

## De-(in)scription: Dis-establishment and Destituent Potential between Ivan Illich and Giorgio Agamben Giorgio Astone

### Abstract:

Ivan Illich and Giorgio Agamben are two critical thinkers who share a precise object of research: institutions. An analysis of Illich's works from the 1970s reveals numerous concrete examples of how institutions *paralyse* and *contain* human imagination, with immediate political consequences. Conversely, a similar critical attitude in Agamben's philosophy reveals notable differences. Between Illich and Agamben, the history of political philosophy was enriched and made more complex with an *ontological perspective on biopower*. So, Agamben's Epilogue at the end of the *Homo sacer* cycle, entitled 'Towards a Theory of Destituent Potential' (2014), introduces 'de-(in)stitution' as a pivotal political and ethical concept to overcome the vicious circle produced by power, composed by its *constituent* moment before and the constituted/instituted stabilisation after. In this paper, I propose a way to explore both Illich and Agamben's critique of institutions, focusing on Illich's notion of 'dis-establishment' on the one hand, and on Agamben's theory of 'destituent potential' on the other hand. This paper aims to outline a broader research field, one which is capable of emphasising Illich and Agamben's common philosophical intention: *inscription*. Institution (*institutio* in Latin) and inscription (*inscriptio*) can be considered as two different biopolitical acts to seize and control human life: starting off by tracking the main traits of a critique of institution in critical thought, in the conclusion I will propose the concept of 'de-(in)scription' as a model with which to think the struggle against a governmental writing on the body and the self. To *de-(in)script* life means, following Agamben, to free its *use* from tasks and norms imposed by society, resisting the seizure of power.

### 1. Introduction. *Inscriptio*, *institutio* and biopower

In Franz Kafka's short story *In der Strafkolonie*,<sup>1</sup> published for the first time in 1919, a prisoner undergoes a lethal torture: a mysterious machine, the major attraction of the prison, has the role of *in-scribing* the offence committed on the prisoner's body, tattooing the norm which has been violated into the skin (figures 1 and 2). The notions of law, punishment, and guilt, which are deeply articulated throughout Kafka's *œuvre*, are crucial for a philosophical understanding of the short story. Setting aside a multitude of significant details, the operation performed by the 'machine of judgement', which carves into human flesh, can be analytically isolated to conceptualise the *in-scription* as a way to depict the relation between biopower and human life.

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<sup>1</sup> See Kafka 2011.



Figure 1 and 2 - Illustration by Robert Crumb, inspired by *In der Strafkolonie*'s first line (V. Crumb and Mairowitz 1993); sculpture, significantly made using only barbed wire, by Martin Senn (undated), entitled *The Peculiar Apparatus from the story in the Penal Colony*.

The Latin word '*inscriptio*' derives from the verb '*in-scribere*', composed of the prefix '*in-*' (*on*, but also *inside* and *through*) and '*scribere*' (to write). Etymologically, '*in-scribing*' implies a process of *digging* or *carving* on a surface, deeply penetrating a material without destroying it. Ascribing to Kafka's 'machine of judgement' the semantic field of inscription enables us to consider the act of writing from a specific theoretical angle: this practice, the practice of writing *on/in* something alive, is the violent expression of a performative practice of biopower. From this perspective, the *commandment* bridges the gap between the source of biopower and the *commanded*, encountering a body and irreparably marking it.

This torture, on closer inspection, coincides with the death penalty. Biopower, by profaning the living human singularity through writing on its bodily substrate,<sup>2</sup> insinuates itself so deeply into human life that managing and controlling bodies becomes impossible. In the Foucauldian sense of 'biopolitics', a zone of indiscernibility with 'thanatopolitics' is reached: biopower annihilates life once and for all in its attempt to appropriate it. However, moving away from Kafka's characters and machines, the representation of this extreme inscription allows us to rethink biopolitical performativity. In this case, biopower acts on a living body through language: the condemned is such because he is destined, after several *overwriting* attempts, for the last inscription. The condemned is killed because human life must forcibly adapt itself to the specific language of biopower.

How could such *governmental writing* be investigated beyond its literary representation? Kafka himself provides a significant detail at the beginning of the

<sup>2</sup> On the intimate relation between writing and guilt within Kafka's works, see Latini 2014.

story through a precise terminological choice: the torture device is defined as an ‘interesting apparatus’ (*eigentümlicher Apparat*) by the Officer, one of the main characters, who is explaining its functioning to an external visitor. The device can be seen as a metonym for the entire prison: the prison assumes a symbolic value that can be fully understood only by investigating its role as a public *institution*. The machine, an instrument of social institutions and moral progress, acts as a link between society and the individual, an instrument of law and culture which expresses their performative force and violence. The governmental writing aims to domesticate life, even at the cost of exhausting it once and for all.

In this work we aim to explore a *biopolitical* reading of institutions, considered, just like Kafka’s dystopian prison, as social spaces in which biopower reveals itself through the action of machines/*dispositives*/apparatuses.<sup>3</sup> Is it possible, from this perspective, to consider the political philosophy which takes a critical stance towards institutions so as to renew the reflection on biopower today? And can the relationship between biopolitical dispositives and institutions be considered a *constituent* one? If the prison system can be considered a normative and political institution, can we trace biopower similarly in hospitals, schools, universities, and ultimately, in the whole institutional system, which permits the constitution of society as such? And thus, how can we understand the term ‘institution’ in a biopolitical investigation?

Undertaking such research, two critical thinkers, Ivan Illich and Giorgio Agamben, will be compared in their critique of institutions, to identify common traits and points of rupture between them. Beyond a reconstructive purpose, concerning Illich’s influence on Agamben, an interpretive filter will be applied to the materials under analysis. The path outlined will lead us back, in the conclusion, to the idea of inscription (*inscriptio*) and its relationship with institutions or, more precisely, to the meaning ascribed by Illich and Agamben to the concept of ‘establishment’. From the cultural context of Illich’s works – Illich, who, from the 1970s onwards, will become a reference point for *countercultures* and the *anti*-institutional tradition – to Agamben, the reflection on institutions appears gradually less focused on concrete social, financial, and political entities.

To *establish*, in an ontological, social, and political perspective, is equivalent to the action in which biopower reveals itself, trying to obtain a sort of balance using human bodies and souls. The point upon which Illich and Agamben converge consists in the attempt to analyse the *establishing moment*

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<sup>3</sup> The term used by Kafka, *apparatus*, could be retrospectively analysed in the biopolitical philosophical tradition, from Michel Foucault to Gilles Deleuze, Félix Guattari and Giorgio Agamben, thinking especially of its similarity with Foucault’s *dispositif*. Although it is not possible to deepen here such a complex history of cultural transmission, we should point out, nevertheless, the continuity and the differences between Gilles Deleuze and Giorgio Agamben on this topic, taking into consideration primarily the two homonymous texts entitled *What is a dispositif?* (Cf. Deleuze 2007, pp. 338–48, and Agamben 2009, pp. 1–24). To grasp the importance of Kafkian influences on the philosophical development of the same concept during the second half of the 20<sup>th</sup> century, cf. Blumenthal-Barby 2013, pp. 56–80.

within the perspective of biopolitical theory. The object of our analysis, therefore, can be grasped by discussing not only several institutions, but the *establishing* – and continuous *re-establishing* – of biopower in contemporary societies from the one side, and a seizure, or a grip, on human life and its specific performative techniques on the other side. In this direction, a new definition of establishment can be suggested for an ontological conception of biopower: such institutions, assuming a function of normative, political, and social signification which *performs* life, inscribe codes, norms, and sentences within human beings.

In addition, as we shall see, another aim brings Illich and Agamben together: the proposal for a *dis-establishing* and *de-(in)stitutive* thought. Illich's notion of *dis-establishment* and Agamben's *de-(in)stitution* will stand at the centre of this critical comparison: the main philosophical intention, in this sense, which grounds these two concepts consists in the liberation of life from ontological, political, historical, and cultural frameworks of power. Is it possible, for political agencies and social actors, to *de-(in)scribe* themselves? If so, how could the same process be expressed without a direct annihilation of the institutions which surround them?

## 2. The *dis-establishment* of life in Illich's works

The term '*dis-establishment*' (significantly translated into Italian as '*de-institutionalisation*') is certainly not placed at the centre by Illich, as a keyword of his thought; nevertheless, the idea of the *de-institutionalisation* of life precisely characterises the ethical and political intentions of Illich's various works during the 1970s: from *Celebration of Awareness*<sup>4</sup> (1971) to *Deschooling Society* (1971), from *Medical Nemesis* (1975) to *The Right to Useful Unemployment* (1978) and *Shadow Work* (1981), and so on. Illich critically discusses specific areas of modern life in their evolution, such as religion, work, education, and medicine, analysing ontological, social, and political features which, as we will try to show, measure the intervention of power – of an *established* power – into the autonomy of human subjectivities.

A relevant factor which must not be overlooked, and which is particularly useful for a comparison between Illich and Agamben, concerns the Preface which Agamben wrote for Illich's works in their Italian translation (titled *Celebrare la consapevolezza* and published in 2020).<sup>5</sup> In his Preface to the first book of the

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<sup>4</sup> It is fundamental to consider, in this context, how multifaceted and much discussed the idea of 'institution' is within this work, whose subtitle is, precisely, *A Call for Institutional Revolution*.

<sup>5</sup> The Preface to which we refer in this context is presented in an English translation by Arianna Bove within this volume of the Journal of Italian Philosophy; see Agamben 2025a. For the Italian cultural assimilation of Illich's thought, another central figure to mention is certainly the anthropologist, Franco La Cecla. For a work on Illich's references, see La Cecla 2018. Among

same series, Agamben makes the first move, emphasising the continuity between Illich's thought and his own philosophy regarding a certain number of concepts.

On the one hand, Agamben connects Illich's idea of *conviviality*<sup>6</sup> – an ethical perspective which, to become effective, must disrupt the ontological, social, and political framework of modern society – to the broader process of *anthropogenesis*, a concept discussed at length in *L'aperto* (2002).<sup>7</sup> Anthropogenesis indicates the 'becoming-human' of the human (or of 'man' as he quite often puts it); this perspective, especially in the post-metaphysical horizon of contemporary philosophy, increasingly reveals an absence of ontological presuppositions and foundations. On the other hand, Agamben identifies, especially in Illich's early production, the idea of *Regnum*, kingdom, drawn from Christian eschatology and theology, which, in turn, plays a fundamental role in some of Agamben's most important books.<sup>8</sup>

From Illich's Preface to *Celebration of Awareness* onwards, a critical stance towards 'institutions' is evident – 'institutions' in the sense of concretisations of power in various fields. Illich explains how proposing a critical thought means rejecting the sense of *certainty* which institutions give us. Institutions primarily support the social process of the *reproduction of the same*: they perpetuate current Western social structures, reassuring social actors through their deceptive immutability. The constant exercise of critical thinking – being substantially anti-institutional – assumes a value for political action: institutionalised false certainties *anaesthetise* and *paralyse* social imagination, a potentiality for projecting the future differently. Therefore, Illich's proposal for critical thought invites us to attempt the *de-institutionalisation* of thought itself: 'Each chapter in this volume records an effort of mine to question the nature of some certainty. Each therefore deals with deception – *the deception embodied in one of our institutions*. Institutions create certainties, and taken seriously, certainties *deadens the heart and shackle the imagination*.'<sup>9</sup>

These conceptual premises lay the groundwork for what Illich will identify, throughout all of the articles which make up the same book, as an 'institutional

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the other key figures who have addressed the legacy of Illich's thought outside of Italy, is the Canadian writer David Cayley. In addition to Cayley's recent biographical volume (see Cayley 2021), the English conversations between Cayley and Illich himself are also available in Italian; see Cayley 1992 and 2005, Illich 2009, and Illich and Cayley 2020.

<sup>6</sup> For Illich's most important work on this topic, see Illich 1973.

<sup>7</sup> See Agamben 2002.

<sup>8</sup> Just as an example, we need to mention *Il tempo che resta* (2000, see Agamben 2005), devoted to the messianic tradition starting from Saint Paul's *Epistle to the Romans*. In addition, a significant dense *addendum* can be found in *Profanazioni*, considering the chapter entitled 'Gli aiutanti' (cf. Agamben 2007, pp. 29–36). In relation to Agamben's most recent publications, on the same issue, *Il Regno e il Giardino* must also be considered (2019, see Agamben 2020). On the same topic, reference can be made to the article by Lewis included in this issue of the *Journal of Italian Philosophy*; see Lewis 2025.

<sup>9</sup> Illich 1980, p. 13, my italics.

thought'. Power's mechanisms/dispositives/apparatuses, and institutions — which, in Illich's theoretical horizon, are the same — primarily act on social actors by consolidating the idea that an alternative is not even possible, justifying their presence as unavoidable. Illich specifies, in this regard, that the institutional thought leads us to imagine changes only through an updating of existing institutions or by the addition of new institutions, aimed at replacing or accompanying the previous ones. A permanent 're-institution' is a significant index of an already deeply *institutionalised* imagination, compromised and colonised by power.<sup>10</sup>

Illich's *Celebration*, collecting articles and transcripts of talks, all from before 1969 — when Illich autonomously renounced the right to celebrate Mass — is developed through references to the Church, especially in relation to the Vatican's global missionary programme in the poorest countries. In the essay, 'The Vanishing Clergyman', for example, the Church is criticised as a modern institution/organisation, engaged in the sphere of financial investments and profits (Illich provocatively compares the Vatican to General Motors and Chase Manhattan Bank, to underscore its capitalist inclination).<sup>11</sup>

'The Vanishing Clergyman' discusses an idea which is suitable for a study of the de-institutionalisation of life: *de-clericalisation*. Adopting this expression, Illich conceives the clergy as an institution that shapes the lives of ordained priests, distinguishing them from the laity: the clergy institutionalises itself through a religious rite with social and political repercussions. Clericalisation, as a specific subtype of institutionalisation, happens when a new member is selected and appointed as a part of an *order*, whereas de-clericalisation — or *de-ordination* — represents the opposite radical choice: a withdrawal from what is officially *inscribed* in the human singularity by the authority of the Church.

Illich's proposal aims to overcome the distinction between the clergy and the laity:<sup>12</sup> putting an *aut/aut* between religious and laic people, an *ordering* and *ordaining* power is affirmed; a power which, according to Illich, also stands in contrast to the authentic teaching of the Gospel. The *ordinatio* transcendentalises the role of the Church, and the Church itself, in relation to the world.<sup>13</sup> The clergy appears to the faithful first and foremost as a representation of power: to let the clergy *vanish* would mean, consequently, searching for a radical proximity to the faithful, maintaining at one and the same time a spontaneous pastoral vocation. The autobiographical background of the article emerges through specific questions addressed to the reader, in which Illich connects the *de-*

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<sup>10</sup> Cf. *Ibid.*, p. 18.

<sup>11</sup> Cf. *Ibid.*, p. 61.

<sup>12</sup> Paying attention to Illich's reflection, the clergy/laity dichotomy could be overcome by more strongly including the latter within the Church, adopting a new model of *ordinatio sui generis*. Illich does not seem, in this respect, to propose an absolute and complete destitution of the *ordinatio*. On this issue, cf. *Ibid.*, p. 71.

<sup>13</sup> Cf. *Ibid.*, pp. 65–66.

institutionalisation of the Church with a religious vocation, a way to announce a model of life in line with the evangelical message:

Is this structure rooted in routine or revelations? Should I, a man totally at the service of the Church, *stay in the structure in order to subvert it, or leave in order to live the model of the future?* The Church needs men seeking this kind of conscious and critical awareness — men deeply faithful to the Church, living a life of insecurity and risk, free from hierarchical control, working for the eventual ‘disestablishment’ of the Church from within.<sup>14</sup>

Which Church, then, can exist without institutions? The question, which occupies a central role in the article entitled ‘The Powerless Church’ (1967), brings us back to Christ’s bequest and promise to Peter: ‘That thou art Peter; and upon this rock I will build my church’.<sup>15</sup> Should we conceive the *building* of the Church as the call for an *establishment*, which will be able to preserve and reproduce its power forever and ever? In contrast, Illich criticises the modern organisation of the Church: trapped in the paradigm of efficiency, mastery, and control, the Church gradually loses its closeness to mystery, salvation, and the *Regnum*.

An ineffective Church, according to Illich, brings human salvation closer, displaying its possibility as something *immanent* to everyone’s life. Efficiency, mastery, and control are different categories related to relations of power between different social actors; on the path of salvation, every member of the faithful should, instead, hope for the *de*-activation of power structures and, therefore, of the Church’s institutional apparatus. In Illich’s words: ‘The less efficient she [the Church] is as a power the more effective she can be as a celebrant of the mystery’.<sup>16</sup>

Being powerless, the forthcoming Church will certainly reacquire a messianic value. But the Church is just one of the many institutions that shape Western societies, and all these institutions, with their political, normative, and performative dispositives, fall within Illich’s purview. Acting against institutions implies that they are felt as *shackles* by the social agency, engaged in imagining and supporting a better world to come; being anti-institutional, thus, becomes an ethical responsibility: ‘Social change always implies a change of social structure, a change of formalised values, and finally a change of social character. These three factors constrain invention and creativity, and action against these constraints becomes a responsibility of those who experience them as shackles’.<sup>17</sup>

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<sup>14</sup> Ibid., p. 67, my italics.

<sup>15</sup> Matthew 16:18.

<sup>16</sup> Ibid., p. 83.

<sup>17</sup> Ibid., p. 86. Remarkable from this theoretical perspective is the section of the last article in which two series of adjectives differentiate what is *established* from what is *dis*-established. The

Moving on to one of Illich's most famous works following his partial resignation from the Catholic Church, *Deschooling Society* (1971), we see how the concept of institution is enriched with further ontological, social, and political elements. Distinguishing public education from free learning, during that period, Illich emerged as a critical thinker in a global context where compulsory education was being widely debated. The same critical attitude against public schooling will spread, during the 1970s, through multiple countercultures and students' movements in Italy, France, Germany, the United Kingdom, and the USA.<sup>18</sup>

Asserting, throughout the essay, an ethical ideal of the 'good life' coinciding with the achievement and maintenance of autonomy for human subjectivity, Illich discusses Western educational systems in critical terms. Compulsory education is neither formative, as it does not help students form their own judgment, nor emancipatory, as it discourages autonomy. Public education conditions students to accept the *status quo*, the 'established', positioning itself as a primary process for social and political conformism: 'School reserves instruction to those whose every step in learning fits previously approved measures of social control'.<sup>19</sup>

According to *Deschooling Society*, education is the result of an inclusion/banishment process: selecting from previously acquired knowledge, some fragments of the cultural and historical past are chosen, which can be publicly asserted and transmitted to future generations. Simultaneously, the school system has the role of deciding what must remain outside of educational programmes. Power and knowledge, *à la Foucault*, are inseparable. Inclusion and banishment are two sides of the same compulsory education system, creating and confirming a border between an 'educative world' on the one hand, and a 'not-educative world' on the other.

Public schools, similarly to the Church, need to *transcendentalise* themselves, camouflaging within the cultural transmission the imposition of a political order within society: 'The very existence of obligatory schools divides any

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second series of adjectives calls to mind three of Agamben's ethical concepts: the *use* – pivotal in the last work of the *Homo sacer* series, *L'uso dei corpi* (Agamben 2016) – the *pure means* – a central idea discussed in *Mezzi senza fine* (Agamben 2000) – and, finally, the notion of *gesture*. In Illich's words: 'We become capable of affirming the autonomy of the ludicrous in face of the useful, of the gratuitous as opposed to the purposeful, of the spontaneous as opposed to the rationalized and planned, of creative expression made possible by inventive solutions. [...] I want to celebrate my faith for no purpose at all'. Cf. *Ibid.*, p. 88.

<sup>18</sup> Regarding France, it could be relevant to consider Luc Boltanski's sociological debut with *Prime éducation et morale de classe* (1972, see Boltanski 1984). For the Italian historical and cultural context, Fabio Milana, in his *Introduction* to the Italian edition of Illich's *Complete Works*, makes a comparison between Illich's unschooling proposal and the ones written and discussed in the same years by Don Lorenzo Milani and Pier Paolo Pasolini. Cf. Illich 2020, pp. 87–88.

<sup>19</sup> Illich 1971, p. 12. Note that the first chapter of this work is significantly entitled 'Why We Must *Disestablish* School'; cf. *Ibid.*, pp. 1–24.



society into two realms: some time spans and processes and treatments and professions are *academic* or *pedagogic*, and other are not. The power of school thus to divide social reality has no boundaries: education becomes unworldly, and the world becomes noneducational'.<sup>20</sup>

Illich's theory of the 'institutionalisation' of power could be seen as a step which will lead, many years later, to Agamben's proposal of a destituent potential. The institutional influence on social actors transcends the historical and visible presence of 'real' institutions. Illich, in this sense, points out that the passive approval of an *institutionalised alienation* has been a fundamental condition for the establishment of power in modern Western societies. Compulsory education is one amongst several processes of power's institutionalisation/establishment; its aim consists of subduing people to the exact tolerable amount of social alienation. By its actions, institutional definitions, values, and roles will be accepted with acquiescence and without any further doubts:

*School makes alienation preparatory to life, thus depriving education of reality and work of creativity. School prepares for the alienating institutionalisation of life by teaching the need to be taught. Once this lesson is learned, people lose their incentive to grow in independence; they no longer find relatedness attractive, and close themselves off to the surprises which life offers when it is not predetermined by institutional definition.*<sup>21</sup>

The kind of 'alienation' discussed here, therefore, is complementary to the social and political adaptation of human life; compulsory education is one institutional system among many, systems through which the *institutionalisation* of human being into *one* social and political life (βίος) is accomplished. All the phenomena and processes of control, manipulation, adaptation and conformation of the human being within Western societies belong to what Illich defines as the 'Institutional Spectrum'.<sup>22</sup>

In Chapter 8 of *Deschooling Society*, Illich opposes the Promethean approach to the future and development of Western societies/the future of Western societies and the development that takes place within them with a different proposal, an Epimetheic rebirth of Western culture.<sup>23</sup> Rather than being

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<sup>20</sup> Ibid., p. 24.

<sup>21</sup> Ibid., p. 47, my italics. The same paragraph is titled *The New Alienation*; Cf. Ibid., pp. 46–47.

<sup>22</sup> Cf. Ibid., Chapter 4, pp. 52–64.

<sup>23</sup> If Prometheus follows the path of Technique, in this chapter Epimetheus remains at the same level as human beings; the Epimetheic manner of human development consists, therefore, in the struggle for autonomy and self-management (Cf. Ibid., pp. 105–116). A similar philosophical juxtaposition between Prometheus and Epimetheus will emerge in the first

mere instruments, institutions drag social actors into a ‘vicious circle’ of irresponsibility, in a direction diametrically opposed to the search for self-autonomy or collective organisation. In Illich’s words: ‘Man has developed the frustrating power to demand anything because he cannot visualise anything which an institution cannot do for him. Surrounded by all-powerful tools, man is reduced to a tool of his tools’.<sup>24</sup> The total absorption of human initiative within the Institutional Spectrum, made of organisations, apparatuses and media publicly accepted, is even an index of evolutionary mutation; progressively moving away from their natural origin, human beings become definable, according to Illich, as *animals, the reproduction of whose life depends upon public institutions*.<sup>25</sup>

The re-appropriation of an ethical and political autonomy for human beings cannot be reached through what Friedrich Nietzsche had defined as a ‘revaluation of all values’ (*Umwertung aller Werte*), but rather through the *de*-institutionalisation of the same values. Humankind is split apart by the Institutional Spectrum, layering the immanent and convivial ethics of everyday life into different sets of values – conceivable, in Marxist terminology, more as exchange-values than as use-values. The main aim of the Institutional Spectrum is to channel social life into supervised closed circuits, through which the institutionalisation/establishment of power can be made more effective. Not only do these sets of values become points of reference for social actors, but also *valuing* a citizen for its merits will depend upon the speed of absorption of the public values imposed upon him. Social agency, consequently, is worthy on the basis of the metabolic rate between subjects and the institutions of power:

members of modern society believe that the good life consists in having *institutions which define the values* that both they and their society believe they need. *Institutional value* can be defined as the level of output of an institution. The corresponding value of man is measured by his ability to consume and degrade these *institutional outputs*, and thus create a new – even higher – demand. [...] Efforts to find a new balance in the global milieu depend on the *deinstitutionalisation of values*.<sup>26</sup>

The gap between the ethical ideal of autonomy, as a result of the continuous struggle for emancipation from institutions, and the historical ‘progress’ of Western societies will be at the centre of Illich’s essays on work from the second half of the 1970s. Some elements of what Illich considers to be ‘modern

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volume of the French philosopher Bernard Stiegler’s tetralogy *La Technique et le temps*, entitled *La Faute d’Épiméthée* (1994, see Stiegler 1998).

<sup>24</sup> Illich 1971, p. 109.

<sup>25</sup> Cf. Ibid., pp. 113–114.

<sup>26</sup> Ibid., my italics.

institutionalised work' can be found in *The Right to Useful Unemployment and its Professional Enemies* (1978) and, more specifically, in Chapter 2, entitled 'Disabling Professions'.<sup>27</sup>

These professions systematically *dis*-able the autonomy of the working subject; the social sphere of work is examined by Illich as a means for the reproduction of the *status quo*, maintaining or reassuring the social order. Work is therefore no longer an individual or collective expression; it is most often *shadow work*, unrecognised and un-institutionalised but, at the same time, necessary to the establishment at a structural level. Similarly to compulsory education, work transmits power, as a reproductive mechanism which serves hierarchies and élites. Without the working sphere and its relations of power, an indispensable piece of the mosaic of subordination within society would be missing.

*The Right to Useful Unemployment* anticipates the terminology which will occur in *Shadow Work* (1981), referring to a binary distinction between simple labour on the one hand, and the public exhibition and acknowledgement of work by society on the other. To be officially acknowledged as an institutional – or potentially institutional – type of work, labour must be connected with a broader social and political system. Illich, from this point of view, deals with the Western capitalistic system, which needs to make labour more and more productive to recognise it as a real work, according to the capitalistic social organisation. The same process of assimilation and implantation of human labour into a political order, which acknowledges it as 'work', may thus be correctly understood as a part of the ontological *inscription* of society into human life.

When assessing whether Illich's thought can be considered anti-capitalist, several complications arise that must be adequately addressed. Adopting a critical perspective which transcends the categories of Left and Right, Illich rarely brings to the fore the terminology of 'capitalism', and at first glance, we might be inclined not to classify his theoretical and political proposal as anti-capitalist, especially if we consider capitalism as a socialist category framed within the history of 19<sup>th</sup> and 20<sup>th</sup> century Marxism. Nevertheless, it is precisely from the difficulty of attributing an anti-capitalist stance to Illich that we can identify key elements for a comparison with Agamben's thought, thereby valuing – rather than penalising – the problematic placement of Illich's legacy within traditional political categories.

Rather than 'capitalism', within Illich's critical framework it is necessary to emphasise the role played by the *capitalisation* of life, presenting this process within a broader context: that of a theory of power in which operations of 'establishing' are accompanied – so that power may emerge, consolidate, articulate, and stabilise – by acts of *transcendentalisation* which deform the immanent unfolding of human life. In order to clarify these aspects, given the

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<sup>27</sup> Cf. Illich 1978, pp. 38–64.

close correlation between the themes of *The Right to Useful Unemployment* and *Shadow Work*, we will examine some fundamental conceptual junctures in the latter, highlighting how the effective action of power upon life can be understood through mechanisms of institutionalisation, capitalisation, modernisation, transcendentalisation, (re)articulation, and duplication of life itself – elements which will prove highly useful in the comparison with Agamben's ontological-political vocabulary.

In the Introduction to *Shadow Work*, after claiming the coinage of the term 'shadow economy' as part of a broader theoretical effort consisting in the writing of a 'history of scarcity' ('I have coined this term to speak about transactions which are not in the monetised sector and yet do not exist in pre-industrial societies'<sup>28</sup>), Illich clarifies that with the emergence of the organisation of modern labour, a splitting occurs between life and its 'shadow', between social subjectivities in the public sphere and individuals within their private environment. This splitting carries gendered implications – male/public, female/private – as well as political-economic repercussions (*capitalisation*, in this context, is to be understood as the keyword to represent the new economisation of life).

In his critical discussion of the concept of 'self-help', Illich introduces two thematic cores that will be taken up and further developed throughout the essays composing *Shadow Work*: A) 'vernacular activities', communal practices of pre-modern social actors who organised themselves to maintain a form of autonomy and solidarity in a phase preceding the transcendentalisation of the 'public' over the 'private', and of 'wage labour' over 'domestic tasks'; B) 'subsistence', an economic form marginalised and overshadowed – here quite literally *cast into shadow* – by modern capitalist society, and which constituted the very aim of vernacular activities themselves. In Illich's words:

Thus *shadow work*, which is as recent a phenomenon as modern wage labour, might be an event more fundamental than the latter for the continued existence of a commodity-intensive society. Its distinction from *the vernacular activities typical for subsistence-oriented popular cultures* is the most difficult and the most rewarding part of my research. [...] What is here propagated as self-help is the opposite of *autonomous or vernacular life*. The self-help the new economists preach divides the subject of social policy (be it a person or entity) into two halves: one that stands in a professionally defined need, and the other who is professionally licensed to provide it. Under the policies that are thus labeled as self-help, *the apartheid of production and consumption*, characteristic of industrial economics, *is projected into the subject itself*. Each one is turned into a

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<sup>28</sup> Illich 1981, p. 1.

production unit for internal consumption, and the utility derived from this masturbation is then added to a newfangled GNP. Unless we clarify the distinction between this self-help and what I shall call *vernacular life*, the *shadow economy* will become the main growth sector during the current stagflation, the *informal* sector will become the *main colony* which sustains a last flurry of growth.<sup>29</sup>

Re-engaging today with the pages of *Shadow Work* prompts reflection not only on the contemporary relevance of Illich's thought in relation to the *post-work*<sup>30</sup> philosophical and political current, but also on certain new interpretations of the concept of the 'vernacular';<sup>31</sup> in line with the objectives we have set for the comparison between Illich and Agamben – specifically to highlight the *instituting* and *inscribing* role of power over life – it is precisely the difficulty of placing both thinkers within polarised political categories that brings them closer together. More specifically, when Illich argues that human life becomes *split* and *divided* through the modern organisation of labour with the advent of industrial and capitalist societies, special attention must be paid to the overshadowing of subsistence as the aim of a millennia-old, immanent, and self-sufficient form of organisation.

Both the 'Chicago Boys' and the 'Socialist Commissars', as will be shown through the next quotation from the essay, 'The War Against Subsistence', must first dismantle the quasi-natural organicity of the human vernacular dimension in order to impose new logics of control over production and consumption within the economy, *dis*-articulating vernacular life so as to *re*-articulate labour upon a plane of transcendence or external, vertical domination, and *re*-instituting life according to new imperatives:

We need a simple, straightforward word to designate the activities of people when they are not motivated by thoughts of exchange, a word

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<sup>29</sup> Ibid., p. 2, my italics.

<sup>30</sup> It is only possible to briefly indicate the extent to which *Shadow Work* – and Illich's proposal to conceive a 'shadow economy', developed in different ways across the various essays which make up the book – has influenced the development of contemporary social and labour philosophy, whether this influence is explicitly acknowledged or not. Illich's *shadowy* categories should, in this sense, be brought into relation with the philosophical and political movement advocating for a 'post-work society': starting from a comparison with Marxist theories such as those of Stanley Aronowitz (whose thought was introduced into Italy significantly through a collection of essays entitled *Post-Work*; see Aronowitz 2006) and Franco 'Bifo' Berardi (see Bifo 2017), many of Illich's arguments concerning vernacular organisation and the gendered division of labour should be set against the backdrop of the contemporary British accelerationist movement (see Srnicek and Williams 2016; Hester and Srnicek 2023; Hester and Stronge 2025).

<sup>31</sup> One example among many is Homi K. Bhabha's notion of 'vernacular cosmopolitanism'; see Bhabha 2017.

that denotes autonomous, non-market related actions through which people satisfy everyday needs – the actions that by their own true nature escape bureaucratic control, satisfying needs to which, in the very process, they give specific shape. Vernacular seems a good old word for this purpose, and should be acceptable to many contemporaries. [...] We need a simple adjective to name those acts of competence, lust, or concern that we want to defend from measurement or manipulation by Chicago Boys and Socialist Commissars. The term must be broad enough to fit the preparation of food and the shaping of language, childbirth and recreation, without implying either a privatised activity akin to the housework of modern women, a hobby or an irrational and primitive procedure. Such an adjective is not at hand. But vernacular might serve.<sup>32</sup>

In the central section of ‘The War Against Subsistence’, Illich proposes a historical investigation stretching from the 9<sup>th</sup> century to the present day. The Carolingian epoch, in particular, is chosen as the starting point for reconstructing a process of *institutionalisation* of human activities – here again, the history of the Church becomes a paradigmatic case of great interest for Illich, especially regarding the idea of pastoral care<sup>33</sup> – which, from a ‘vernacular state’ intrinsically oriented toward the goal of subsistence, leads to the wage labour of industrial societies through the vertical mediation and rationalisation of work by structures of power. A sharp division and a complex articulation between ‘production’ and ‘consumption’ within the sphere of labour ultimately dismantle the autonomous organicity of the vernacular realm, while simultaneously ushering in an ethical and cultural transformation within Western societies:

The idea that humans are born in such fashion that they need *institutional service* from *professional agents* in order *to reach that humanity for which by birth all people are destined* can be traced down to Carolingian times. It was then that, for the first time in history, it was discovered that there are certain basic needs, needs

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<sup>32</sup> Illich 1981, pp. 57-58.

<sup>33</sup> The way in which Illich draws on the history of the Church and the concept of *pastoral care* certainly deserves further investigation, particularly when considered alongside Michel Foucault’s analysis of pastoral power. A future comparative study between Illich and Agamben could, in this direction, also include Foucault, bringing the three thinkers together both for the conceptual importance which ‘biopower’ has in their reflections, and for the possibility of tracing specific chronological links between some of their works. Regarding the latter point, one might consider, for instance, the brief interval between Foucault’s lectures on pastoral power at the Collège de France (especially those delivered between February 8<sup>th</sup> and March 8<sup>th</sup> 1978; cf. Foucault 2004, pp. 119-260) and Illich’s conference papers, later developed into the essays composing *Shadow Work*, as well as the influence that the theories of power advanced by Illich and Foucault may have exerted on Agamben’s philosophical formation.

that are universal to mankind and that cry out for satisfaction in a standard fashion that cannot be met *in a vernacular way*.<sup>34</sup>

In the concluding section<sup>35</sup> of ‘The War Against Subsistence’, capitalism is mentioned by Illich in a *sui generis* sense, namely as the representation of the seizure of labour by power, occurring primarily through language. The idea of ‘capitalised language’<sup>36</sup> entails an awareness that references to human labour are always mediated by social institutions which recognise labour as such, thereby nullifying the immanent and organic reality of vernacular activities. By capitalising labour linguistically, the vernacular realm is relegated to the shame of the private sphere; activities carried out within the home are deemed secondary, invisible, and any claim that they should be regarded as equivalent to formal labour is met with public disapproval.

Language acts as a form of capitalisation because it involves *social investments in common sense*: the representation of labour evolves, from modernity to the present day, in accordance with the institutionalisation of life. Capitalisation, in other words, must first be understood as a cultural, linguistic, and cognitive operation through which power apparatuses tame vernacular immanence, relegate it to the shadows, and redefine what can be considered public and political life (βίος) – and, by contrast, what must be excluded from it.

The impossibility of placing Illich on the Right or Left in relation to capitalism ultimately suggests something more significant, in comparison to Agamben, namely an apparent anti-modernism which distinguishes both thinkers. If one revisits the conclusion of ‘The War Against Subsistence’, for instance, it becomes evident how Illich rejects both Marxism and Liberation Theology – perspectives which, as Illich himself acknowledges, are frequently associated with his critical thought – primarily due to a difference in theoretical-political approach. A revaluation of subsistence and, consequently, a vernacular ethics aligned with a self-sufficient reorganisation of communities which become independent from an increasingly global and ‘transcendent’ market is, in Illich’s reconstruction, hindered both by Marxism and by Liberation Theology due to what could be defined as a ‘paradox of re-establishing’.

The distributive justice sought by Marxism and Liberation Theology emerges only as the result of a calculation of institutionalised, capitalised, and capitalisable goods and services, which are dispensed and monitored, leaving the need for control, vertical mediation, and power unquestioned and unproblematised. Illich believes that an ‘autonomous’ vernacular ethics will appear increasingly anti-modern as the set of alternative solutions to capitalism proposed by theorists, especially Marxist theorists, requires a *re*-organisation

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<sup>34</sup> Illich 1981, p. 59, my italics.

<sup>35</sup> Cf. Ibid., pp. 72–74.

<sup>36</sup> Ibid., p. 65.

(even if it is a redistributive re-organisation) of modern society from above — or ‘heteronomous’ — carried out in the name of the marginalised, the ‘poor’. For Illich, however, poverty arises precisely from the act which institutes/establishes modern society; poverty is a product of the modernisation and capitalisation of life:

every single attempt to substitute a universal commodity for a vernacular value has led, not to equality, but to *a hierarchical modernisation of poverty*. In the new dispensation, the poor are no longer those who survive by their vernacular activities because they have only marginal or no access to the market. No, the *modernised poor* are those whose vernacular domain, in speech and in action, is most restricted — those who get least satisfaction out of the few vernacular activities in which they can still engage.<sup>37</sup>

A radical opposition between autonomy and heteronomy proves to be essential in Illich’s ontology of power: it will be proposed and articulated further in other works and seems to be fundamental to an understanding of the way in which institutions seize human freedom. Central to Illich’s argumentation in *Medical Nemesis* (1975), in this regard, we find an ideal of health as ‘autonomy’ on the one hand, and a critical description of normative and performative dispositives — medical and hospital professional services, in particular — which limit both healthy and sick people on the other hand.

A subjugated life depends on these apparatuses for its survival, even from a biological point of view; power stands between human life and its autonomy, to the point of reaching and altering the homeostatic mechanism of the body: ‘Health levels can only decline when survival comes to depend beyond a certain point on the heteronomous (other-directed) regulation of the organism’s homeostasis. Beyond a critical level of intensity, institutional care [...] is equivalent to systematic health denial’.<sup>38</sup>

In this work Illich declines biopower in relation to the social construction of illness just as he does with respect to the public identity of health. Illness, from this point of view, exceeds the biological material in which it happens, emerging with more complexity through the social and ontological process of its public definition. Inviting us to contextualise ontological, social and political frameworks which surround the definition of sickness and healthiness in different centuries — three years later, a similar intention will motivate Susan Sontag’s works<sup>39</sup> — Illich’s reflection shares multiple assumptions with the critical reconstruction of Erving

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<sup>37</sup> Ibid., p. 73, my italics.

<sup>38</sup> Illich 2013, p. 7.

<sup>39</sup> See Sontag 1978 and 1989.



Goffman's asylums,<sup>40</sup> and with Michel Foucault, Franco Basaglia and the anti-psychiatry of the 1970s.

The hospital system presents, as in Goffman's *Asylums*, the features of a 'Total Institution'.<sup>41</sup> A role-play game between doctors and patients, which makes the relations of power inscribed in them actually effective, is staged; it can be expressed by the way of the metaphor of the theatre and, more specifically, by reflecting on the relations between characters determined within a *script*:

medicine cannot be practised without the iatrogenic creation of disease. Medicine always creates illness as a social state. The recognised healer transmits to individuals the social possibilities for acting sick. Each culture has its own characteristic perception of disease and thus its unique hygienic mask. Disease takes its features from the physician who casts the actors into one of the available roles.<sup>42</sup>

Biopower leaves traces of its action through institutional reforms and, as in Foucault's biopolitics, the health of the population is a preferential object of control. Governmentality applied to human life — a set of processes through which biopower manifests itself within societies — is the main research object of *Medical Nemesis*: this assumption could emphasise the need to reconsider Illich's theory today and it might give us reason to attempt to think together Illich's critical thought and biopolitical studies.

Following this suggestion, an interesting comment on the role of death fits perfectly: death is, for Illich, the *final act of resistance* of life against power. Dying, the human being expresses its constituent *ungovernableness*, being irreducible to the established order.<sup>43</sup> Biopower, conversely, does not give up in its hunt, trying to modify the status of death, at least in its public definition: Illich anticipates, in this concern, the critical distinction between cardiac and brain death to which Agamben will return, twenty years later, in *Homo sacer* (1995).<sup>44</sup>

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<sup>40</sup> See Goffman 1961.

<sup>41</sup> Cf. Goffman 1961, pp. 1–124.

<sup>42</sup> Illich 2013, p. 44, my italics.

<sup>43</sup> Cf. Ibid., pp. 206–208.

<sup>44</sup> Cf. Agamben 1998, pp. 160–165. To deepen our understanding of Primo Levi's influence on the Agambenian declination of biopolitics and thanatopolitics, see Agamben 1999 and Marino 2012.

### 3. Destituent potential and ‘force-of-life’: Agamben between Negri and Esposito

Destitution — or, literally, ‘destituent potential’ — has become a pivotal issue for scholars of Agamben over the past ten years<sup>45</sup>. The main reason for this is as much philosophical as it is textual: the most commented-upon series by Agamben, *Homo sacer*, which concluded in 2014 with the publication of *The Use of Bodies*. This book notably includes an Epilogue, entitled ‘Towards a Theory of Destituent Potential’.<sup>46</sup> This Epilogue, consisting of 14 paragraphs, concludes a path of critical reflection on power, sovereignty, biopolitics, and certain ethical and political paradigms of resistance. Scholars have ascribed, for better or worse, a *pars construens* value to the proposal of destituent potential in Agamben’s work, emphasising its enigmatic character — other Agambenian concepts, such as ‘gesture’, ‘inoperativity’, ‘form-of-life’, ‘potential-not-to’, and so on, are developed more extensively and with more argumentative elaboration within Agamben’s works.

The concept of ‘constituent power’ must be examined as an essential element to debate the issue. This formula is fundamental to the political tradition — and particularly for French and Italian political philosophy — and is used to conceptualise a creative force of power, which manifests itself especially in the morphogenesis of societies, at critical thresholds or specific points of rupture in history. Noting incompatibilities and contrasting intentions, Agamben scholars have interpreted the Epilogue as a critical comment on the political thought of Antonio Negri, the Italian philosopher who had developed a theory of constituent power for many years, drawing on elements of the Marxist tradition — in this context, the tetralogy he wrote with Michael Hardt, composed of *Empire* (2000), *Multitude* (2004), *Commonwealth* (2009), and *Assembly* (2018),<sup>47</sup> is considered highly influential in contemporary Marxist thought.

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<sup>45</sup> In the second half of 2024, a collective volume of studies on this topic was published, with the primary aim of reflecting on the concept of destituent power starting from Agamben; see Astone and Della Sala 2024.

<sup>46</sup> Cf. Agamben 2016, pp. 263–80.

<sup>47</sup> For the tetralogy, See Negri and Hardt 2001, 2005, 2011 and 2019. To review, in addition, other works by Negri in which the meaning of ‘constituent power’ is deepened and made more complex, see Negri 1999 and 2023. It would be impossible here to provide an exhaustive list of the political literature on Negri’s constituent power; nevertheless, it could be useful to mention five excellent efforts in this direction: 1) Zaru tries to reconstruct the global debate resulting from Negri and Hardt’s tetralogy (Zaru 2019). 2) Montefusco and Sersante propose an overview of the ontological and political background to Negri’s proposals (Montefusco and Sersante 2016). 3) In the interview with Negri conducted by Henninger, the Marxist philosopher makes the comparison with Agamben explicit; Negri considers Agamben’s thought — as Roberto Esposito will do — to stand firmly within a Heideggerian legacy (Henninger and Negri 2005). 4) In a recent article, Uyurkulak strongly underlines the direct link between Deleuze and Guattari and *Empire*’s first draft (Uyurkulak 2023). 5) Campa, in conclusion, documenting the academic debate on French and Italian Theory, uses as a reference the conference held in January 2014 in Paris, entitled *Colloque International: L’Italian Theory*

On the one hand, a critical interpretation of Negri's theory within the Epilogue is undeniable – although Agamben never explicitly mentions the Marxist thinker; on the other hand, an overview of the literature on constituent power is not sufficient to comprehend destituent potential, and Agamben's philosophical background must also be included. The Negrian theory of constituent power draws inspiration from Renaissance and Modern political theory, such as Machiavelli and Spinoza, denoting an historical depth which cannot be retraced here; some features of both constituent power and destituent potential, however, are specified and accurately compared in Agamben's reflection.

The Epilogue's primary focus is to summarise and discuss the key stages of the philosophical path plotted by the *Homo sacer* series. In the background, therefore, stands a metaphysical and fatal political conjunction between the theory of Being and different conceptions of power which, century after century, have determined – and are determining, even in contemporaneity – human (and not just human) life and freedom. The same fatal conjunction, political and ontological, has evolved over the ages, assuming a protean character. In this direction Agamben, in order to deepen and strengthen his arguments, chooses two representative terms from the tradition of political ontology in the 20<sup>th</sup> century: 'machine' and 'dispositif'.

To circumscribe the destituent potential, therefore, a fundamental step concerns the *de*-inscribing action of the latter in relation to power's machines and dispositives. Or, more generally, the most relevant question would involve the function of a destituent philosophy/thought against the entire Western ontological and political tradition; how to *dis*-articulate and *de*-activate the conjunction between Being and power, at the foundation of modern Western politics? In Agamben's words:

thought finds itself [...] confronted with an arduous task. Indeed, it is not a question of thinking, as it has for the most part done up to now, new and more effective *articulations* [...]. Nor is it a matter of archaeologically going back to a more originary beginning: philosophical archaeology cannot reach a beginning other than the one that may perhaps result from the *deactivation* of the machine.<sup>48</sup>

Destituent potential can be framed, on this basis, next to the concept, discussed within §10 of the Epilogue, of 'disjunction': destituent potential must be conceived, at the same time, in accordance with the semantic field, disseminated throughout *The Use of Bodies*, of the 'critique of relation'. A destitution is ongoing, without a full realisation, when a bond, apparently *established* once and

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*existe-t-elle?*, underlining the opposite meanings conferred upon 'biopolitics' and 'biopower' by Negri and Agamben respectively (Campa 2015).

<sup>48</sup> Agamben 2016, pp. 265–66, my italics.

for all — between Being and power, for example, through a process in which this kind of ‘con-*junction*’, even if it cannot be assured, camouflages itself as a *seconde nature* — is dissolved. The destituent potential emerges, simultaneously, when a relationship, considered in the same ontological-political framework as absolutely necessary, is *actively suspended*. Destitution, thus, against the establishment. But which genre of ‘establishment’? And what connection might there be between this establishment and Negri’s constituent power?

Constituent power, in this context, presupposes a radical difference with respect to the constituted order; nevertheless, making this difference effective, the former *re*-establishes the latter. Constituent power’s theorists valorise it as a social morphogenetic principle, an *independent* and *free* desire to change the world; according to Agamben, anyway, they would suffer from historical myopia. Avoiding an overlap between the present and the past participle of ‘to establish’ (establishing/established, *constituente/costituito*), Agamben’s ‘arduous task’ consists in imagining a new force, and its related manifestations, able to free the living being from the same vicious circle, *suspending* the mechanism of presupposition, always *un*-hooking, *un*-chaining, *de*-synchronising and *de*-relating the terms of the equation between Being and power. According to the Epilogue:

Just as the tradition of metaphysics has always thought the human being in the form of an articulation between two elements (nature and *logos*, body and soul, animality and humanity), so also has Western political philosophy always thought politics in the figure of the relation between two figures that it is a question of linking together: bare life and power, the household and the city, violence and institutional order, anomie (anarchy) and law, multitude and people. [...] Thus, for example, in the couples living being/language, *constituent power/constituted power*, bare life/law, *it is evident that the two elements are always mutually defined and constituted through their oppositional relation, and as such, they cannot pre-exist it*; and yet the relation that unites them *presupposes them* as unrelated. [...] [W]e must instead attempt to think humanity and politics as what results from the *disconnection* of these elements and investigate *not the metaphysical mystery of conjunction but the practical and political one of their disjunction*. [...] Thus, at the point where a destituent potential exhibits the nullity of the bond that pretended to hold them together, bare life and sovereign power, anomie and *nomos*, constituent power and constituted power are shown to be in contact without any relation.<sup>49</sup>

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<sup>49</sup> Agamben 2016, p. 272, my italics.

Radicalising Agamben's reflection on this topic, several new questions with respect to constituent power can be raised. A creative political force can be defined as 'constituent' and achieve real change only through the disruption of the vicious circle mentioned above, a bond of presupposition which transforms 'potential' into 'power', limiting political action to the constituted, instituted and realised order of reality. A real, new force, therefore, will be released putting these two elements – the potential and the real – in direct *contact*, without the aim of overcoming the subsistent caesura between them. Would a *pure* constituent potential be in this sense essentially different from a destituent one? How can we conceive, in this context, a creative political force which does not aim for an historical realisation, *establishing* itself, if we do not conceive this force to be 'destituent'? In what way might *creating* without a *creation*, suspending the constituent/constituted bond of presupposition, coincide with an act of political resistance?<sup>50</sup>

Returning to §5, other characteristics of destituent potential can be inspected, and the relation between constituent power and the constituted order may be critically examined. Destituent potential must not be confused, following Agamben, with a *reversal* of constituent power – a similar mistake consists in deriving the idea of 'form-of-life' from a reversal of *bare life*, discussed at the end of the first volume of the *Homo sacer* series.<sup>51</sup> To prevent this misleading overlapping effect, it is worth focussing our attention on the prefix '*de*': the *de*-(in)stitution, from this point of view, takes place directly on the articulatory/dividing ontological and political dispositive. To understand this complex and important theoretical passage, in which the process of *articulation* indicates the perpetual *re*-adaptation – the re(in)stitution – of constituent power into constituted order, we need to pay attention to the following distinctions:

In modern thought, radical political changes have been thought by means of the concept of a *constituent power*. Every constituted power presupposes at its origin a constituent power that, through a process that as a rule has the form of a revolution, brings it into being and guarantees it. If our hypothesis on the structure of the *archè* is correct, if the fundamental ontological problem today is not work but inoperativity, and if this latter can nevertheless be attested only with respect to a work, then access to a different figure of politics cannot take the form of a *constituent power* but rather that of something that we can provisionally call *destituent potential*. And if to constituent power there correspond revolutions, revolts, and new constitutions, namely, a violence that puts in place and constitutes a new law, for

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<sup>50</sup> Agamben explicitly addresses this liminality between 'creation' and 'resistance' in a reflection upon a lecture given by Deleuze in 1987 in Paris and entitled 'What is the Act of Creation?' (cf. Agamben 2019, pp. 14–28; see also, Astone 2019).

<sup>51</sup> Cf. Agamben 1998, pp. 181–88.

destituent potential it is necessary to think entirely different strategies, whose definition is the task of the coming politics. A power that has only been knocked down with a constituent violence will resurge in another form, in the unceasing, unwinnable, desolate dialectic between constituent power and constituted power, between the violence that puts the juridical in place and the violence that preserves it.<sup>52</sup>

Despite the fact that the concepts of constituent power and destituent potential are closely interconnected in the Epilogue, Agamben's destitution, on the other hand, cannot be derived exclusively from this comparison.<sup>53</sup> We should consider, in this direction, how the idea of 'form-of-life' – framed by commentators of the Italian philosopher as the central notion of 'fulfilment' (*compimento*) of a life emancipated from power – entails a re-vocation of what is inscribed on the subjectivity by the ontological-political apparatus. Form-of-life, thus, by *simply living* – not a simple task in today's social contexts, being constantly captured by the imposition on our actions of a projecting scheme and results to be achieved – is crossed by a *destituent force*. Approaching the same force through a free *use* of the self and of the body, the political subjectivity gets used to it and, step by step, it becomes *un-*governable.<sup>54</sup>

Form-of-life becomes ungovernable, consequently, because, on the one hand, it does not allow itself to be fixed in instrumental and dialectical relations or, in other words, in the means/ends scheme; whilst on the other hand, it avoids the seizure of power, escaping the maze made by Being and power, which is reflected in political narratives. It unleashes a '*force-of-life*', making human existence suitable for 'the revocation of all factual vocations' which an ontological, political, and social framework, through several dispositives, attempts to *in-*scribe into it, limiting a free use of the self and of the body:

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<sup>52</sup> Agamben 2016, p. 266.

<sup>53</sup> In this respect, the first of the sections of the Epilogue marked with an  $\aleph$  seems crucial, because Agamben makes clear his debt to Benjamin's philosophy. Agamben's destitution shows an important elective affinity with Benjamin's concept of *Entsetzung*: the Italian philosopher, significantly, translates the same German word with 'destitution', rather than the most frequently adopted term, 'deposition'. Another key term of Benjamin's philosophy, *Gewalt* (violence), is adapted into Italian as 'potere destituente' (destituent power; cf. Agamben 2016, pp. 268–69). For an excellent in-depth analysis of Benjamin's *Gewalt*, see Gentili 2019.

<sup>54</sup> The Italian philosopher Marcello Tari is particularly involved in developing a notion of *un-*governability in accordance with Agamben's destituent potential (see Tari 2008 and 2017). Tari tries, at the same time, to find a *trait d'union* between Agamben and Mario Tronti's thought; to deepen the Marxist interpretation of Tronti on destitution, see Tronti 2008. For a recent article discussing how Agamben's philosophy has inspired concrete political movements in the 21<sup>st</sup> century, particularly Agamben's influence on French *tiqqunism*, see Garau 2022.

The constitution of a form-of-life fully *coincides*, that is to say, *with the destitution of the social and biological conditions into which it finds itself thrown*. In this sense, form-of-life is *the revocation of all factual vocations*, which *deposes* them and brings them into an internal tension in the same gesture in which it maintains itself and dwells in them. [...] Inoperativity is not another work that suddenly arrives and works to deactivate and depose them: it *coincides completely and constitutively with their destitution*, with living a life.<sup>55</sup>

Since the publication of *The Use of Bodies*, the concept of destituent potential seems to demand a critical comparison between Negri (and the Marxist tradition) and Agamben's philosophy. But, searching for a history of the debate on destitution, we should consider a new addition to the same field of study: Roberto Esposito's *Instituting Thought* (2020).<sup>56</sup> The philosophical and political perspective of the book is anticipated by the relevant answer to Agamben's destituent potential proposal within Italian academic journals.<sup>57</sup> Esposito's first attempt to propose an institutional valorisation in political terms comprehends a critical overview of Agamben's destituent potential, so, in this regard, seeing

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<sup>55</sup> Agamben 2016, p. 277, my italics. The examined text and, more generally, the critique of 'relation', well-articulated throughout *The Use of Bodies* must be compared with categories such as 'will', 'cause', 'responsibility' and 'guilt', which are commented upon within *Karman. Breve trattato sull'azione, la colpa e il gesto* (2017). To be scrutinised in addition is the spiritual kinship between the aforementioned passage and the following from *Karman*: 'Life is what is produced in the very act of its exercise as a delight internal to the act, as if by dint of gesticulating the hand in the end found its pleasure and its *use*; the eye by constantly looking became enamoured with vision; the legs, by bending rhythmically, invented walking' (Agamben 2018, p. 69). On the theoretical affinity between destituent potential on the one hand and categories such as 'gesture' and 'inoperativity' on the other hand, see Bonacci 2010 and Spina 2019.

<sup>56</sup> See Esposito 2021. Before the publication of *Instituting Thought*, Esposito advocates for a renaissance of the concept of 'institution'; see Esposito 2019a and 2019b. Esposito draws a fundamental inspiration from the French philosopher, Claude Lefort; for a brilliant overview of Lefort's philosophy, see Di Pierro 2018 and 2019. After *Instituting Thought*, Esposito has continued his research with two other books on the topic, creating a trilogy, with *Institution* (2021) and *Vitam instituere. Genealogia dell'istituzione* (see Esposito 2022 and 2023). A recent volume of the journal *Almanacco di filosofia e politica* proposes a critical comparison between instituent thought and destituent potential (even if only partially with respect to the latter); see Dadà and Polleri 2023.

<sup>57</sup> A philosophical face to face between Agamben and Esposito had already occurred in the past. Essential, in this direction, was a crucial turning point in political theory on the idea of 'community' between the end of the 1980s and the early 1990s, both in Italy and in France. In 1983, Maurice Blanchot and Jean-Luc Nancy published two deep reflections on the topic: respectively *The Unavowable Community* and *The Inoperative Community* (the latter will be followed, in 2001, by *The Disavowed Community*; see Blanchot 2000, Nancy 1991 & 2016). Agamben and Esposito entered the same theoretical debate: the former with *The Coming Community* (1990), the latter with *Communitas: The Origin and Destiny of Community* (see Agamben 1993 and Esposito 2009).

*Instituting Thought* as a theoretical way to counterattack and dismantle Agamben's theory of power seems highly reasonable.

*Instituting Thought* is divided into three sections:

A) The concept of destituent potential is traced back to Heidegger's influence on political theory in the second half of the 20<sup>th</sup> century. Esposito refers to thinkers such as Agamben, Reiner Schürmann and Jean-Luc Nancy, defining them as Leftist successors of Heidegger whilst putting their philosophies in connection with the exalting of a *negative* tendency in a dialectical ontology, and characterising them as *impolitical*,<sup>58</sup> similarly to Karl Barth, Simone Weil, Georges Bataille, Hermann Broch and Elias Canetti.<sup>59</sup>

B) The second section, entitled *Constituting Power*, lays emphasis on the legacy of Deleuze and Guattari's thought, claiming that an *affirmative* way to understand – and react to – biopower finds its origin here. An *affirmative biopolitics* such as the one proposed within Negri and Hardt's tetralogy, in Esposito's overview, originates from the theoretical encounter between Deleuze and Guattari's ontology of power and the Marxist tradition.<sup>60</sup>

C) The last section of *Instituting Thought* underlines the need to overcome two paroxysmal paradigms in contemporary political theory: the exalting of the negative dimension, which leads to impolitical societies (destituent potential), and an affirmative biopolitical model of resistance, acting alongside biopower in the same plane of immanence of historical institutions and instances (constituting power). The instituting thought, thus, is an attempt to choose a third path; Esposito, in this direction, points out two relevant traditions in political philosophy and philosophy of law, both of them conferring a *creative* potential upon institutions: Claude Lefort's thought, and *Legal Institutionalism* – a political and juridical tradition represented by Maurice Hauriou in France and Santi Romano in Italy. Legal institutionalism, in particular, is chosen by Esposito in the effort to differentiate it – along with his own instituting thought – from two other dominant political and juridical paradigms: *legal normativism* (Hans Kelsen) and juridical/political *decisionism* (Carl Schmitt).<sup>61</sup>

A critical overview of categories such as 'constitution', 'destitution' and their relations with power and biopower such as the one sketched here using Negri, Agamben and Esposito, seems a fundamental element of research that stands in need of further development. Moreover, a theoretical aim within political and philosophical studies must involve the search for a common and shared meaning of the semantic unity 'to institute/institution'. Pursuing this task, we should come back to Illich's conceptualisation of *dis-establishment*, and attempt to answer questions such as the following: are there any common

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<sup>58</sup> Esposito published, in 1999, *Categorie dell'impolitico*, a work based on research that investigates the impolitical tradition of Heidegger's legacy (see Esposito 2015).

<sup>59</sup> Cf. Esposito 2021, pp. 4-7.

<sup>60</sup> Cf. Ibid., pp. 77-144.

<sup>61</sup> Cf. Ibid., pp. 145-209.



features, from the 1970s to contemporary political theory, capable of outlining a critical philosophical tradition against institutions? How does the Institutional Spectrum, from this perspective, influence human life? Is there any substantial difference between the establishment and social institutions? Could an *institutional apparatus* be distinguishable from a *biopolitical dispositive*?

Two years after the Preface to the complete works of Ivan Illich and eight years after the Epilogue to *The Use of Bodies* – which served as our principal textual reference for highlighting a philosophy of destitution – Agamben publishes *L'irrealizzabile* (2022).<sup>62</sup> This work is of primary importance, on the one hand for assessing the scope of his political proposal, and, on the other, for the additional elements it offers for a critical comparison with Illich's thought. In this latter direction, it becomes necessary to ask whether *political ontology* – a methodological hallmark of Agamben's position within the landscape of contemporary Italian philosophy and foregrounded in the subtitle of the work ('Per una politica dell'ontologia', *Towards a Politics of Ontology*) – can provide a broader and more profound theoretical framework for reactivating Illich's critical project. Such a reactivation would need to remain compatible with Illich's critiques of institutions, or specific *institutional developments* throughout the history of the West. To what extent could what Illich describes as the Institutional Spectrum be recognised in the *articulatory dynamic* which Agamben identifies in the metaphysical mirroring of Being and power? And what holds together, in Agamben's thought, constituent power, the establishment, and the rejection of any instituting thought?<sup>63</sup>

The first 'Threshold',<sup>64</sup> with which the book opens, can be read in direct continuity with the Epilogue of *The Use of Bodies*, particularly through the figure of destituent potential which Agamben reintroduces in this work. At the same time, a new category is introduced: that of *realisation*. Agamben draws upon the classical distinction – central to both theories of action and Western metaphysics – between *potential* ('potenza') and *act* ('atto') in order to describe realisation as the dynamic articulation from the former to the latter. In other words, realisation establishes a relation between Being and existence through a *relation of power*, and, symmetrically, between potential and power through a *constituent ontological relation*. Referring to Benjamin's messianic, Agamben concludes the opening Threshold of *L'irrealizzabile* by once again opening up a line of

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<sup>62</sup> An English translation of this work by Alberto Toscano is forthcoming (see Agamben 2025b).

<sup>63</sup> It is impossible to overlook, when reconstructing the publication chronology of the works under discussion, that *L'irrealizzabile* was published one year after Esposito's *Instituting Thought*. Although it contains no explicit reference to Esposito's work, it has proven nearly inevitable – for historical reasons – for many scholars to interpret *L'irrealizzabile* as a response to Esposito's critique.

<sup>64</sup> Cf. Agamben 2022, pp. 5-15.

reflection on destituent potential — one which deserves close and careful examination:

We must cease to conceive of the potential and the real as two functionally connected parts of a system which can be described as the ontological-political machine of the West. The potential is not something which must be actualised by passing into act; rather, it is the absolutely unrealisable, whose fully accomplished reality in itself acts upon historical events, which have solidified into facts, as a terminus (*Ende*), that is, by interrupting and nullifying them. [...] The radical heterogeneity of the messianic admits neither plans nor calculations for its realisation within a new historical order, it can appear within such an order only as an absolutely destituent real instance. A potential is defined as destituent when it can never be actualised into a constituted power.<sup>65</sup>

Whether we speak of ‘institutionalisation’, ‘stabilisation’, or ‘realisation’, Agamben’s reflections compel us to ask to what extent our conception of the political sphere — particularly in the teleological passage from an ideal framework to concrete intervention — is structurally bound to a metaphysical tradition: an *ontological-political machine* which assigns to the potential a *destination*, a ‘becoming-body’, an incarnation in act and in history. Yet if it is precisely this articulation between Being and existence — through a chain of realisations — and, conversely, between the potential and power — through an ontological consequentiality — that gives dramatic form to the contradictions and ethical-political problems which the West continues to face, then it is this very mechanism that any new ethical-political conception must *de-activate*, suspend, and *de-(in)stitute*. From this analytical perspective, one can indeed recognise in Agamben’s ontological-political inquiry a critical movement analogous to Illich’s analysis of institutional transformations and the modern citizen’s habit to the Institutional Spectrum — what we have previously described, in our reading of certain passages from *Shadow Work*, as the ‘paradox of re-establishing’.

There remains, on the other hand, a certain *residue* in Agamben’s philosophy that resists translation — not only into a shared framework between his thought and that of Illich, but more broadly into the traditional modes by which we understand political action and the role philosophy may play in designing and guiding it toward its *realisation*. If Illich’s thought can indeed be reactivated in our current historical, cultural, and political context in order to develop forms of resistance to the institutionalisation of life — whether approached through ‘anti-’ or ‘post-’modernist and state frameworks — then both Illich and Agamben may

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<sup>65</sup> Agamben 2022, p. 15, my translation.

offer valuable tools for post-anarchist perspectives,<sup>66</sup> especially through an emphasis on autonomy, autarchy, and resistance to the mediation exercised by the Institutional Spectrum upon the immediate givenness of social groups' self-organisation. Yet something within Agamben's destituent proposal remains inexhaustible.

The problem of destitution, more precisely, emerges in the metamorphosis between potential ('potenza') and power ('potere')<sup>67</sup>: a properly destituent potential would nullify the apparent necessity of this transition, radically transforming the very meaning we commonly assign to the political sphere – and rendering it indistinguishable from the ethical. To this end, some commentators, such as Steven DeCaroli, have emphasised that Agamben's theory of the 'sovereign exception'<sup>68</sup> must be situated within a deeper critical account of the potential/power relation, namely, within a system that makes of sovereignty the mechanism through which boundaries, banishments, and divisions are instituted, drawing their force from a metaphysical interpretation of existence. Others, such as Flavio Luzzi, have highlighted the *dis*-junctive nature of Agamben's destituent potential by comparing it to the political-ontological value attributed to the idea of immanence in Deleuze's thought, as well as to Benjamin's *Dialektik im Stillstand*.<sup>69</sup>

What remains to be further explored, then, concerns a genuinely utopian and uchronic core – understood in the literal sense of a non-place and non-time intrinsic to unrealisability – within Agamben's thought, as exemplified by the 'radical heterogeneity' between the messianic horizon and historical development

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<sup>66</sup> It is equally important to acknowledge how Agamben's thought has become a crucial point of reference for political theorists working within post-state and post-anarchist frameworks. A notable example among this group is the Danish thinker Mikkel Bolt Rasmussen, whose work explores Agamben's concept of destituent potential not only in relation to Blanchot's thought and the notion of *affirmation*, but also in connection with insurrectionist currents from the French 1960s through the 2010s; see Rasmussen 2023. Another example can be drawn from the growing use of the expression *ontological anarchism* within contemporary Italian philosophy. In this regard, particular attention should be paid to the significant influence of Agamben's thought on thinkers such as Donatella Di Cesare, who has engaged in an ontological-political investigation of sovereignty which rearticulates and revalues the concept of anarchy; see Di Cesare 2024 and 2025.

<sup>67</sup> If the distinction between 'power', the 'potential' is so fundamental to understanding the post-metaphysical nature of Agamben's ontological proposal, it is unsurprising that major interpreters of these conceptual junctures have addressed the ethical and political consequences which stem from such a rethinking of the foundations of human action. In this respect, one may refer to the work of Kevin Attell on the subject (see Attell 2009 and 2014), to the thought of William Watkin – who, after bringing Agamben's philosophy into dialogue with that of Badiou (see Watkin 2013), has recently developed an original and compelling conceptual proposal centred on the notion of *bioviolence* (see Watkin 2021) – and to the contribution of Felix Ensslin on the matter (see Ensslin 2011).

<sup>68</sup> See DeCaroli 2007.

<sup>69</sup> See Luzzi 2018, 2020a, 2020b e 2021.

emphasised by the philosopher in the conclusion to the Threshold cited above. A crucial limit in comparing Agamben and Illich can, thus, be located in Agamben's identification of a *pure* potential which resists exhaustion in acts of reaction or resistance to the establishment, for it struggles to affirm its own immanent emergence. What we have attempted to conceptualise as 'force-of-life'<sup>70</sup> – developed from Agamben's notion of 'form-of-life'<sup>71</sup> – can be imagined, thought, and represented only within the horizon of a thought that is always already both instituted and instituting: a force which erupts, shatters, *dis*-articulates, and *dis*-joins not only what can and cannot be done (becoming-ungovernable), but also 'what-it-is'. Destituent potential must not be confused with counter-power; in its enigmatic unrealisability, it must be conceived as an *exit*<sup>72</sup> – a line of flight from Being and power in their mutual articulation.

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<sup>70</sup> A particularly significant contribution to the international debate on the concept of destitution is the 2023 issue of *The South Atlantic Quarterly*, edited by Kieran Aarons and Idris Robinson, which is entirely dedicated to the topic. Not only do Aarons and Robinson contribute two essays – one comparing Agamben's thought with that of Furio Jesi, the other reconstructing the relationship between Agamben, Aristotle, and Benjamin concerning the notion of destituent potential (see Aarons 2023 and Robinson 2023) – but in their introduction to the volume, entitled 'Three Registers of Destitution', they broaden the scope of inquiry into the idea of destitution. On the one hand, they draw on the notion of *destituent insurrection* developed by the Argentine collective Colectivo Situaciones (cf. Aarons and Robinson 2023, p. 2); on the other, they propose possible connections for reconstructing a *destituent tradition* which links Agamben, Ivan Illich, and Jacques Camatte (cf. *ibid.*, p. 5).

<sup>71</sup> Among the studies specifically focused on Agamben's notion of 'form-of-life' and its ethical-political implications, it is worth mentioning, by way of example, both the edited volume by Antonio Lucci and Luca Viglialoro (see Lucci and Viglialoro 2016) and the recent monograph by researcher Evelina Praino dedicated to the topic (see Praino 2023).

<sup>72</sup> It is in the fourth chapter of *Maintenant* (2017) by The Invisible Committee, entitled 'Let's Destitute the World', that Agamben's concept of destituent potential finds an explicitly anarchist political articulation and is applied within a post-capitalist and post-state framework. To illustrate how the philosophical themes, discussed and analysed thus far, are reinterpreted in political terms within the French collective's Manifesto, one need only consider the beginning of this very chapter: 'Even though 80% of French people declared that they no longer expect anything from the politicians, the same 80% have confidence in the state and its institutions. No scandal, no evidence, no personal experience manages to make a dent in the respect owed to *the institutional framework* in this country. It's always the men who embody it who are to blame. There have been blunders, abuses, extraordinary breakdowns. The institutions, *similar to ideology* in this respect, are sheltered from the contradiction of facts, however recurrent. It was enough for the National Front to promise to restore the institutions to become reassuring instead of troubling. There's nothing surprising in that. *The real* has something intrinsically chaotic about it that humans need *to stabilise* by imposing a *legibility*, and thereby a *foreseeability*, on it. And *what every institution provides is precisely a stationary legibility of the real, an ultimate stabilisation of phenomena*. If the institution suits us so well, it's because the sort of legibility it guarantees saves us above all, each one of us, from *affirming* anything whatsoever, from risking our singular reading of life and of things, from producing together an intelligibility of the world that is properly ours and shared in common. The problem is that *choosing not to do that is the same as choosing not to exist. It's to resign from*

#### 4. De-(in)scription. A political theory of freedom and power in post-metaphysics

Up to this point, the investigation outlined here demonstrates a common intention between Illich and Agamben; but, at the same time, it is not possible to ignore the theoretical distance between the two thinkers, even if some key terms and adjectives characterising *dis*-establishment and *de*-(in)stitution are directed to the same object.

Illich's concept of *dis*-establishment, or *de*-institutionalisation, proposes a social and political potential which transcends those historical institutions which are currently in effect and which pose certain threats to human life. Several features in Illich's critique of religious, educational, health and labour institutions converge on a depiction of social subjectivity *addicted* to power, a vertical dependence of human life on society or, more precisely, on the *status quo*. Thus, an *anti*-institutional thought emerges from the critical discourse of the 1970s, within an interesting political scenario devoid, however, of an ontological – or *post*-metaphysical – character.

An ontological character, from a different philosophical background, is strictly required in order to understand Agamben's destituent potential proposal. Destitution, in this respect, is neither *counter*- nor *anti*-institutional, because the direction of future politics and ethics can be discovered only through a more profound *dis*-articulation of power, searching for a model of resistance able to dismantle not only the historical establishments, but also their theoretical and cultural premises. Thus, in Agamben's political theory, the *institutio* seems to be linked to one of the matrices of power, as a sign of its *extroversion*; the proposal of destituent potential requires an ethical and political model of resistance able to react *immanently* against power and render its inscriptions on life inoperative.

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*life*' (The Invisible Committee 2017, pp. 69–70, my italics). It is also relevant to note, for the purposes of this analysis, that although Agamben's thought is undoubtedly the primary source of inspiration for this text, Ivan Illich's critique of institutions also plays a crucial role (cf. *ibid.*, pp. 73–74). The notion of exit, taken from *Maintenant*, highlights the principle of withdrawal which defines destituent potential, insofar as its most coherent political manifestation takes the form of *escape*, *suspension*, and *rejection* – rather than of permanent reformism or *re*-articulation which fails to question the underlying rules of the 'game', that is, the systemic logic of power structuring society. As the collective puts it: 'Whereas constituent logic *crashes* against the power apparatus it means to take control of, a destituent potential is concerned instead with *escaping* from it, with *removing any hold* on it which the apparatus might have, as it increases its hold on the world in the separate space that it forms. Its characteristic gesture is *exiting*, just as the typical constituent gesture is *taking by storm*. [...] Thus, where the *constituents* place themselves in a *dialectical relation* of struggle with the ruling authority in order to take possession of it, destituent logic obeys the vital need to *disengage* from it' (*ibid.*, pp. 78–79, my italics). Destituent potential is thus central as an insurrectional force in *Maintenant*: even in the following chapter, 'End of Work, Magical Life' (cf. *ibid.*, pp. 91–111), one must recognise in the inquiry into 'magical life' the contours of what could be called a *destituent life*.

Both Illich and Agamben advocate for the subjective potential to disengage from institutions. The development, from the 1970s to contemporary political theory, of an ontological perspective on power justifies the various layers of complexity that distinguish Illich's and Agamben's philosophies. Only through an ontological, cultural, historical, and theoretical turn in political theory, that follows Agamben, and avoids being captured again in the vicious circle of the constituent and instituting paradigm, will a radical political change be effective, whereas, following Illich, a creative potential or a *re*-creative political imagination is already available, albeit buried in the niches of counter-cultures, or anaesthetised and paralysed within social agencies.

From this angle, which includes the historical and philosophical awareness of a post-metaphysical epoch and the development of an ontological perspective on power, both Illich and Agamben's critical thoughts on the establishment converge and differentiate themselves at the same time. A critical ontological approach is required by political theory when, recognising the influence of the metaphysical tradition in Western philosophy which has determined the relation between Being and power for centuries, the latter seems to establish, *un*-establish and *re*-establish itself progressively in new groundless and risky ways.

Consequently, in the present, a broader theoretical framework is needed to consider both Illich and Agamben: the evolution of critical thought on the establishment must be included within the attempt to outline several ontologies of power in contemporaneity. De-(in)stitution, therefore, can be conceived as a specific type of *de*-(in)scription, whereas the techniques of *de*-(in)scription are *pure means*, expressions of an aesthetic and political tension with respect to the establishment. Undoing power dispositives and effects on life seems to be, in this sense, a deeper and broader cultural and political process, which transcends historical institutions. Through the destituent potential, on the other hand, the refusal to *re*-establish norms or institutions, abrogating the former ones, emerges, making the emancipation of human life from biopower an endless task, the only ideal which will open the way for the coming ethics and politics. We need, in conclusion, to test the conceptual potential of *institutio* and *inscriptio* again, comparing them and questioning which roles these terms can occupy in a contemporary, and critical, ontology of biopower.

*Institutio*, the Latin word which inspires Agamben's proposal for destituent potential, is derived from a semantic field which includes both an order and the one giving the command so as to arrange and maintain the *status quo* as such, making the same order effective through normative and performative acts. The order must remain unchanged, yet it is crucial to recognise the various ways in which biopower imposes this order *on* something (matter, animal and human life, political agencies and so on) and its correlated immutability — *instituere* is composed of '*statuere*', to hold firm, and the prefix '*in-*', indicating a vertical force directed at something below.

*Inscriptio*, the Latin word used to explain the prototypical writing, carving something on a surface, seems to share the ontological violence of *institutio*. Biopolitical writing, in this direction, can be imagined as an attempt to appropriate living materials and irreparably alter them; biopower, emerging in a post-metaphysical epoch such as the present one, is the substitute for Being. Biopower, even deeper, *establishes* itself in societies, camouflaging its presence in the Institutional Spectrum; it pretends to be the manifestation of a new natural order, concealing the governmental control applied to human life.

Consequently, *institutio* and *inscriptio* become meaningful categories within ontological frameworks of power — and biopower — and can be recognised, even though they are disguised, in other critical thinkers (such as Michel Foucault and Judith Butler, to give just two significant examples). The acknowledgment of these categories will occur when:

A) a public identity is *established* for human life, through social, political, and ontological narratives which mirror themselves in the subject;

B) institutional arrangements produce and determine a *biòs*, a constituted/instituted public life *on* which several political limitations and judgements are *inscribed* by biopolitical dispositives, in a mutual and permanent adaptation (a process of synthesising and codifying biopower, through which it *reproduces* itself, establishing its presence *on* life, as a parasitic organism);

C) a process of governmental writing and overwriting marks life, making it unrecognisable. Scripting on life condemns the human being to an everlasting torture, such as may be found in Kafka's *In der Strafkolonie*. Biopower and thanatopower become indistinguishable, because biopower is ready to radically alter the body and the self — or even to destroy them — rather than keep them free.

A final theoretical element that must not be overlooked when comparing Illich and Agamben's critiques is the potential for resistance to power, common to Illich's *dis*-establishment and Agamben's destituent potential. Following our terminology, this potential can be named *de*-(in)scription or *de*-(in)scriptive practice. Both Illich and Agamben's theories underline the political need for *de*-(in)scripting the whole of Reality, which in post-metaphysical societies seems to consist in the representation of the world promulgated by several élites and their establishments. *De*-(in)scripting life is thus the task that may be ascribed to the human potential for resistance by means of the body, self, language, gestures, aesthetics and so on. A *de*-(in)scripting politics opens the door to the coming

ethics, undoing power's *signature* on life; also the individual human being, following Agamben, can react against biopolitical inscriptions, making a *free use* of self and body, escaping from Being, power and their dangerous connection.

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