this point: what exactly is this 'force' of which Anderson writes, and how could it have exerted itself, for instance, on a figure like José Rizal, the nineteenth-century novelist often credited with having helped to invent a 'Filipino' national identity, who never publicly identified himself as an anarchist, associated with anarchists, nor certifiably read any anarchist authors? One recalls Adorno's impatience with Benjamin's lack of a properly historical-materialist concern for the causal mechanisms connecting phenomena to one another. For what constitutes these 'affinities'? And what can we really conclude from them?

In his review for the *Journal of Contemporary Asia*, Jim Richardson submits Anderson's book to the test of a good old-fashioned positivist historian – what is its thesis, and what is the evidence provided? – and dispenses with it in a few paragraphs, after which he has some four thousand words left to flog the dead horse. What is the thesis? It is the vague assertion that anarchism exercised some important influence over anti-colonial revolts in the Philippines and Cuba around the end of the nineteenth century. What is the evidence? A shoddy assortment of the 'circumstantial', the coincidental and (worst of all) the 'unquantified', littered with anecdotal items of 'tangential relevance' and bits of (horrors!) 'literary criticism' proffered in place of substantial argumentation.

Of course, Anderson could have written something far more robust if he had focused more on protagonists such as Isabelo de los Reyes, a significant figure in the nascent Filipino revolutionary movement of the turn of the twentieth century, who had in fact become personally acquainted with Spain's single most famous anarchist intellectual, Francisco Ferrer y Guardia, in the notorious prison of Montjuich in Barcelona, and who really *did* read Proudhon, Bakunin, Kropotkin and Malatesta. As for Cuba, home to one

of the largest and oldest anarchist movements in the Western hemisphere, there could indeed have been a story to be told, only it would not centre on Anderson's own protagonists: José Martí, who was at best sympathetic to anarchism and at worst, as Anderson acknowledges, actively hostile to it; or the Puerto Rican revolutionary Ramón Betances, who was 'by no means an anarchist' even if he associated with them in France and Spain.

Certainly the bigger picture that emerges from *Under Three Flags* could have been drawn by more conventional means. Histories that specifically trace the dissemination of anarchist discourse from the cosmopolitan hub of Barcelona into colonies of the declining Spanish empire around the time of the *fin de siglo*, such as Iris M. Zavala's *Colonialism and Culture* (1992), are, after all, not especially new or controversial. Anderson could have played it safer by sticking to the terrain explored by works such as Kirwin R. Shaffer's *Anarchism and Countercultural Politics in Early Twentieth-Century Cuba* (2005) or Arif Dirlik's *Anarchism in the Chinese Revolution* (1993). There really were some vigorous anarchist movements in East Asia – only they came a bit later (just getting under way after the Russo-Japanese war in China and Japan, and only after the 1919 revolt against Japanese occupation in Korea, culminating in a guerrilla war in 1931), and were not so much in the Philippines itself. The connections between anarchism and anti-colonial nationalisms are indeed fast and thick in all of these instances.

There is another road not taken here: it might, for example, have been genuinely interesting – to mention another person from the sidebars of Anderson's narrative – to read an account of how someone like ('this remarkable woman') Louise Michel's political development was informed by her witnessing of the Kanak revolts on New Caledonia, the penal colony where she and so many other revolutionaries were sentenced for their participation in the Paris Commune. Like Isabelo de los Reyes, if for different reasons, she too became intensely interested in the folklore of the subaltern, publishing a compendium of *Legendes et chants de gestes canaques* in 1885. It was around this time that the French anarchist movement also began to engage much more directly with the issues of empire – an anti-colonial turn that, as Patricia Leighton has shown, would decisively colour the work

of *anarchisant* artists such as Alfred Jarry, Hugo Ball and Pablo Picasso. However, these more concrete, conventional kinds of history are evidently not what Anderson has set out to do.

The French sociologist Daniel Colson has recently attempted something comparable to *Under Three Flags*. His *Trois essais de philosophie anarchiste: Islam, histoire, monadologie* (2004) is a sprawling work that builds affinitary bridges between, among other things, Sufi mysticism, Leibnizian philosophy, the strange temporality of the fairy tale (with its characteristic invocation, 'once upon a time'), Hannah Arendt's treatment of the difficulties attending an 'intimate history of revolts and resistances', and his two favourite thinkers: Deleuze and Proudhon, apparently representing the twin historical poles of the anarchist tradition. Weaving between these disparate elements in Colson's book is the motif of 'the histories of the defeated', something akin to what Benjamin called 'the tradition of the oppressed': discontinuous histories, a tradition not really handed down in any material or traceable way, but in which, nonetheless,

the Spartan slave revolts, the Ismaelians of 12th century Persia, the Chinese Yellow Turban Taoists of the second century BCE, and the Czech Hussites of the 15th century could immediately recognize themselves, as could the Communards of 1871.

Colson's breathless tone is clearly reminiscent of Anderson's – yet Colson's narrative is less prone to the positivist dismissal: all he is concerned to show here is that these protagonists *potentially* had something in common, that they would have been able to 'recognize themselves' in one another. The affinitary relationship is conceptual or philosophical, not at all *historical* in the positivist sense. As Colson recognizes, the 'histories' that connect these 'breaches in official history' are so ephemeral, from the standpoint of positivist historiography, that they seem to melt away as soon as one tries to name them, to 'bind them together with the threads of language in a public context, allowing them to communicate among themselves'. This is a radical philosophical speculation about the nature of history and identity. Unfortunately, Benedict Anderson's own philosophical intelligence, which was so clearly on view in *Imagined Communities*, is missing from *Under Three Flags*, an exciting but flawed account of the mobile, unstable world of 'early globalization'.

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