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Giorgio Agamben & Ivan Illich

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CONTENTS

Editorial

Agamben and Illich

Giorgio Agamben, 'Preface to the Complete Works of Ivan Illich'. Translated by Arianna Bove

Giorgio Agamben, 'Introduction to Ivan Illich, *Gender: Per una Critica Storica Dell'Uguaglianza*'. Translated by Arianna Bove

Giorgio Agamben, 'Laughter and the Kingdom: Foreword to Ivan Illich, *The Powerless Church and Other Selected Writings, 1955–1985'*. Translated by Lorenzo Chiesa

Giorgio Astone, 'De-(in)scription: Dis-establishment and Destituent Potential Between Ivan Illich and Giorgio Agamben'

Michael Lewis, 'Illich and Agamben on the Church and the Kingdom: Institutions in Light of the End'

Nicola Labanca, 'On Complementarity in Agamben's Anthropological Machine and in the Scholastic Concept of *Relatio Subsistens* (as invoked by Illich in the context of Gender)'

Agamben and the Medical

Mar Rosàs Tosas, 'Agamben and the Logic of *Geltung ohne Bedeutung* (validity without significance) at the Foundation of the Juridical, Political, Linguistic, Ethical and Medical Domains'

An Interview with Giorgio Agamben

Giorgio Agamben & Patrick Boucheron, 'The Archaeologist and the Historian: Dialogue with Giorgio Agamben'. Translated by Matthew Collins

Varia

Andrea Righi, 'The God of Men and the God of Women: A Dialogue between Emanuele Severino and Luisa Muraro'

Ezio Gamba, 'New Humanism and Historical Humanism: On Two Recent Books by Michele Ciliberto and Massimo Cacciari'

Enzo Melandri in Translation

Enzo Melandri, 'Critical Considerations on *Syncategorematica'.* Translated by Alexander Ferguson

Enzo Melandri, 'Michel Foucault: The Epistemology of the Human Sciences'. Translated by Alexander Ferguson

Enzo Melandri, 'Is the Use of Analogy in Law Logically Correct?' Translated by Alexander Ferguson

Biographies
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Editorial

A late encounter with Ivan Illich

'I did not have the privilege of knowing Illich, so I encountered him as a thinker in books. I encountered Illich's thought late, but I think that any thought today which does not measure up to the critique of modernity that Illich carried out is valueless' (Giorgio Agamben, 'Pro Memoria Ivan Illich'[1]).

If Giorgio Agamben was a latecomer to Ivan Illich, it was also only late on that Illich brought himself to say, in what David Cayley described as his last 'testament', what had ultimately and always guided his thought from the earliest days. Agamben himself, in the texts translated here, frequently stresses the continuity that joins his early religious life and thought with his later work as a 'cultural critic', or more precisely a 'critic of modernity', and still more precisely a critic of its institutions (Agamben, 'Laughter and the Kingdom'). What makes Illich's critique of modernity 'incomparably more fruitful than those which have been produced in the last hundred years on both the right and the left' is precisely its 'theological depth' ('Pro Memoria').[2]

At the heart of Illich's critique is the Pauline notion of the '*mysterium iniquitatis*' (the mystery of evil or lawlessness [*anomia,* in Greek]) and the closely related notion of the 'corruption of the best', by means of which Illich refers to the institutionalisation of the Christian form of life in the Church, as well as the counterproductive destiny of the institutions of modernity in general. A messianic life which had both consummated and escaped from the clutches of the Mosaic law had been ensnared by a new and more troubling form of legality, in which the novel human relations that the Gospels had opened up were most egregiously corrupted by their own legal renditions.

It is difficult to tell who was the more profoundly disturbed by this juridification of communal life, whether Agamben or Illich, but the former unquestionably came to admire the formulation which the latter gave to the

[1] We shall here dispense with a bibliography, but details of Agamben's texts on Illich, together with a select list of Illich's own works may be found in the editor's essay, *infra*.

[2] For like praise of Illich's critique of modernity, cf. Agamben, *Where are we now?* 63; '«La nostalgia non basta, ma è un buon punto di inizio». Intervista con Giorgio Agamben' (with Valeria Montebello), Lo Sguardo: Rivista di Filosofia 19 (2015), 21; the video recording of 'Pro Memoria Ivan Illich' is dated 17th December 2012, and may be found at https://www.youtube.com/watch?v=Egy6xRwHrwE (accessed 16th April 2025). Many thanks to Arianna Bove for providing us with a transcription of this talk.

problem, and in particular the theological astuteness which Illich brought to the genealogy of modern ailments.

If both were critics of church and law, one aspect of this critique over which they were in especially hearty agreement was the Church's failure to prevent itself from becoming mired in worldly concerns, degenerating into one modern secular institution among others. Agamben is particularly concerned with the Church's abnegation of its eschatological mission, which is to say its historical task of restraining the massing of the forces of evil — the anti-Christ or Satan — until such a time as the final battle of good against evil, Christ versus Antichrist, can take place at the time of Christ's second coming or *Parousia*. The church's gaze, which was to have spanned the heaven and the earth, has become downcast.

Things are all the more subtle here — and perhaps Agamben insists on this to a greater degree than Illich does, at least in his published works — in that Agamben will insist upon a profound distinction between *eschatology* taken in a chronological sense and the Pauline concept of *'messianism'*, which implies that the messiah has already arrived and put the present moment out of joint. Agamben had dealt with this conception of messianism some years before what seems to have been the date of his encounter with Ivan Illich, a meeting which took place some time in the new millennium (the lack of any reference to Illich even in *The Time that Remains* (2000) seems to suggest as much): perhaps it was with the posthumous publication of Illich's *Rivers North of the Future*, which speaks to so many of Agamben's earlier and later concerns. On Illich's part, while he met Foucault and a number of Agamben's intimates, such as Paolo Prodi, and whilst he speaks once of 'bio-politics' and many times of life, liturgy, and sacrament, he seems never to have referred to Agamben in his own work).

In any case, the messiah sets the ultimate authority of the law at nought, and allows those faithful to the advent of Christ to treat their juridically assigned identities as nothing, 'as not', as if one could never be at home in any role — or indeed any institution — to which one was consigned by one's worldly fate. They are to be seen for what they are in the light of the messiah's promise of another kingdom, one ruled by another sovereign, more mighty than any earthly ruler.

It seems to us that we might justly entertain the hypothesis that Agamben's long series of short works on the (eschatological) notion of the Kingdom and the church as an institution, particularly in the context of the modern world (and its other, equally corrupt institutions) might well have been inspired by their author's belated acquaintance with Ivan Illich.

Later on, we find another coincidence: if Illich was always concerned with the 'convivial', and later came to contrast the aliveness of this austere and joyful life with the 'life' that was the subject of medical 'management' and 'administration' — just as earlier he had attempted to set limits to medicine and its monopolisation of the care of those who were swiftly to forget the 'vernacular' art of dying and suffering — it is not without significance that Agamben invited Illich's friend and chronicler,

David Cayley, to publish his text on the events of 2020 and 2021 on his website, which otherwise contained texts written almost exclusively by Agamben himself.[3]

Indeed it is in the context of the relation between human life and the institutions that profess themselves to have a monopoly on the salvation of man and the supplying of his needs that Roberto Esposito has recently laid out an extensive criticism of Agamben and his own response to the events of those years. It is our hope that a better understanding of Agamben's relation to the institution of the church might help us to see what his response to such an attack might be.

One question that we hope to clarify, without hoping to answer it in a way that is altogether satisfactory, is that of the *future* of our institutions in the eyes of both Illich and Agamben. Illich himself spent a long time building his own institution, in Cuernavaca, after having left the institution of the Roman Catholic Church,[4] but he eventually found it necessary to dissolve even that[5] and to remain on the margins of the institution of the Academy as a 'visiting fellow' for the rest of his life. And it is in the midst of the storm that has hardly ceased to rage over the first half of the third decade of the third millennium that Agamben allows himself to speak in a tone that reaches as far as can be imagined in an 'anti-institutional' direction.[6] And yet this is not the whole story, or at least, if it is, it must be carefully

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[3] David Cayley, 'Questions about the current pandemic from the point of view of Ivan Illich, April 8, 2020', https://www.quodlibet.it/david-cayley-questions-about-the-current-pandemic-from-the-point (accessed 16th April 2025).

[4] Agamben refers to the fact more than once, in the essays published in the present volume, and in his remarkable rendition of an autobiography, *Self-Portrait in the Studio*, in conjunction with another figure whose relation to the Law and to institutions was a spectral one — staring out from the ruins, or sadly haunting their margins, perhaps dreaming of something better: 'It is not possible to find the truth if one does not first exit from the situation — or institution — that impedes access. The philosopher must become a stranger in his own city; Illich had to somehow leave the church and Simone Weil could never decide to enter it' (*Self-Portrait,* 55).

[5] One of the reasons Illich cites for the closure of CIDOC, the Centre for Inter-Cultural Documentation, was that 'the place would not be able to save itself from university-like institutionalisation' (*Ivan Illich in Conversation*, 202).

[6] 'Italy, as the political laboratory of the West, where the strategies of the dominant powers are worked out in advance in their extreme form, is today a country in human and political ruins, where an unscrupulous tyranny determined to do anything has allied itself with a mass in the grip of pseudo-religious terror, ready to sacrifice not only what were once called constitutional freedoms, but even all warmth in human relations. To believe that the green pass means a return to normality is naive indeed. Just as a third vaccine is already being imposed, new ones will be imposed and new emergency situations and red zones will be declared for as long as the government and the powers that be deem it useful. And it is those who have unwisely obeyed who will pay the price. In these conditions, without laying down every possible instrument of immediate resistance, the dissidents need to think about creating something like a society within society, a community of friends and neighbours within the society of enmity and distance. The forms of this new clandestinity, which will have to become as autonomous as possible with respect to institutions, will have to be meditated upon and experimented with in each case, but only they can guarantee human survival in a world that has devoted itself to a more or less conscious self-destruction' (Agamben, 'A Community in Society', 17th September 2021. Available at:

interpreted: both philosophers are attempting to think a human polity — or at least a human amity — which would be freed from the weight of the law and its encumbrances, but not necessarily from something like an 'institution'.

The present volume and its contents

The present volume opens with a collection of Agamben's writings explicitly devoted to Illich, some of which we make available in translation for the first time.

Following this, Giorgio Astone considers Illich's notion of dis-establishment alongside Agamben's idea of de-(in)stitution: both thinkers are hereby seen to be concerned with the gesture that Astone describes as 'inscription', the dreadful punishment which Kafka depicts as taking place within the penal colony, as the law is engraved on the very flesh of the human being, providing us with a garish metonym for the impingement of power upon life. Eventually, as some in the twentieth century took to be the lesson of Hegel, the word murders the thing. Are institutions as such condemned to subordinate life to their 'rules and regulations', or can they be rethought from within a biopolitical conceptual scheme? Can the word be used to initiate a new and less violent relation between human beings?

Astone's essay is followed by another attempt to think the nature of the institution in Agamben's work. In so doing it addresses the question of Agamben's debt to Illich in terms of the theological genealogy of our modern and supposedly secular institutions. It deals with Agamben's most openly 'theological' texts from the new millennium, which insistently return to the question of the church as an institution. It is here that Agamben seems to us to be most inspired by Illich's work, and we attempt to determine how and in what respects this might be so, devoting particular attention to the 'mystery of evil' in the life of the Church, and its relation to the corruption of Christian love and the restoration of an eventually hypertrophic law, that has come more and more suffocatingly to constrict human behaviour.

We are thus once again left with the question of whether institutions can be modified in such a way as to make them more amenable to genuine human relations, or whether we must leave the institution altogether in order to form such a bond. Perhaps we could say that we are currently wandering amidst the ruins of our own institutions; but should we quit the building altogether?

Nicola Labanca considers Agamben's own theory of human relations in light of the 'complementary relationality' by which the two genders of pre-industrial society co-habit with one another. On Illich's account, this was perhaps the most fundamental aspect of human con-viviality before the arising of the neuter, *homo œconomicus* and his (or 'its') generic human 'needs'.

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https://www.quodlibet.it/giorgio-agamben-una-comunit-14-ella-societa?fbclid=IwAR3YdHDt3XO2q8AQTXsc_kPG3StvVndUV5NUP39-MJPxPd2Ef2jOFduDUyk [accessed 16th April 2025]).

Labanca examines the way in which Ivan Illich's notion of institutional counterproductivity might be illuminated by a comparison with Agamben's notion of the machine which begins to run on empty and thus allows the two poles between which it moves to coincide. Thus, at a certain threshold, the motorised means of transport supposedly intended to speed us on our way ends up reducing us to immobility. Agamben's machine rotates interminably, in an infernal state of exception in which the strong arm of the law finds us wherever we might be and keeps us locked into our symbolic role with a strictly codified set of activities and manners of relation; whilst the institutions that came to horrify Ivan Illich, which were meant to be mere means to an end, tools, eventually take to persisting solely for their own sake — and once again we are in hell.

Mar Rosàs Tosas demonstrates that the state of exception can be construed in a particularly illuminating way by singling out the notion of the law's being 'in force without having significance'. Her essay shows how this state of exception affects a series of disciplinary fields, including that of the (meta-)medical, in relation to which she argues that it might provide a philosophical explanation as to why the boundary between normal and pathological is so often disagreed upon, and, indirectly, why it is that today we find it so difficult to take an aberrant psychological and social phenomenon and pronounce it straightforwardly pathological, pursuing in place of that an empty affirmation which tends to suggest that there is no such thing as (mental) 'illness' at all.

How are we to avoid each of the two extremes of a hyper-medicalisation which so disturbed Ivan Illich, and a rash de-medicalisation that would rule out the possibility of even calling for a cure? — Rosàs provides us with a compass that might allow us to navigate between the horns of this dilemma.

Finally in this section, we present the translation of an interview between Patrick Boucheron and Giorgio Agamben, a historian and a philosopher. A scarlet thread which one might discern as running through the dialogue is precisely the question that we have raised in terms of the institution and the future of human relations in the desuetude of the law: Boucheron asks Agamben about his relation to others — in this case, other philosophers or thinkers, who have preceded him and who will resume the train of his argument once he has abandoned it (finding in him those moments of 'developability' that he takes such pleasure in finding in others). If thought is in some sense impersonal, carried out by an Averroeist intellect, nevertheless Agamben insists that the individual imagination or phantasm is what allows each thinker to imprint his own unique mark on thought. In any case, what thereby comes to pass is something like a friendly or convivial discussion between Agamben and his forebears, together with a joyful anticipation of the development of his own ideas by other philosophers yet to come.

Indeed, at one point in the conversation, the question of the institution arises, one of the functions of which is to ensure a certain conservation of ideas

between generations, and we can imagine, with the decaying of the university, that the question of transmission, and even of the unity of Science will become more and more apparent and pressing. Here Agamben speaks of institution and destitution as two poles — presumably belonging to a machine that here goes unnamed — of which, in 'post-industrial democracies', the former has come to prevail (technocratically) at the expense of genuine 'political life'. His forebear Illich could only nod sagely in agreement and delight in the kindling of a new friendship upon hearing these words. The secret of politics lies in our private life, according to Agamben's reading of Debord — politics and friendship can no longer be opposed as public and private affairs, just as theoretical contemplation is no longer to be opposed to political action.

In a section we have entitled *Varia,* Andrea Righi deploys the work of Emanuele Severino and Luisa Muraro to provide us with an intriguing reading of the notion of God-the-Father, the transcendent (and male) creator and guarantor of the totality of being.

If there is such a thing as a totality of all things, a uni-verse, then it cannot present itself save perspectivally; completion can appear only incompletely — but, as Nietzsche was among the first to ask, does the multiplicity of phenomena depend upon a transcendent instance, a divine 'perspective', a 'view from nowhere', to coordinate and totalise this multiplicity? Nietzsche's struggle with the shadows of god led him to the notion of perspectivism and a certain version of the Heraclitean flux; Severino turns instead to Parmenides and the denial of becoming. One of the novelties of the Italian philosopher's Eleaticism is that it can be used to affirm an absolute immanence to the exclusion of all transcendence.

Righi moves to explicate the complete and yet incomplete character of this immanence by way of the Lacanian formulae of sexuation, and in particular the way in which women are prone to conceive of a totality that is indeed 'in-complete' or 'non-all' but without the exception that a transcendent(al) phallic signifier might provide, 'in the name of the father'. If the god of men creates from nothing, the god of women gives birth.

Finally in this section, after some peregrination through the realms of a gendered entity prior to the historical invention of the neutered 'human' we return to the question of humanity as such. Even if in the case of Agamben the place of the human is not straightforwardly ascertainable, it remains a crucial reference point for both him and his companion in thought, Ivan Illich. The question of humanism today still remains to be altogether thought out.

In the name of such a thinking, Ezio Gamba presents us with an analysis of two books, by Michele Ciliberto and Massimo Cacciari, which jointly reinvigorate and complicate our generally one-eyed vision of historical humanism. In doing so they allow us — at least in the case of the former — to call explicitly for a new humanism today, one which understands that humanism in both its historical and

its contemporary sense must involve the acceptance of human weakness as well as an affirmation of its strength, and that humanism frequently shows its face when crisis looms.

It strikes us as eminently possible to propose a humanism — and a philosophical anthropology — that does not mistake the human being for a panacea that might ward off every type of inhumane and dehumanising treatment, but which can at least explain why humans are capable of such depravity and suggest ways to restrain them from their worst excesses.

The issue concludes with a translation of three works by a philosopher of whom Agamben thought extremely highly and who has so far remained almost entirely untranslated and unknown in the English-speaking world: Enzo Melandri.[7] We present these translations in the form of well-polished drafts and solicit suggestions for improvement and emendation — which may be directed to the translator, Alexander Ferguson, or the editor — with a view potentially to publishing revised versions at a later date.

[7] Speaking of his studio in Venice, Agamben says the following: 'Propped up on the lower left-hand shelf there is a photograph of Giorgio Colli, whose work, along with that of Enzo Melandri and Gianni Carchia, will certainly remain as a testament to Italian thought in the twentieth century. Of others, who get presented on television as the greatest philosophers of our time, absolutely nothing will remain' (*Self-Portrait*, 133). Agamben appeals to the essay on Michel Foucault, herein translated, in *The Signature of All Things: On Method*, 59 & 117n.62; cf. 96 and 120n.33; he goes on to refer to Melandri's *magnum opus*, *La linea e il circolo*, in which the essay on analogy was incorporated. Melandri's works stand on their own, but they may also be taken to illuminate the rich — and still to us, in part, obscure — background of Agamben's thought.

Preface to the Complete Works of Ivan Illich[1]

Giorgio Agamben

Translated by Arianna Bove

With this volume, the publication of the first edition of the Complete Works [*Opere complete*, in Italian] of Ivan Illich begins (the *Œuvres Complètes* published by Fayard and the *Opera Omnia* — soon interrupted — at Marion Boyars are far from meriting such a title). We are convinced, in fact, that only today is Illich's work experiencing what Walter Benjamin called the 'now of legibility'.[2] Unlike the time of its initial reception in the seventies, Illich no longer appears to be the brilliant iconoclast who subjected the main institutions of the West to relentless criticism. At stake, in his critique of modernity, is nothing less than a new outlook on humanity — where by 'humanity' we do not mean a biologically or culturally presupposed nature, but rather the practices through which, from time immemorial, men and women have made life possible — a realm that Illich calls 'conviviality'. A philosophical problem — which is to say an ethical and political problem — *par excellence*, if philosophy is above all a recollection of anthropogenesis, which is to say, of the incessant and never fulfilled becoming human of living man.

If, in this perspective of modernity, Illich represents the untimely resurgence of a radical exercise of *krisis*, of a call to pass judgement upon Western culture without extenuating circumstances, this crisis and this judgement are all the more radical because they arise from one of its essential components, the Christian tradition. The texts collected within this first volume bear witness to a period — between 1951 and 1971 — that coincides with Illich's training inside this tradition.

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[1] The current text is a translation of the Preface to Ivan Illich, *Celebrare la consapevolezza. Scritti 1951–1971. Opere complete, Volume I.* Ed. Fabio Milana. Vicenza: Neri Pozza, 2020.

[2] Translator's Note: Elsewhere, Agamben claims: '*Das Jetzt der Lesbarkeit,* "the now of legibility" (or of 'knowability' *Erkennbarkeit*) defines a genuinely Benjaminian hermeneutic principle. The absolute opposite of the current principle according to which every work may become the object of infinite interpretations at any given moment (doubly infinite, in the sense that interpretations are never exhaustive and function independently of any historical-temporal situation). Benjamin's principle instead proposes that every work, every text, contains a historical index which indicates its belonging to a determinate epoch, as well as its only coming forth to full legibility at a determinate historical moment' (Giorgio Agamben, *The Time That Remains: A Commentary on the Letter to the Romans*. Stanford: Stanford University Press, 2005, p. 145).

The approach is also debated in Wayne Stables, 'Passages with Benjamin: Reading *The Arcades Project'*, Cultural Critique vol. 105, 2019, pp. 135–76. https://doi.org/10.5749/culturalcritique.105.2019.0135 (accessed 1st December 2024).

These are the years of his pastorship as a priest, before becoming deputy parish priest of the Iglesia de la Encarnación in New York, and later Vice-Chancellor of the Catholic University in Puerto Rico; his participation in the Second Vatican Council in Rome and the foundation, in Cuernavaca, of the Centre for Intercultural Documentation (Centro Intercultural de Documentación). Since Illich acts here as a priest within the Church, there is a strong temptation to distinguish the author of these texts from the Illich who, on 15th March 1969, cast off 'the privileges and powers that have been conferred by the Church', and declared that he would forever renounce the public practice of his priesthood so as to embark upon the activities of the writer and lecturer that would later turn him into a well-known and much discussed figure the world over.

But reading the texts carefully assembled here is enough to make us realise that it is not possible to point to a fracture between the Illich inside the Church and the one outside (or on the margins) of it. The published and unpublished texts made available here — including the valuable thesis on the historiographical thought of Arnold J. Toynbee — indeed show that the conceptual arsenal of Illich the critic of modernity and archaeologist of conviviality, is born out of a radical and consistent development of theological and philosophical categories that were already present in the priest's thinking. It therefore comes as no surprise that the category decisive, in every sense, to the thought of the young Illich is the eschatological concept of the kingdom; this was always recognised as the essential content of Jesus's preaching, though it gradually disappeared from the pastoral practice of the Church and its vocabulary.

In this perspective, all of Illich's thought seems to be a reflection on the kingdom and its special presence among us, already brought to completion and yet still to come.[3] The incompleteness in question here is not of a temporal order; it does not imply a chronological succession, nor an accomplishment to take effect in the future. Fulfilment and unfulfillment are both contained in the present, because 'only in the present does the Lord redeem. We have no idea if there is a future'. In this sense, contrary to what the Church claims, there is no 'history of salvation', a divine *oikonomia* that is manifested and progressively fulfilled in history. Salvation has no history, 'the coming of the Lord is at hand'[4] and here and now the believer is witness to his advent (hence, in Illich's later thought, one can

[3] TN: Elsewhere, Agamben claims: 'The same Gospel that announced the immediate presence of the Kingdom shifts it into a time to come [...]. Hence the perplexity of theologians as to the temporal status of the Kingdom as *eschaton*, as a last time: over the supporters of "realised eschatology", who affirm that the texts that seem to hint at a future time are to be interpreted with reference to present fulfilment, there predominate the dialectical and progressive interpretations, according to which the presence of the Kingdom is broken down into an "already" and a "not yet", with respect to which the intermediate time is the time of salvation, which has already begun but still awaits its final realisation' (Agamben, *The Kingdom and the Garden*. Trans. Adam Kotsko. London: Seagull Books, 2020, p. 147–48).

[4] TN: James 5:7–9 ESV.

detect a constant distrust of the future: 'I will never allow the shadow of the future to fall on the concepts through which I try to think what is and what has been'[5]).

Illich often compares the presence of the kingdom (intentionally written in the lower case) to understanding a joke or a funny story: the believer and the non-believer, he writes, are like two people listening to a joke: 'They both understand the meaning of words, but only one laughs, that is, only one understands the story'. Differently from a paradigm that has been predominant in Western politics and the Church, Illich believes that the experience of the event of the kingdom need not imply a further historical event, to be realised in the future. It coincides entirely with the present moment, when the one who has understood the announcement bears witness to it, laughing. As Illich suggests in the interview on the meaning of Cuernavaca published in the appendix to this volume: 'We should be men who play because we know [...] that God himself could not have created the world for any other purpose than to play with it, although he certainly could have created it to make it serve some purpose through "uselessness", through "play"'. And with tenacious, irreducible seriousness, Illich would practise this useless game throughout his life.

[5] Editor's Note: cf. 'I will not allow the shadow of some brilliant future, of something which is to come, to fall on the concepts with which I try to grasp what is and what has been' (David Cayley, *Ivan Illich in Conversation.* Toronto: House of Anansi, 1992, p. 189).

Introduction to Ivan Illich, *Gender: Per una Critica Storica Dell'Uguaglianza*[1]

Giorgio Agamben

Translated by Arianna Bove

1. Perhaps the moment of Ivan Illich's 'legibility' — as Walter Benjamin would call it — has arrived. In the seventies, he was mainly known for his *De-schooling Society* (1971) and *Medical Nemesis* (1976), works that granted him widespread success but also misinterpretations. The 1975 debate between Gilles Martinet and Jean-Marie Domenach — featured in *L'arc* — is instructive in this respect: there, Illich is described either as a Christian who critiques science in the name of regressive communitarian ideals, or as the 'first social scientist of our times, as Marx was in his'. In any case, the work of this 'licensed iconoclast' — as a famous newspaper called Illich at the time — would be considered as if it were just another critique of institutions of the kind that marked the lasting repercussions of 1968.

It is high time that we read Illich in a different perspective. If philosophy necessarily demands an interrogation of the humanity and non-humanity of mankind, then his research, which concerns the destiny of humankind at a decisive moment in its history, is genuinely philosophical, as is his method — an archaeology that developed independently of Michel Foucault. In this respect, with reference to Benjamin's Angel of History who walks backwards towards the present with its eyes fixed upon the past, Illich is more of a crab, moving back towards the past with its gaze fixed upon the present.

2. When it comes to our knowledge of the present, arguably there is little that the gaze of Illich's crab has not profoundly reinvented. Time and again, his global analysis concerns the very system men used to secure their subsistence over time. According to Illich, this system combines two different modes of production: an autonomous one — producing use values destined for the domestic sphere or, in his terms, the vernacular as opposed to the market; and a heteronomous one — geared to the production of commodities for the market. When the expansion of the heteronomous system (quantitatively the most significant by far) reaches a threshold beyond which autonomous production disappears, to give way to what

[1] Giorgio Agamben, 'Introduzione', in Ivan Illich, *Gender: Per una Critica Storica Dell'Uguaglianza* [Towards a Critical History of Equality]. Trans. Ettore Capriolo. Ed. Fabio Milana (Vicenza: Neri Pozza, 2013), pp. 7–17.

Illich names 'shadow work' (that is, the unpaid work of the consumer who makes market commodities usable), we enter into a 'paradoxical counter-productivity' whereby heteronomous production has effects that are directly opposed to those it aimed to achieve. The example Illich used, which could go by the name of the 'snail's theorem', incisively illustrates this counter-productivity: having reached a given number of shell whorls, the snail must stop making them; if it carried on, a single further whorl would increase its weight and volume sixteen-fold.

Illich used this theorem to demonstrate, in his rightly famous analyses, that schools, without reducing social discrimination, make individuals incapable of learning by themselves; that medicine, expanding beyond a certain threshold, ends up producing iatrogenic diseases whilst expropriating people of their ability to withstand their own pain and alleviate that of others; that high-speed and expensive transport, instead of saving time, in fact taken as a whole exacts more hours from those who need it and therefore turns out to be slower than a bicycle.

At the beginning of the seventies, a group of sociologists tested Illich's hypothesis and demonstrated that, in terms of 'generalised time expenditure' — including the hours necessary to buy and maintain a car as well — the car belonging to an average French person travels 15500 kilometres per year and yet the driver devotes 1550 hours a year to that car, which means that on average they travel at a speed of ten kilometres per hour as opposed to the thirteen they would achieve on a bicycle. However, the objective of transport policy is economic productivity rather than the interests of individuals, and therefore building motorways and car production become further intensified.

These kinds of analyses have been amply debated, but one should not neglect the studies that Illich also carried out on so-called 'disabling professions' that monopolise a given activity by expropriating those who had practised it in the past (we would add to Illich's catalogue, the architects' profession, given that since their emergence in the nineteenth century they have expropriated men of the ability to build, which humans had deployed for millennia); the critique of notions of scarcity and need that define the economy of the industrial era and its constitutively needy *Homo œconomicus*, who is both an ideal customer of the capitalist market and the perfect recipient of state support; the critique of the fetish of life and the bioethics that ensues from it; the genealogy of the secularisation of the ecclesiastical pastorate; and, last but not least, the astonishing reconstruction of the transformation of the book and of reading from the twelfth century onwards (*In the Vineyard of the Text*, 1993).

These studies all concern a threat to man's humanity; though it must be said that 'humanity' here stands not for a biologically and culturally presupposed nature, but simply for the immemorial practices that men engage in to make life possible, the realm Illich named 'conviviality' — a philosophical problem *par excellence*, in so far as philosophy is first and foremost a recollection of anthropogenesis, that is, of the becoming human of the living man.

3. It is impossible to comprehend a historical era or thought without comprehending its experience of its own time. Illich's analyses are often irrefutable because of the lucidity he displays in situating his thought within this experience. Schmitt's thesis, that all political concepts are secularised theological concepts, is well-known, and yet in order to be made cogent, we should add to it that, today, secularised concepts are also eschatological. Contemporary thought has tried to avoid a confrontation with its own historical situation by having recourse to such blatantly inadequate concepts as the end of history, post-history, post-modernity; it did so because it is founded, ultimately, on a secularisation of Christian eschatology. This is why, in a gesture that recalls Benjamin's projection of messianism onto profane history, Illich can take his own time at its word and examine it in an avowedly apocalyptic perspective. In his last conversations with David Cayley, Illich stated that attributing to him the idea that we live in a 'post-Christian era' would be entirely inappropriate. 'On the contrary', he said, 'I believe this to be, paradoxically, the most obviously Christian epoch, which might be quite close to the end of the world'.[2]

4. Perhaps the concept most central to the secularised eschatology of modernity is crisis. It is not only in politics and economics, but also in every area of social life, that crisis now coincides with a normal state. Of the three semantic fields that merge in the history of the term (the juridico-political sense of the 'judgement' in a trial or assembly, the medical sense of the moment decisive to the progression of a disease, and the theological sense of the last judgement) only the last two have contributed to its definitive meaning in modernity. Both of these, however, have undergone a transformation in their temporal order. *Krisis* meant, in ancient medicine, the judgement by which the doctor recognised whether someone afflicted with disease would survive or die, get better or worse. Such a judgement coincided with a precise moment in the development of the disease, one that Galen called the critical period (*krisimoi, dies decretorii*). In the modern concept of crisis, on the other hand, as crisis has become a permanent condition, the connection with the moment of decision is no longer there. Crisis becomes separated from its 'decisive point' and is prolonged indefinitely over time.

The same applies to the final judgement in theology. Here judgement was inseparable from the end of the thing being judged. As St. Thomas wrote, 'judgement belongs to the term, wherein [things] are brought to their end' (*Summa Theologica,* Supplementary Question 88, Article 1). 'Judgement cannot be passed perfectly upon any changeable subject before its consummation [...]. Wherefore, there must be a final Judgement at the last day, in which everything concerning every man in every respect shall be perfectly and publicly judged' (*Summa Theologica* III, q. 59, art. 5). In the modern secularisation of 'crisis', judgement becomes separate from its essential connection to the end, and is made to coincide

[2] Editor's note: cf. Ivan Illich, *The Rivers North of the Future: The Testament of Ivan Illich as told to David Cayley* (Toronto: House of Anansi, 2005), 169–70.

with a chronological evolution, so that the thing can never be conceived in its accomplishment and proper finality. Consequently, the faculty of deciding once and for all is taken away, and the constant decision never properly decides anything.

5. Starting with *Eichmann in Jerusalem: A Report on the Banality of Evil,* Hannah Arendt devoted much of her theory to a reflection on modernity's loss of this ability to judge. The faculties of thought and judgement are, in her view, both distinct and inextricably linked. Thought is not a cognitive faculty, but that which makes possible a judgement concerning good and evil, just and unjust. Eichmann lacked neither rationality nor moral sense, but rather the faculty to think, and thus the faculty to judge his own actions.

Illich represents the untimely re-emergence of a radical exercise of *krisis* in modernity, of an uncompromising call to judgement in Western culture — a *krisis* and judgement that are all the more radical for being descendants of one of their essential components: the Christian tradition. Like Benjamin, Illich uses messianic eschatology to neutralise the progressive conception of historical time. He does so in two interconnected ways: on the one hand, the experience of *kairos*, the decisive moment that breaks the continuity and homogeneous line of chronology; on the other hand, the ability to think of time in relation to its completion. In Arendt's terms, the temporal instant of decision and the *novissima dies,* where time is consummated, are two doors by which thought might enter the faculty of judgement. But, in the hour of judgement, the *eschaton* and the 'now' coincide, without remainder.

This situation, original with respect to time and history, defines the pertinence and force of Illich's 'crisis' of modernity. Each of his studies takes on its full meaning only if it is situated in the unitary perspective of something we would consider — with Hannah Arendt's and Gunther Anders' — amongst the farthest reaching and most consistent philosophical critiques of the devastating powers of progressivism — and the 'Absurdistan or hell on earth' that, for all its good intentions, the latter brings to fruition.

As we have argued, whilst rooted in the Christian tradition, this critique was also inseparable from an awareness of its responsibilities in the fate of modernity. What differentiates Illich from the progressivist or reactionary critiques of our society is his rootedness in that tradition, and with it, his ability to leave it behind, without reservations, and head towards philosophy. And if philosophy is not a discipline but rather an intensity that can animate any field, in Illich's case, it takes the form of an intensification of the realm where the tensions of Christianity unfold before the catastrophic effects of its secular perversion take hold.

6. To understand Illich's situation in relation to the theological tradition we must start with his conversations with David Cayley published in *The Rivers North of the Future* (2005). The 'rivers north of the future' that the subtitle presents as the 'testament of Ivan Illich' are where — as stated in an earlier interview with Cayley

himself — independently of any testamentary intention Illich certainly wished to provide a key with which all of his works might be read. Both interviews feature the expression *mysterium iniquitatis* (the mystery of evil, with reference to the unknown and extreme character of the evil that modern man must confront). 'The *mysterium iniquitatis',* Illich claims,

> is a *mysterium* because it can be grasped only through the revelation of God in Christ. [...] But I also believe that the mysterious evil that entered the world with the Incarnation can be investigated historically, and, for this, neither faith nor belief is required but only a certain power of observation. Is it not the case that our world is out of whack with any prior historical epoch? The more I try to examine the present as a historical entity, the more it seems confusing, unbelievable, and incomprehensible. It forces me to accept a set of axioms for which I find no parallels in past societies and displays a puzzling kind of horror, cruelty, and degradation with no precedent in other historical epochs. [...] How to explain this extraordinary evil?
>
> I would say that this question can be looked at in an entirely new light if you begin from the assumption [...] that we are not standing in front of an evil of the ordinary kind but of that corruption of the best which occurs when the Gospel is institutionalised and love is transmogrified into claims for service. The first generation of Christianity recognised that a mysterious type of — how shall I call it? — perversion, inhumanity, denial had become possible. Their idea of the *mysterium iniquitatis* gives me a key to understand the evil which I face now and for which I can't find a word. I, at least, as a man of faith, should call this evil a mysterious betrayal or perversion of the kind of freedom which the Gospels brought.[3]

This long quotation demonstrates Illich's particular approach to contemporaneity effectively: while clearly identifying its theological foundation, he did not forego a purely historical inquiry. The specificity of his critique consists, in fact, in investigating how the shift from the extra-historical to the historical and from the theological to the profane occurred; for instance, how the notions of love, freedom, and contingency, that Christianity invented, were transferred to services, State, and science, thus producing the exact opposite of what they had originally been; and how the notion of the Church as a *societas perfecta* could end up producing the modern idea of the State as in charge of the total government of human life in all of its aspects. This is the paradigm of the *corruptio optimi quae est pessima* — a lens through which he views the history of the Church.

[3] Translator's note: Illich, *The Rivers North of the Future,* pp. 60–61.

7. The expression *mysterium iniquitatis* is taken from Paul's second epistle to the Thessalonians. In this letter, Paul speaks of the Parousia of the Lord, describing the eschatological drama of a conflict that sees on the one hand a Messiah, and on the other two characters he names 'the man of anomie', *ho anthropos tes anomias* (literally, the 'man of the absence of law'), and 'the one who withholds' (*ho katechon*):

> Let no man deceive you by any means: for that day shall not come, except there come a falling away first, and that man of sin [*ho anthropos tes anomias*] be revealed, the son of perdition; who opposeth and exalteth himself above all that is called God, or that is worshipped; so that he as God sitteth in the temple of God, shewing himself that he is God. Remember ye not, that, when I was yet with you, I told you these things? And now ye know what withholdeth that he might be revealed in his time. For the mystery of iniquity [*mysterion tes anomias*, which the Vulgate translates as *mysterium iniquitatis*] doth already work: only he who now letteth will let, until he be taken out of the way. And then shall that Wicked [*anomos,* literally 'the lawless'] be revealed, whom the Lord shall consume with the spirit of his mouth, and shall destroy with the brightness of his coming. (2. Thess. 2. 2–11)

Whilst the exegetical tradition agrees in identifying the 'man of anomie' with the Antichrist, already in the first of St John's Epistles (2.18), when it comes to 'the withholder' — of whom St. Augustine speaks in the *City of God* (XX, 19) — we find two main interpretations. Some — including St Jerome and, among the moderns, Carl Schmitt, who view the *katechon* as the only chance of conceiving history within a Christian framework — see it as an allusion to the Roman Empire that acts as a power holding back the catastrophe of the end of the world; others — among whom is a contemporary of St Augustine, Ticonius — believe that what delays this eschatological drama is the divided nature of the Church, that has a saintly and luminous side but also a dark and sinister one where the Antichrist resides and grows.

Illich's particular reading of the *mysterium iniquitatis* can be inscribed in this exegetical tradition. However, in his view, contrary to the mainstream interpretation of contemporary philosophers and theologians, this mystery is not meta-historical, a gloomy theological drama that paralyses and makes all action and decision enigmatic; it is a historical drama, as we have argued, of that *corruptio optimi pessima* that has made it possible, over the centuries, for the Church to beget its own anti-Christ perversion in modernity. And in this historical drama, the *eschaton*, the final day, coincides with the present, with St. Paul's 'now-time', where the divided nature — both Christian and Anti-Christian — not only of the Church,

but of every human institution, finds its apocalyptic revelation; and in this historical drama Illich chose to play his part, without ambiguity or reservations.

8. *Gender*, the 1982 book hereby presented, must be situated in this perspective. Over a decade later, Illich would write, in an important Preface to the German edition (hitherto unpublished in Italian) that this book emerged from the 'repugnance' he felt before the 'terrible corruption of what is most excellent', which for him, to the very end, constituted an 'enigma' upon which he wanted to shed light. But he also suggests that the book is a turning point for his research. The loss of gender and its transformation into sexuality — which is the theme of the book — are here no longer approached in the manner of an 'aggressive critique of modernity', but in the way of 'thoughtful' research on the 'social history of a lived *we*', that is, a reflection on the 'changes in the modes of perception' of the body and its relations with the world, that under the pressure of 'myth-making rituals' (among which Illich mentions the school, medicine, the mission, urban planning, transport, and propaganda) have caused the depletion of countless forms of vernacular life. It is necessary to add an important note to what we have already mentioned regarding the rigour of Illich's critique of modernity. In his view, judgement is the more unforgiving the more it retains all of its memories, the more it affords the only chance of safeguarding the vernacular universe he never tires of evoking and describing in all of its elements. Judgement is merciless because within it things look lost and irredeemable; salvation is benign because within it things appear to be beyond judgement. The complex intertwining of judgement and salvation defines the particular *ethos* of Illich's writings and his thought.

In this movement of his, along the arduous ridge between judgement and salvation, between historical memory and the critique of the present, it is possible to explain the disorientation and near bewilderment that characterised the book's initial reception. The re-vindication of 'gender' (in English, *gender* is exclusively a grammatical category) — that recalls a 'duality of the human' which distinguishes the 'places, times, tools, tasks, forms of speech, gestures, and perceptions that are associated with men from those associated with women'[4] — as opposed to a 'sex' conceived of rather as the polarisation of all of these characteristics, dignity and rights that, since the late eighteenth century, were attributed equally to all human beings, was too unusual for a modern audience to be entirely acceptable. In the same way, his critique of 'women's organised ambition to achieve economic equality', imprisoned in the very capitalist logic it believed it was fighting against, was too precocious for its time. The strange thing was that some years later, at least beginning with Judith Butler's book *Gender Trouble* in 1991, the term *gender* would become crucial to changing the very denomination of studies on feminism, now reframed under the new academic label of *Gender Studies*. Butler's book,

[4] Editor's Note: Ivan Illich, *Gender* (London: Marion Boyars, 1983), p.3.

however, though also critiquing the biological dimension of sex as opposed to the cultural dimension of gender, did not once feature Illich's name.

Many are the signs that might lead one to assume that in this field Illich's thought might have reached the hour of its legibility. But this will not happen so long as contemporary philosophy refuses to come to terms with this master, who is illustrious and yet still stubbornly confined to the margins of academic debate.

Laughter and the Kingdom
Foreword to Ivan Illich, *The Powerless Church and Other Selected Writings, 1955–1985*[1]

Giorgio Agamben

Translated by Lorenzo Chiesa

The texts Valentina Borremans and Sajay Samuel have collected in this volume allow us to follow Illich's intellectual itinerary over a period of time — from 1955 to the publication of his first books — of which we knew very little. These are the years of his pastoral commitment as deputy parish priest of the Iglesia de la Encarnación in New York and then as deputy rector of the Universidad Católica of Puerto Rico, of his participation in the Second Vatican Council in Rome and in the foundation of the Centro Intercultural de Documentación in Cuernavaca. Given that Illich is here acting as a priest within the Church, it is very tempting to distinguish the author of these texts from the Illich who, on 15th March 1969, laying down 'the privileges and powers awarded to him by the Church', undertakes to renounce forever the public exercise of ministry and starts an activity as a writer and conference speaker that in a few years will turn him into a well-known figure discussed around the world. However, it is sufficient to read carefully the texts assembled here to realise that it is not possible to mark any break between the Illich who is within the Church and the one who lies outside it (or on its margins). Certainly, the possibility of transforming a parish in Manhattan ('The American Parish', 1955), the meaning of virginity ('Sacred Virginity', 1955), the education of missionaries ('Spiritual Poverty', 1961), the meaning of death in Christianity ('Rehearsal for Death', 1956; 'The End of Human Life', 1958), religious experience and mysticism ('Aesthetic and Religious Experience', 1966), the transformation of the functions of the clergy ('The Vanishing Clergyman', 1967), and the problem of the transmission of faith ('How will we pass on Christianity?', 1972) seem at first sight to be themes that do not exceed the preoccupations of a pastor who asks himself about the future and the meaning of his Church. And yet, if we pay attention to the paradigms that guide the reflections of the young priest, the proximity to the thought of the Illich who is outside the Church is surprising.

The hypothesis I would like to suggest is that the concepts of Illich as a critic

[1] Thanks to Patrick Alexander, of Pennsylvania State University Press, for permission to reprint this text from Ivan Illich, *The Powerless Church and Other Selected Writings, 1955–1985.* Eds. Valentina Borremans & Sajay Samuel (University Park, PA: The Pennsylvania State University Press, 2018); and thanks to Sajay Samuel, for facilitating the permission and for his support of this issue of the journal. Thanks also to the original translator for the work of translation and for endorsing the essay's inclusion here. The text remains copyrighted to the author.

of modernity and archaeologist of conviviality originate as a radical and coherent development of theological categories already present in the thought of the priest.

In the texts collected here, Illich interprets at each turn the problems he tackles in light of a small number of genuinely theological concepts: prayer, spiritual poverty, and the kingdom. The two articles on death thus culminate in the claim that not only is there a profound parallelism between death and prayer, but death as a specifically human act ('the last act of human life') is nothing other than a 'pure and supreme form' of prayer. Two years later, the silence that defines the condition of spiritual poverty which characterises the missionary who has abandoned all that he has, including his language, is analogous to the silence of the prayer that precedes every word, a 'gift of prayer learnt in prayer before the infinitely distant and infinitely extraneous God' (p. 46[2]). Still in 1972, the essay 'How will we pass on Christianity?' turns prayer and poverty into the paradigm of the visibility of the Church, which needs to be sought 'in the conscious evangelical interpretation of prayer rather than in the evangelical interpretation of some political or organisational structure' (p. 163). But if we now ask what Illich means here by prayer, the same text answers by listing among the 'explicitly formal prayer forms', along with silence and nocturnal awakening, 'good gourmet eating on certain occasions, feasting and even orgiastic behaviour, or common recitations of poems' (p. 163). This means that, for Christians, 'every action of life resolves into a prayer' (p. 41) and what Illich calls prayer is not a ritually separated activity but the present transformation of every act of life as a result of grace and the encounter with the divine. In the essay already quoted on the transmission of faith, which anticipates many of the theses of the later Illich, we read that 'to live as a Christian means to live in the spirit of *Maran Atha* — the Lord is coming at this moment. It means to live and to enjoy living at the edge of time, at the end moment of life' (p. 153).

Unsurprisingly, the absolutely decisive category of the early Illich's thought is precisely the eschatological concept of the Kingdom, which has always been recognised as the central content of Jesus's preaching and which has nonetheless increasingly disappeared from the vocabulary and pastoral practice of the Church. The longest essay in the book, 'Concerning Aesthetic and Religious Experience', in fact ends with a brief treatise on the Kingdom, which we shall have to read carefully, since it contains, so to speak, the theological foundations of Illich's thought.

First of all, we need to assess the distance that separates Illich's reference to the evangelical kingdom from the *Reichsideologie* that was developed in theological circles between the two World Wars as a reaction to the millenarian ideologies of European fascism, which culminated in the national-socialist doctrine of the 'Third Reich [or Kingdom]'. If already in 1925, responding to the totalitarian mobilisation of the people brought about by fascism, Pius XI instituted the feast of Christ the

[2] Page references, unless otherwise stated, are to Illich, *The Powerless Church and Other Selected Writings.*

King — whose emblem was the ancient acclamation *Christus vincit, Christus regnat, Christus imperat* — it is in German Catholicism, in the Benedictine abbey of Maria Laach, that the identification of the Church with the Kingdom was once again emphatically affirmed — along with the claim concerning the dramatic efficacy of liturgy. Here — alongside a position that is admittedly close to Nazism, such as that of Ildefons Herwegen — Thomas Michels argued, referring to Peterson, that 'the history of the Kingdom of God on earth' coincides with the redemptive work (the *Heilswerk*) of the Church. (Illich might have attended Michels' courses at the Faculty of Theology in Salzburg in 1950.)[3]

The evocation of the Kingdom in Illich's text is altogether different. Abandoning any immediate political identification of the Church with the Kingdom, Illich begins with the evangelical parables on the kingdom (significantly written with a lowercase *k*): 'A large proportion of the tales in the Gospels refer to the "kingdom". The kingdom arrives and there is no way to stop it; he who has ears to hear, let him hear. It arrives at night, unexpectedly, like a thief; the day of the Lord arrives; it is a source of peace and joy for believers, and a scandal for those who reject him' (p. 83 – translation modified[4]). For Illich it is decisive that the kingdom is already present, here and now, 'among us' as an objective reality and not simply 'in us':

> The kingdom comes, and yet it already is. It is the kingdom of God that comes, and which is already among us (not subjectively speaking 'in' each one of us — let alone cosmologically beyond us — but among us). It is the Messiah who unveils and reveals this. Just as the Messiah is always at the door, the kingdom is always 'already' present: at this moment, at death, and at *parousia.* It is difficult to distinguish these three moments, because according to the Scriptures, the kingdom has already been accomplished in spite of its not yet having been fulfilled (completely accomplished). It is a paradoxical reality: 'already' and at the same time 'not yet'. (p. 83)

It is precisely the impossibility of distinguishing these three times that defines Illich's conception of the kingdom: it is by no means a matter of three chronological moments in a process that will be realised only in the future, but of a very particular kind of presence, here and now.

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[3] On the possible influence of Michels on Illich, see Fabio Milana's considerations in his noteworthy biography of Illich (forthcoming). Michels's book was significantly titled *Das Heilswerk der Kirche: Ein Beitrag zu einer Theologie der Geschichte* (Salzburg: Verlag Anton Pustet, 1935).

[4] Editor's note: Illich's text (which in this case and in the following citation is the essay 'Concerning Aesthetic and Religious Experience') was originally written in Spanish; the translation given in *The Powerless Church* has been slightly modified for idiomatic reasons, here and elsewhere.

In this sense, Illich's notion of kingdom presupposes an extremely combative interpretation of the Gospel and its patristic and scholastic commentaries, which subtracts it from the equivocations of the 'history of redemption'. In Jesus's words, the kingdom is 'among you' (this is the meaning of *entos hymon* in Luke 17:20) and, at the same time, not of this world (*he basileia he eme ouk estin ek topou kosmou toutou* — John 18:36); the kingdom has come (*ephthasen* — Luke 11:20) and, at the same time, it is near (*engiken* — Matthew 3:2). And yet, as the ancient commentators suggest, this does not mean that the kingdom is elsewhere. In Augustine's words: 'Jesus did not say: "it is not *in* this world", but "it is not *from* this world"'; as Thomas Aquinas puts it even more clearly: 'Saying that the kingdom is not here, he means that it does not originate from this world, and nonetheless it is here, since it is everywhere [*est tamen hic, quia ubique est*]'. The eschatological event not only interrupts and transforms the linear time of chronology, contracting in itself past, present, and future; it also has a spatial meaning, or, as Illich writes, 'a para-temporal dimension' (p. 85), which concerns the relation between human beings: 'It makes realism explicit: the kingdom already exists among us in a social sense, and it consists in the progress of love' (p. 85). Just as Jesus, asked by Pilate whether he is a king, answers by abruptly changing the topic of the kingdom into that of bearing witness unto the truth, as if kingdom and truth were synonymous ('Thou sayest that I am a king. To this end was I born, and for this cause came I into the world, that I should bear witness unto the truth' — John 18:37), so Illich indissolubly links the presence of the kingdom with a testimony: the transmission of faith in the kingdom 'is the result of testimony, and not of conceptual teaching; it is the result of the fulfilment of the kingdom in the heart of the witness' (p. 87). The presence of the kingdom does not depend on eschatologically awaiting the end of days but on the testimony humans give of it here and now.

For this reason, anticipating a central concept of Illich's thought, testimony can only have the form of conviviality and celebration:

> the kingdom is a social reality at a transcendental level. Hence, it cannot be communicated except by means of a communitarian and fraternal form-of-life. [...] Faith manifests itself ritually in the celebration of the mysteries of the kingdom, the symbols of its presence. And I say celebration, not affirmation or contemplation. Faith is only acquired in con-celebrating, in the conviviality of a gratuitous act, as exemplified by a meal of bread and wine, in which there is food, but a ritual food. The faithful believe in the celebration of the kingdom that is really present. Con-celebrating with its gestures and words, the neophyte engages in faith. What distinguishes believers from non-believers is the fact that they 'celebrate' all their life, just as they celebrate this meal or this gathering. (pp. 87–88)

From this perspective, the entirety of Illich's thought appears as a thought of the kingdom, of its special presence amongst us, already accomplished and not yet accomplished. The incompletion in question here is not temporal; it does not imply a chronological succession or an accomplishment to be realised in the future. Completion and incompletion are both contained in the present, since 'only in the present [does] the Lord redeem[...]. We have no idea if there is a future' (p. 159). In this sense, and contrary to what the Church claims, there is no 'history of redemption', no divine *oikonomia* that is progressively manifested and fulfilled in history. Redemption has no history, 'the Lord is coming at this moment' (p.159), and it is here and now that the believer bears witness to his coming (from here stems Illich's constant distrust of the future in his later thought: 'I will not allow the future to cast its shadow over the concepts through which I try to think what is and what has been'[5]).

Illich repeatedly compares the presence of the Kingdom to the understanding of a joke (he writes that the believer and the non-believer are like two men who are listening to a joke: 'Both understand the words, but only one of them laughs and grasps the point of the story' (p. 88). Given his extraordinary theological culture, it is possible that Illich is here quoting a passage from Origen in which the kingdom is compared to the comprehension of the spiritual meaning of the Scriptures. Just as, according to Origen, the spiritual meaning is not another literal meaning that follows a previous one but coincides with its comprehension and is exhausted by it (in Illich's words, by the fact that the one who listens to a joke laughs), so, for Illich, the experience of the event of the kingdom does not imply a further historical event to be realised in the future — following the paradigm that has dominated Western politics, including that of the Church. This experience fully coincides with the present moment, in which the one who has understood the message bears witness to it by laughing.

[5] Editor's Note: cf. n. 5 to the Preface to Illich's Complete Works in Italian, *supra*.

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,*[1] 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.

[1] 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,[2] 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

[2] 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.[3] 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*

[3] 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 20th 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*[4] (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).[5] In his Preface to the first book of the

[4] 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*.

[5] 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*[6] — 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).[7] 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.[8]

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 *deaden the heart and shackle the imagination'*.[9]

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.

[6] For Illich's most important work on this topic, see Illich 1973.

[7] See Agamben 2002.

[8] 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.

[9] 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.[10]

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).[11]

'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:[12] 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.[13] 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*-

[10] Cf. Ibid., p. 18.
[11] Cf. Ibid., p. 61.
[12] 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.
[13] 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.[14]

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'.[15] 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'.[16]

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'.[17]

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[14] Ibid., p. 67, my italics.
[15] Matthew 16:18.
[16] Ibid., p. 83.
[17] 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.[18]

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'.[19]

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.

[18] 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.

[19] 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'.[20]

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.*[21]

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'.[22]

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.[23] Rather than being

[20] Ibid., p. 24.

[21] Ibid., p. 47, my italics. The same paragraph is titled *The New Alienation;* Cf. Ibid., pp. 46–47.

[22] Cf. Ibid., Chapter 4, pp. 52–64.

[23] 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'.[24] 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.*[25]

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.*[26]

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).

[24] Illich 1971, p. 109.

[25] Cf. Ibid., pp. 113–114.

[26] 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'.[27]

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 19th and 20th 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

[27] 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'[28]), 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

[28] 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.[29]

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*[30] philosophical and political current, but also on certain new interpretations of the concept of the 'vernacular';[31] 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

[29] Ibid., p. 2, my italics.

[30] 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).

[31] 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.[32]

In the central section of 'The War Against Subsistence', Illich proposes a historical investigation stretching from the 9th 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[33] — 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

[32] Illich 1981, pp. 57-58.

[33] 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 8th and March 8th 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*.[34]

In the concluding section[35] 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'[36] 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

[34] Illich 1981, p. 59, my italics.
[35] Cf. Ibid., pp. 72–74.
[36] 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.[37]

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'.[38]

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[39] — Illich's reflection shares multiple assumptions with the critical reconstruction of Erving

[37] Ibid., p. 73, my italics.
[38] Illich 2013, p. 7.
[39] See Sontag 1978 and 1989.

Goffman's asylums,[40] 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'.[41] 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.[42]

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.[43] 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).[44]

[40] See Goffman 1961.
[41] Cf. Goffman 1961, pp. 1–124.
[42] Illich 2013, p. 44, my italics.
[43] Cf. Ibid., pp. 206–208.
[44] 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[45]. 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'.[46] 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 elabouration 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),[47] is considered highly influential in contemporary Marxist thought.

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[45] 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.

[46] Cf. Agamben 2016, pp. 263–80.

[47] 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 20th 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.[48]

Destituent potential can be framed, on this basis, next to the concept, discussed within §10 of the Epilogue, of '*dis*-junction': 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

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

[48] 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.[49]

[49] 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?[50]

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.[51] 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

[50] 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).

[51] 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.[52]

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.[53] 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.[54]

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 factical 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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[52] Agamben 2016, p. 266.

[53] In this respect, the first of the sections of the Epilogue marked with an א 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.

[54] The Italian philosopher Marcello Tarì is particularly involved in developing a notion of *un*-governability in accordance with Agamben's destituent potential (see Tarì 2008 and 2017). Tarì 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 21st 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 factical 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.[55]

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).[56] The philosophical and political perspective of the book is anticipated by the relevant answer to Agamben's destituent potential proposal within Italian academic journals.[57] 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

[55] 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.

[56] 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 instituire. 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.

[57] 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 20th 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,*[58] similarly to Karl Barth, Simone Weil, Georges Bataille, Hermann Broch and Elias Canetti.[59]

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.[60]

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).[61]

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

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

[59] Cf. Esposito 2021, pp. 4–7.

[60] Cf. Ibid., pp. 77–144.

[61] 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).[62] 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?[63]

The first 'Threshold',[64] 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

[62] An English translation of this work by Alberto Toscano is forthcoming (see Agamben 2025b).

[63] 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.

[64] 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.[65]

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

[65] Agamben 2022, p. 15, my translation.

offer valuable tools for post-anarchist perspectives,[66] 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')[67]: 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'[68] 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 Luzi, 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*.[69]

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

[66] 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.

[67] 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).

[68] See DeCaroli 2007.

[69] See Luzi 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'[70] — developed from Agamben's notion of 'form-of-life'[71] — 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*[72] — a line of flight from Being and power in their mutual articulation.

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[70] 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).

[71] 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).

[72] 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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Illich and Agamben on the Church and the Kingdom: Institutions in Light of the End[1]

Michael Lewis

Introduction: The duplicity of human institutions

Giorgio Agamben was, avowedly, a latecomer to the work of Ivan Illich, and yet he would come to know him as 'the most acute critic of modernity' (Agamben, *Where are we now?* 63[2]).

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[1] The present work was originally planned as a talk at the European Consortium for Political Research, General Conference, Biopolitics Panel, University College Dublin, 12th–15th August 2024. Thanks to Marco Piasentier for the invitation to participate and for his unflagging equanimity; and yet, in the end, the text could not be written on time, due ultimately to a love which in its unravelling rendered life within the author's 'home' institution almost impossible to bear; and at just the same time as he was being ushered into the alienated time that runs between the serving of an eviction notice and the final end of a tenancy — only then to move on to another house which proved to be almost as unhomely.

Agamben points out that *dispositivo*, the apparatus or device that stands in some crucial but obscure relation with the institution, might be translated by the archaic English term 'dispositor' or 'dispository' — a designation taken from the vocabulary of astrology which describes the way in which a constellation might steer or derail the fate of those who fall under its sign (Agamben 2005). The author had the disorienting experience of witnessing what he came to think of as his two North Stars simultaneously falling from the sky during the gestation of the present work: no doubt some of its blemishes and unevennesses can be attributed to the very genuine torment that followed.

In any case, it proved impossible even truly to begin writing the text at the originally appointed hour, a text that might well have stood in some relation with another that was to be devoted to the subject of breath — and perhaps the Illichian 'conspiration' — the deadline for which fell during the same dreadful Summer, and which also had to be abandoned, perhaps forever.

The present text was resumed in the winter of 2024 and the Spring of 2025, just as the author's own relation to the British academic institution had, after deteriorating still further, become stretched to breaking point, or at best to the most diaphanous of weaves. Our experience of institutions has always been one of reliance and alienation, frequently taking the form of a furtive skirting around their margins; both Illich and Agamben experienced institutional life in a similar vein — even if they were allowed to maintain a somewhat free relationship with the university on account of their greatly superior position of strength.

I must thank Sinéad Murphy for introducing me to Ivan Illich and for living what seems to me to be an exemplary Illichian life, even in relation to the institution she felt forced to leave; and German Primera, for an important conversation on the topic of destitution. But perhaps this essay might be dedicated to a fallen friend, Hilary Chapman, who took her leave of us whilst the essay was being composed, and whose illness involved her in a relation to the institution of the hospital that encompassed a radical dependence and an infinite abhorrence.

[2] Cf. '«La nostalgia non basta, ma è un buon punto di inizio». Intervista con Giorgio Agamben (with Valeria Montebello)', Lo Sguardo: Rivista di Filosofia 19 (2015), 21; & 'Pro Memoria Ivan

But we must ask in what respect does Ivan Illich come closest to the heart of our age? Based on a reading of a number of references to Illich in Agamben's corpus, we have elected to propose the hypothesis that it concerns the nature of our modern *institutions* and their (theological) genealogy.

Roberto Esposito has recently suggested that a theory of the institution is lacking in Agamben's work:[3] one epiphenomenal benefit of bringing the latter explicitly into conjunction with Illich's thought is that it allows us to rebut this suggestion. It just so happens that Agamben speaks most of an institution from which those of his critics who are more inclined towards the secular — in a naïve sense — might be prone to averting their gaze: the church.

Ivan Illich began there, but he did not end there; indeed, as Agamben points out in both the Preface to the collection of Illich's writings which were given the name *The Powerless Church* and in the Introduction to his Complete Works in Italian, the conceptual armoury developed by Illich in his intimate encounter with the church, allowed him later to make sense of the other institutions of human life that he came to examine (schools, hospitals, transport, and so on).[4]

Illich', 17th December 2012, available at https://www.youtube.com/watch?v=Egy6xRwHrwE (accessed 16th April 2025).

[3] For Esposito, life is a 'continuous "establishment" [or "instituting"], the capacity to create ever new meanings', which implies that the separation of life from bare life can never come about under any circumstance: 'In the expression *institutio vitae* [...], life is both the subject and the object of institution: it is instituent and instituted at the same time. [...] [H]uman life has always and in all cases been instituted, that is, inscribed in a historical and symbolic fabric from which it cannot be separated' (Esposito, *Institution*, 90).

Esposito explicitly affirms this instituent life to be synonymous with 'form of life', even though he dispenses with the hyphenation that Agamben employs to indicate the inseparability of life and its qualification, an inseparability which keeps life from sinking to the level of bare life: 'there has never been a life that is completely stripped of its formal characteristics — not even in the extreme situation of the extermination camps. Even when reduced to its lowest level and [whilst] facing imminent death, until it is extinguished, life remains a form of life' (Esposito, *Institution*, 91).

To develop his own theory of institutions, Esposito attempts to reconcile the opposition between institution and *movement* in the sense of mobility in general but also in the sense of those protest groups which might ordinarily consider themselves to be *anti*-institutional and anti-State, even anarchistic. He suggests that we need to conceive of an institution that would itself be capable of movement (*Institution,* 10ff). This rethinking of institutions is crucial if one is to avoid what Esposito takes to be Agamben's 'anti-institutional' stance, which he also describes as 'neo-anarchism'. Such a position takes institutions to be opposed to freedom, a freedom which can only be achieved in the absence of institutions or in their 'destitution' (*Institution*, 43). 'Ever since the concept of biopolitics first appeared, it has been tied to the fall of institutional mediations in favour of a direct implication between politics and life. But this definition presupposed, on the one hand, the static character of institutions, viewed as incapable of incorporating vital processes; and, on the other, a notion of "life" conceived as resistant to recognising its dual character: instituent and instituted' (*Institution,* 95).

A fuller account of Esposito's notions may be found in Lewis 2023, 90ff.

[4] 'The hypothesis I would like to suggest is that the concepts of Illich as a critic of modernity and archaeologist of conviviality originate as a radical and coherent development of theological

As Agamben puts it in what might have been deemed an aside: Illich could not unambiguously remain within the church, and — it will turn out — this is perhaps because the church in the modern age is itself ambiguous: 'It is not possible to find the truth if one does not first exit from the situation — or institution — that impedes access. The philosopher must become a stranger in his own city; Illich had to somehow leave the church and Simone Weil could never decide to enter it' (*Self-Portrait in the Studio,* 55). The esteemed company of Weil, Agamben's early inspiration in the critique of law, should encourage us to take seriously the significance of Illich in relation to his work. And if Weil considered that a human community governed by *law* would never be adequate to a truly *just* relation in which the simple cry of the other's affliction (*malheur*) might properly be answered, Illich himself would wonder from the start whether a human relationship governed by an institution could be fully human — at least once that institution had gone the way of all institutions once they pass over a certain threshold, and become 'counterproductive'.

Agamben himself will already have spoken about the nature of our juridical identity in the advent of the messiah, an event which St. Paul announces as having already occurred with the death and resurrection of Christ.[5] At that moment, his kingdom has already come, and thus our identity and that of our institutions would be rent asunder, put out of kilter, 'as not' (*hōs mē*) what they seem to us to be.

After *The Time that Remains: A Commentary on the Letter to the Romans,* a text that stems, significantly enough, from the year 2000, Agamben would return to this affair in a number of texts that revolve around the notion of 'kingdom', a return which one might presume to be in part the result of his late encounter with Ivan Illich, sometime in the new millennium.[6]

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categories already present in the thought of the priest' (Agamben, 'Laughter and the Kingdom', *supra*, 12–13). Elsewhere, Agamben tells us that what makes Illich's critique of modernity 'incomparably more fruitful than those that have been produced in the last hundred years on both the right and the left' is its 'theological depth' ('Pro Memoria Ivan Illich').

[5] Agamben at one point specifies that the contrast which is important here is that between the resurrection and the *birth* of Jesus — or his incarnation in Mary's womb — which is not taken by Paul to be the messianic event (Agamben, *The Time that Remains*, 63).

[6] What exactly is the relation between our concern with the church as an institution and the theme of the messianic (or — literally — the Christian)? In Agamben's great treatise on the latter, *The Time that Remains*, he suggests that in parallel with the history of the church, which gradually eliminates the eschatological side of its nature, there is a hermeneutic tradition which does the same with respect to St. Paul. Thus, Agamben speaks of his intention to 'restore Paul's Letters to the status of the fundamental messianic text for the Western tradition', 'since two thousand years of translation and commentary coinciding with the history of the Christian church have literally cancelled out the messianic, and the word *Messiah* itself, from Paul's text' (TTR 1). And already on the first page of the text he broaches the problematic nature of the church as an institution: 'a messianic institution — or rather, a messianic community that wants to present itself as an institution — faces a paradoxical task' (TTR 1). He suggests here that an understanding of messianic *time* ('as a paradigm of historical time' [TTR 3]), the time of the now, *ho nun kairos*, is a necessary *precondition* for the work on the institution that will occupy him later on in the

If Agamben's text on St. Paul considered the situation of the early Christians, anticipating an immanent battle between good and evil, Christ and Antichrist, at the end of the world, with the unfolding of a further two thousand years of history, Agamben deems it timely to emphasise that the moment of Paul's legibility has arrived,[7] just when the moment of its (eschatological) realisation has been missed[8] — a discrepancy has opened up between the messianic event (if that is the resurrection) and the *eschaton*, the last day, on which the final judgement of all history is passed.[9]

2000s: 'Only after this can we raise the question of how something like a messianic community is in fact possible' (TTR 2).

The notion of the messianic now, of the messiah as having already arrived and inflected every juridical identity with an 'as not', might easily be taken to be a version of the more Greek ontological moment of Agamben's thought with respect to inoperativity (and perhaps destitution): if so, we should raise the question as to whether we have yet found a satisfactory way of understanding the relation between this messianic and eschatological aspect of Agamben's work, and his (perhaps) less obviously Christian ontology? A fuller reading of both the *Kingdom and the Glory* and *The Time that Remains* (if not a number of other texts that would speak of 'hypostasis' as one of the moments in which a certain Greek philosophical tradition intersects with the history of Christian thought) is beyond the scope of this already lengthy article, but it would presumably be essential. Since we are primarily intent upon the question of institutions, the necessary preliminary investigation of messianic time and the stripping away of the messianic from the interpretation of St. Paul, along with the question of the relation between Greek philosophy and Christian theology, will be deferred to another occasion.

[7] Agamben suggested as much in *The Time that Remains,* in an account of the potential constellation of St. Paul and Walter Benjamin that guides much of his thought on the messianic: 'the entire vocabulary of the theses [Benjamin's 'Theses on the Philosophy of History'] appears to be truly stamped Pauline' (TTR 144); 'there is no reason to doubt that these two fundamental messianic texts of our tradition, separated by almost two thousand years, both written in a situation of radical crisis, form a constellation whose time of legibility has finally come today' (TTR 145). Cf. Agamben's Preface to the Complete Works of Ivan Illich: 'only today is Illich's work experiencing what Walter Benjamin called the 'now of legibility' (*supra*, 1).

[8] Agamben has recently devoted a book to the notion of *The Unrealisable* in which he considers the relation between philosophy as such and its supposed 'realisation' in politics, and he refers at one point to Adorno's aphorism on the survival of philosophy due to its having missed the moment of its realisation (cf. Agamben 2022, 6). Soon after, Agamben explicitly invokes the Kingdom and the messiah: 'the messianic acts in the historical happening only by remaining unrealisable in it. Only in this way does it preserve possibility, which is its most precious gift [...]. It is necessary to stop thinking of the possible and the real as two functionally connected parts of a system that we can call the ontological-political machine of the West. Possibility is not something that must, by passing into action, be realised: it is, on the contrary, the absolutely unrealisable [...]. The radical heterogeneity of the messianic allows neither plans nor calculations for its reversal into a new historical order, but it can only appear in this as an absolutely destitute real instance. And a power that never allows itself to be realised in a constituted power is defined as destituent' (*L'irrealizzabile,* 15). Thus Agamben renders apparent an intimate connection between our own concern with the Kingdom and the (destitute) institution, and his apparently more purely philosophical work on the nature of possibility.

[9] Although Agamben suggests this chronologisation is blasphemous. Karl Löwith attributes this perspective to 'Jewish futurism (expecting the Messiah in the future instead of recognising him in

What happened in that lapse of time that falls between the resurrection and the year 2000 is that Christian love (charity, *caritas, agapē*) as the binding force of the early Christian communities has been transformed into an *institution*, the universal Church. And what has thus come to stand in need of consideration is the role that this church plays in relation to the kingdom. For Agamben, Illich's interpretation of the bible is one in which the *katechon* of Paul's Second Letter to

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the presence of Jesus' (Karl Löwith, *Meaning in History* [Chicago: University of Chicago Press, 1949], 189: he also describes the New Testament's message as opposed to 'the apocalyptic *calculations* of the last events by Jews as well as by Christians' (ibid., 189). Agamben certainly knows this book, referring to it at least once (TTR 63), in part critically since Löwith is considered to stand alongside Hans Blumenberg in mistaking the messianic for the eschatological.

'The time of the messiah cannot designate a chronological period or duration but, instead, must represent nothing less than a qualitative change in how time is experienced. For this reason it is inconceivable to speak of a chronological delay in this context as though one were speaking of a train's being delayed. Because there is no place in messianic time for a fixed and final habitation, there is no time for delay' (Agamben, *The Church and the Kingdom,* 4–5). Agamben explains why this is so in the following way: 'The sojourning of the Church on earth can last — and indeed has lasted — not only centuries but millennia without altering its messianic experience of time. This point requires special emphasis as it is opposed to what is often called a "delay of the *parousia*". According to this position — which has always seemed blasphemous to me — the initial Christian community, expecting as it did the imminent arrival of the messiah and thus the end of time, found itself confronted with an inexplicable delay. In response to this delay there was a reorientation to stabilise the institutional and juridical organisation of the early Church' (ibid., 2–4). Agamben suggests that one reason why this might be described as blasphemous is that it makes the Church all too at home in the world, in the secular: 'The consequence of this position is that the Christian community has ceased to *paroikein,* to sojourn as a foreigner, so as to begin to *katoikein,* to live as a citizen and thus function like any other worldly institution' (ibid., 4).

Thus, Agamben distinguishes between '*messianic* time and *apocalyptic* time' (*Church and the Kingdom,* 8, cf. TTR 62), as 'the time of the end' (a phrase he finds in Gianni Carchia [cf. TTR 62]) and 'the end of time', and yet when he speaks of eschatology he seems to remain somewhere between the two, or at least to speak in the context of institutions that are developing in such a way that they are approaching an *apokalypsis*. How are we to understand this? Is it that what has come to be missed by the church and by all institutions is the very messianic moment itself, and that the transformation of institutions — if it is not heading towards a final moment of battle and revelation — sees them becoming altogether mired in the immobility of an entirely evil and 'counterproductive' form? As if the split in the Church between the heavenly and the earthly were to be altogether replaced by an earthy institution, just as the king or the sovereign 'rules but does not govern', and eventually abdicates, leaving the throne empty so as to make way for the hypertrophy of administration and management that we live with today, along with an entirely superficial and stupefying 'glorification' of power that conceals this very emptiness.

Here a consideration of the relation between God and his 'economy' (kingdom and government, sovereignty and 'economy' in the sense of *oikonomia*) which Agamben develops so extensively in *The Kingdom and the Glory* may become necessary, since it seems that this separation of the divine from earthly governance, which ends up existing solely for its own sake, may be analogous to the fate of institutions that we are here examining. In *The Church and the Kingdom,* Agamben himself makes the connection explicit, speaking of 'an infinite economy of the world', and the risk that the Church 'lose itself in time' (*Church and the Kingdom*, 41).

the Thessalonians, the institution which holds back the Antichrist and thus delays the 'final battle' (Agamben, *Mystery of Evil*, 33) which will herald the arrival of the Kingdom of God on earth and in heaven, is the church.[10]

Our hypothesis is that Agamben inherits from Illich the notion that the nature and fate of the Christian Church may be taken as a model for *all* human institutions, at least in the modern age.

Illich himself demonstrates, in his life and in his letters, a way in which to conceive the logic of the church as an institution, and a way in which to generalise it. Agamben might even be taken to be saying as much in the following passage from his Introduction to the Italian translation of Illich's *Gender:* 'in this historical drama, the *eschaton*, the final day, coincides with the present, with St. Paul's "now-time", where the divided nature — both Christian and Anti-Christian — not only of

[10] '[T]he absolutely decisive category of the early Illich's thought is precisely the eschatological concept of Kingdom' (Agamben, 'Laughter and the Kingdom', 13). What perhaps made it impossible for Illich ever to reconcile himself with the church was the fact that its eschatological vocation had become neglected (in *The Rivers North of the Future*, Illich points out that '[w]hat is impressive [*sic*; Illich's idiosyncratic English perhaps lets him down here; 'what cannot but impress itself upon us'] about the transition from the early Church to the established Western Church is how thoroughly this mystery [of evil, of lawlessness, of the Antichrist] disappeared from the Church's teaching and the concerns of most of its members' [*Rivers North of the Future*, 60]).

Agamben himself intervenes in the very institution of the church in this respect, preaching to the bishops of Paris themselves that, '[a]n evocation of final things, of ultimate things, has so completely disappeared from the statements of the Church that it has been said, not without irony, that the Roman Church has closed its eschatological office [*sportello*: the English translation gives the banal 'window' here]' (Agamben, *Church and the Kingdom*, 27/15); 'the Church can be a living institution only on the condition that it maintains an immediate relation to its end' (ibid., 41). Agamben concludes by assimilating the church to every other human institution, but also by wondering whether some alternative to the general trend of institutions may be presented by the church specifically: 'the question I came here today to ask you [...] is this: Will the Church finally grasp the historical occasion and recover its messianic vocation? If it does not, the risk is clear enough: it will be swept away by the disaster menacing every government and every institution on earth' (ibid., 41).

Agamben speaks of the church as institution in *The Mystery of Evil*: 'The structure of eschatological time — this is Paul's message — is twofold: there is, on the one hand, a slowing element (the *katechon*, whether it is identified with the Empire or with the Church, in any case an institution, and, on the other, a decisive element (the messiah)' (ME 33). Perhaps the entirety of the *Mystery of Evil* is concerned with the *katechon*, and the question of what it means — empire, state, or church, but in any case an institution. Illich is cited as one of the principal proponents of the view that the *katechon* is the Church: he is described here as 'a brilliant theologian who is underappreciated by the Church [...]. According to Illich the *mysterium iniquitatis* of which the Apostle [Paul] speaks is none other than the *corruptio optimi pessima* [the generally imperfect English translation here gives the rather dubious rendition, 'the worst corruption of the best'; rather, it is that the corruption of the best (Christian love) is the worst of things — ML]), namely the perversion of the Church that, by institutionalising itself more and more as an alleged *societas perfecta,* has furnished the modern State with the model for completely taking charge of humanity' (ME 11).

the Church, but of *every human institution*, finds its apocalyptic revelation' ('Introduction to Ivan Illich, *Gender*', *supra,* 9–10, emphasis added).

The nature of institutions in Illich's work

So, first of all, let us establish what Ivan Illich has to say about the church and about institutions more generally, before investigating the way in which Agamben himself develops these ideas.

If Illich's work begins with a consideration of the institution of the school and the hospital, his model was always the church and the liturgical rituals by means of which the Christian community was bound together, both in its early days and particularly after the watershed moment in history which Illich often dates to the 12th Century after Christ.

The church has proved exemplary not least in the way in which it took the love that bound the early Christian communities together and institutionalised it in the form of the Church. The effect of this was to transform love itself into a *need*, since only in that way could the Church posit itself as the sole entity which could *meet* that need. This is what Illich refers to as 'monopolisation'[11] and it is an essential precondition for the process of institutionalisation.

Illich later came to realise that this monopolisation of needs by one particular institution could only become possible if the general notion was abroad that the means for satisfying these needs were 'scarce'. From being scarce, the means by which the need could be met are then reduced to just *one*. This led Illich to his partly unfinished project of writing a history of the very notion of scarcity. And if Illich was so long preoccupied with this, it was because the notion of scarcity stood at the basis of all modern institutions (Illich, *Shadow Work*, 123). Only one single profession was then deemed capable of supplying this scarce resource (whether it be teaching or medicating, or indeed providing balm for the soul of one's parishioners). The professional institution can then control the process of certification which alone produces qualified 'experts' who from that moment onwards are the only ones officially sanctioned to 'service' needs that had previously been dealt with in other ways. We then have a cadre of 'experts' or 'professionals'.

In the church, this meant that charitable love degenerated into a 'care' that could be administered exclusively by a priest, and the Christian community could be bound together only by the rituals which he performed.

We should be careful to specify that it is not simply that the church, in its own institutionalisation, provides a model that Illich will deploy in order to understand the institutions of the modern industrial age; the Church in turn comes to mimic its secular progeny: in other words, the Church loses its own religious or

[11] 'By "radical monopoly" I mean the dominance of one type of product rather than the dominance of one brand. I speak about radical monopoly when one industrial production process exercises an exclusive control over the satisfaction of a pressing need, and excludes nonindustrial activities from competition' (Illich, *Tools for Conviviality*, 66).

transcendent vocation in the transition to modernity, if not from the very beginning. We shall see Agamben specify that this amounts to a loss of clarity with respect to the eschatological, which, as Illich also seems to aver, allows the prophetic pronouncements of apocalypse to be taken over by the natural scientists and others who propound the notion of an end of the world in plague, ecological devastation, and nuclear war: 'in the *Constitution* of the Second Vatican Council (1964), the Catholic Church, which had served in the past as the prime model for the evolution of secular service organisations, aligns itself explicitly in the image of its secular imitations' (Illich, *Shadow Work*, 60).[12] And this for Illich is the worst of things.

The juridicalisation of human relations in institutions: corruption, perversion, and the mystery of evil

Now we need to understand just why this transformation that wrought the church is considered by Illich to be so malign.

Illich addresses this in most detail in his two books of conversation with David Cayley, and above all in the second, entitled *The Rivers North of the Future*. In general this book shares a great many concerns with Agamben's work as a whole, and Agamben refers to it with some regularity. It may therefore be especially illuminating if we draw the greater part of our account from that text.

In *Rivers North of the Future,* Illich speaks of the theological genealogy of the modern institution in the following way: 'Wherever I look for the roots of modernity, I find them in the attempts of the churches to institutionalise, legitimise, and manage Christian vocation' (*Rivers,* 48). With the 'institutionalisation of neighbourliness' (*Rivers*, 55), 'the attempt to be open to all who are in need results in a degradation of hospitality and its replacement by caregiving institutions' (*Rivers*, 55).[13]

The breath of the loving kiss that was named *'conspiratio'* in very early Christianity becomes the *'conjuratio'* of the oath or pact (cf. *Rivers,* 85–6).[14] What

[12] 'If the Church seems to have closed its eschatological office, today it is above all the scientists, transformed into apocalyptic prophets, who announce the imminent end of life on earth' (Agamben, *Creation and Anarchy: The Work of Art and the Religion of Capitalism*, 74).

[13] 'The way I judge and hope to accept modern institutions is not as plain evil but as sinful, as the attempt to provide by human means what only God calling through the beaten up Jew could give to the Samaritan, the invitation to act in charity' (*Rivers*, 180).

[14] Illich describes the communion that was taken in the early Christian communities in the following way: 'the body of Christ [...] came into being through a sharing of the breath of peace [...], a *conspiratio'*, the breathing together or commingling of breaths (*Rivers*, 192). 'Historically it [the *conspiratio*] consistently turned into a *conjuratio*, a *conjuratio* to defend the *conspiratio. Conjuratio* means a swearing together, witnessed by God, by which men of the Middle Ages tried to give worldly stability to their peace and concord. And, consistently, the *conjuratio* remained, while the *conspiratio* was forgotten, or relegated to second place, or reduced to a symbolic handshake' (ibid.).

Illich returns to the theme more than once and quite explicitly describes the *conjuratio* as a matter of the incursion of legality: 'At the same time as sin is being criminalised, the Church is being made into a separate, legal entity' (*Rivers*, 218); 'in order to understand the general idea

seems to take place here is precisely a subordination of love to the *law*, a 'juridicalisation' of human relations. Christian love, first of all in the incarnate form of God's son, the messiah in his very arrival, was to have overcome the Jewish law. It is the very renewed imposition of law *upon* this Christian love that Illich considers to be a corruption or perversion that he deems the worst, and which could not have happened outside of the Christian context in which law had originally been left behind.

Christianity's charitable love for the stranger, which Illich also describes as 'neighbourliness' or 'hospitality', is transformed into a service, and this opens up an unheard-of insatiability within the need itself, and thus an unprecedented suffering:

> The personal freedom to choose who will be my other has been transformed into the use of power and money to provide a service. This not only deprives the idea of the neighbour of the quality of freedom implied in the story of the Samaritan. It also creates an impersonal view of how a good society ought to work. It creates needs, so-called, for service commodities, needs which can never be satisfied — is there enough health yet, enough education? — and therefore a type of suffering completely unknown outside of Western culture with its roots in Christianity. (*Rivers*, 56)

It is in this sense that the very best, which for Illich is the fundamental Christian virtue of love, undergoes what he frequently calls both a 'perversion' and a 'corruption' [15] — to become the worst that we have seen, worse than anything that could have been produced outside of Christian Europe: 'I'm concerned with how unprecedented, glorious attempts to discover what you and I can do and be, when institutionalised, can become evil and destructive beyond anything one could imagine' (*Ivan Illich in Conversation*, 214–15).[16] 'This is what I call the *perversio optimi quae est pessima.* I may even be a good Christian and attend to the one who asks, but I still need charitable institutions for those whom I leave unattended' (*Rivers*, 56).

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of *corruptio optimi quae est pessima* as it applies to the political, it is necessary to observe throughout history this fading of the *conspiratio,* and the monumental elaboration of the *conjuratio*, or contractual arrangement' (*Rivers*, 218).

[15] Illich seems to make no distinction between the two, as in the following *vel:* 'corruption, or perversion' (*Rivers*, 56).

[16] Ideas imported by Christianity have been 'perverted into normative notions of a cruelty, of a *horrifying* darkness, which no other culture has ever known' (*Ivan Illich in Conversation*, 213). 'Most of my concern with the Middle Ages is precisely to observe the process of flipping by which a notion which goes beyond what I find in any other culture in bringing out the glory of being you and me is then institutionalised by the Church and becomes something more destructive and worse than anything I can find anywhere else' (*Ivan Illich in Conversation*, 214).

This perversion amounts to the Church losing its heavenly vocation and degenerating into a purely worldly or secular institution, serving needs: faith, when it devolves upon a secular institution, becomes something worse than the absence of faith would have been, since the object of faith is rendered subordinate to worldly powers, just as love is to the law: 'the perversion of faith is not simply evil. It is something more. It is sin, because sin is the decision to make faith into something that is subject to the power of this world' (*Rivers,* 57).

Although the effects of this transformation introduce an illimitable suffering, what makes this perversion the very worst thing — and what ultimately explains the infinity of this suffering and just what is so awful about it — seems ultimately to be that it amounts to a transformation of the love which overcame the Mosaic law *back* into a certain form of law; it transplants Christian virtue back into the realm of the juridical that the human community had only just found a way to escape — but this time it seems to be an earthly law, rather than a table of commandments handed down from on high: 'The Western Church, in its earnest effort to institutionalise this freedom [the freedom of the Samaritan to choose those to whom he extends his hospitality], has tended to transform supreme folly [the 'foolishness' of Christian faith] first into desirable duty, and then into legislated duty' (*Rivers,* 58); or as Illich puts the matter later on in the same book: 'Christ came to free us from the law, but Christianity allowed the legal mentality to be brought into the very heart of love' (*Rivers*, 87). It is this undoing of the liberation from law that Illich describes very precisely as a 'perversion': the 'perversion of that act of liberation from the law for which the gospel stands' (*Rivers*, 90). Law and the bad infinity of an infinite task — which Hegel associates with Judaism — thus reintroduce the insatiability of need that the Christian messianic event was supposed to have overcome in a 'true infinity' that does not set itself off from the finite and thus exclude it, impugning its own infinitude in the process.

In any case, we can conclude from the preceding analysis that the corruption of the best is the institutionalisation of Christian love in the church, and that institutionalisation and juridicalisation — the recurrence of law and its insatiable demand — constitute one and the same process for Illich.[17]

This juridicising perversion of love through its institutionalisation is how Illich understands the *mysterium iniquitatis* of Paul's Second Letter to the

[17] Just as Agamben does with respect to Franciscan monasticism in the *Highest Poverty,* and in conversation with one of Agamben's own great influences, Paolo Prodi, Illich reflects upon 'the way in which the Western, Roman Church attempted to give a juridical shape to the household rules by which monastic communities lived together. This attempt to create a canonical establishment, that's the technical term, out of the way of life of Franciscans or Dominicans, was the only way of preserving a certain spirit in an institutional form, but it produced a deep corruption. It led, as it has always led historically, even in the first generation, to a toning down of the message of the founder and to an abstract formulation of the melody in which he sang the Gospel' (*Rivers*, 80–81).

Already in *The Time that Remains,* Agamben had spoken of the 'juridicising of all human relations in their entirety' (TTR 135; cf. *Church and the Kingdom,* 40).

Thessalonians, which in the Greek used by Paul of Tarsus is *mystērion tēs anomias*, the mystery of lawlessness: 'this inversion of the extraordinary folly [that of neighbourly love] that became possible through the Gospel represents a mystery of evil' (*Rivers,* 58).

The mystery (in the Greek sense of *'mystērion'*) is the historical drama that plays itself out — on Illich's interpretation — in the growing presence of evil (or lawlessness, anti-Christian vice), which is described by Paul as the amassing of forces in the name of the 'anti-Christ', that which counters or confronts the Messiah (the *christos*), within the Christian church: 'the final evil that would bring the world to an end was already present. This evil was called Anti-Christ, and the Church was identified as the milieu in which it would nest. The Church had gone [*sic*; rather, become] pregnant with an evil which would have found no nesting place in the Old Testament. Paul in the second chapter of his second letter to the Thessalonians calls this new reality the *mysterium iniquitatis,* the mystery of evil' (*Rivers*, 59).

A return to conviviality beyond institutions?

What are we to do in such a perverse situation? What is the fate of the human community, and does it demand that we leave these institutions altogether behind? Here it seems generally to be thought that there is an evolution in Illich's approach over time, from a certain 'optimism' with respect to institutions, to a more pervasive 'pessimism' that verges on the 'anti-institutional'.

In one of his early theoretical manifestos, *Tools for Conviviality,* from 1973, Illich had already demonstrated that the perversion of the modern, industrial institution in general — its becoming 'counterproductive' with respect to its avowed purpose[18] — was at the heart of his concerns. Instead of Christian *caritas*, Illich here has a tendency to speak of at least two related things: what is lost with the monopolisation of needs by professionalised 'service' institutions is what Illich calls the 'vernacular', the culturally specific skilful 'coping' that he also describes as an inherent part of the activities of 'subsistence' cultures, which is to say at least pre-industrial societies.[19]

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[18] Illich describes this counterproductivity in the following way: 'When an enterprise grows beyond a certain point on this scale, it first frustrates the end for which it was originally designed, and then rapidly becomes a threat to society itself. These scales must be identified and the parameters of human endeavours within which human life remains viable must be explored' (*Tools*, 11).

[19] Of 'subsistence', Illich says this: 'Should I use the term? Until a few years ago in English it was monopolised by "subsistence agriculture": this meant billions living on "bare survival" [...] To avoid these confusions [...] I have proposed the use of the term "vernacular"' (*Shadow Work*, 132).

And Illich defines 'vernacular' in the following way: 'unpaid activities which provide and improve livelihood, but which are totally refractory to any analysis utilising concepts developed in formal economics. [...]. I suggest that we restore this simple term "vernacular" to oppose commodities and their shadow [shadow work, the unpaid labour which is necessary in industrial economies to render a commodity usable]. It allows me to distinguish between the expansion of

If the vernacular ability to fulfil one's own needs (and those of one's community) is lost with industrialisation (and so institutionalisation, professionalisation or monopolisation), then we should not imagine that it is possible to return to a pre-industrial state: Illich frequently rails against 'romanticism' and the romantic interpretation of his own work. We can, he tells us, nevertheless, aspire to the condition which he names 'conviviality'.[20] This term, in the 1970's, covers both what is valuable in pre-industrial cultures and the 'post-industrial' condition to be desired. Later on, one is tempted to say that Illich, as the accusation of romanticism perhaps came to sting more acutely, tended to use other words, or at least to specify that he was speaking (even on those occasions when he did use the word 'convivial') of a certain use of 'tools' in the present that would salvage something from the ruins of the industrial age — the age of which he professed himself to be writing the 'epilogue' (*Tools for Conviviality*, 9).

In *Tools for Conviviality,* Illich could speak of an 'institutional spectrum', of the tools and institutions that were more or less conducive to conviviality, but it is true that in his later work of the 1990s and early 2000s, it perhaps becomes easier to read Illich as suggesting that institutions *as such* constitute a perversion of the Christian notion of love (or whatever need they invent themselves in order to monopolise). In this later work, he is more prone to speak in terms not so much of *agapē* as *philia* or friendship.[21] Speaking of a convivial gathering of friends, he suggests that this *symposium* embodies 'a willingness to accept discipline without

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the shadow economy and its inverse — the expansion of the vernacular domain' (*Shadow Work*, 24). The vernacular in Roman law was the opposite of a commodity: it referred to '[u]se-value oriented activities, non-monetary transactions, embedded economic activities, substantive economics' (*Shadow Work*, 132).

[20] 'Convivial' is a technical term that Illich uses to 'designate a modern society of responsibly limited tools' (*Tools,* 12), tools and institutions in other words that are designed so as to make it difficult for them to step over the threshold into counterproductivity, at which point the end they were designed to meet becomes impossible to achieve and the means is forced to become the end: 'The setting of abstract impossible goals turns the means by which these are to be achieved into ends' (*Tools*, 54). Illich later describes how, in *Tools for Conviviality,* he demonstrated that, 'tools, when they grow beyond a certain intensity, inevitably turn from means into ends, and frustrate the possibility of the achievement of an end' (*Ivan Illich in Conversation*, 110).

At stake is a society in which independence prevails over dependency: 'A convivial society should be designed to allow all its members the most autonomous action by means of tools least controlled by others. People feel joy, as opposed to mere pleasure, to the extent that their activities are creative; while the growth of tools beyond a certain point increases regimentation, dependence, exploitation, and impotence' (*Tools*, 34). Conviviality is the 'autonomous and creative intercourse among persons, and the intercourse of persons with their environment' (*Tools*, 24). *'Such a society, in which modern technologies serve politically interrelated individuals rather than managers, I will call "convivial"'* (*Tools*, 12).

[21] In the context of the future beyond the neuter of *homo œconomicus* and the odd interpersonal relations it makes possible in comparison with the world of gender, Illich insists: 'I refuse to speculate on the probabilities of a cure for the regime of sex. That's not my task. Each one of us will have to invent, in friendship — in which I believe — his own anodyne, medicine, or ray of hope' (*Ivan Illich in Conversation*, 189).

having formally stated rules', which clearly situates the philiac relationship outside of institutions, since Illich immediately goes on to say that, 'the moment you make rules you are already on the way to institutionalisation' (*Rivers*, 151).

Thus Illich no longer simply aligns institutions with a certain juridical character, but sets them in contrast with a non-juridical community, as if the convivial bond of the *conspiratio* could return, if only one could form a relationship that eluded the rules of the institution, or slipped the bonds of the institution as such, in some way. He would never stop cautioning against the reading of his work which imputed to it a certain romanticism or 'sentimentalism', a desire to return to a pre-industrial age, or an age without institutions *tout court*, one might say; and yet some remnants of that former life (he would speak of the 'rests', as in the 'rests of gender') do seem to endure as potentialities, perhaps squirrelled away in the more obscure corners of institutional and juridical life, just out of sight of the law's gaze. Perhaps this cautioning against both nostalgia and hope was his way of warding off the great sadness he occasionally describes himself as feeling when faced with the disaster of the industrial corruption of human relations.[22] One can only imagine how he would have felt about what has been deemed 'autistic society disorder', a regularisation of ordinary society as if it were peopled exclusively by autistics, a playschool which seems to have been modelled upon the paradigm of the intensely punitive hyper-juridicalisation of almost every aspect of human behaviour that was attempted in 2020–22.[23]

One way in which any lingering semblance of romanticism might be cast off is by reference to Giorgio Agamben's attitude towards the law in a time — the present time — which he describes in the context of a reading of St. Paul as 'messianic'. This is a gesture that takes many names, but which is here described, and in general is perhaps most frequently described as 'rendering inoperative' or 'deactivating' — a notion which later on, and in the context of the institution, will be described by Agamben as 'destituent' or 'destituting'. A certain type of negation that it would be necessary to understand very carefully, and perhaps first of all upon the model of the quintessentially Christian and Pauline notion of the *'hōs mē'*, the 'as not', that characterises our juridically assigned identity in the light of the messiah's advent. This negation amounts to inhabiting a certain role, or dwelling within an institution, without assuming another guise and without leaving the institution for another, or heading into exile, but by dwelling not primarily in the actuality of the place, but with an eye to the possibilities that remain alive within it, and which were cast into shadow by the particular actualisation that here took place.

[22] Illich confides to David Cayley that one reason for resisting the twin temptations of 'apocalyptic randiness' (imagining worse and worse futures to come) and romanticism (imagining a better past) is 'in order to be able to face the kind of society we live in and have created, in order to be able, but barely able, to bear the anguish of looking at it' (*Ivan Illich in Conversation*, 146).
[23] Cf. Sinéad Murphy, *Autistic Society Disorder*. N.p.: Lulu Press, 2024.

Agamben: *The Mystery of Evil*

We have seen then that the church's travails in its institutionalisation are taken by Ivan Illich to be the model for all modern industrial institutions, and that this process is so profoundly troubling since it not only rescinds the progress made by Christian love with respect to Judaic law but eventually leads to a suffocating and all-pervading juridification of social life. And we have seen that the unfolding of this horrific drama in Western history may be described by the Pauline notion of the 'mystery of evil'.

In 2013, Agamben himself devotes a book to the *mysterium iniquitatis* (or *mystērion tēs anomias*) under that very title — *The Mystery of Evil*.[24] Here the mystery is also shown to describe the history of the church as an institution. Agamben understands this institution as a machine with two poles, one of which (the eschatological) has been sacrificed on the altar of the other — hence the parlous state of the church today, which has allowed itself to devolve into a purely worldly institution.

The book is subtitled *Benedict XVI and the End of Days* and attempts to bring together an event in the present (Benedict's — or Joseph Ratzinger's — abdication), and an event from the past (when Celestine V did the same), both spurred by a certain sense of the corruption of the Church with respect to its spiritual as opposed to its earthly and juridical vocation; in this way, both acts of quitting an institution are explained in light of a certain conception of history, which involves both its end (its messianic end — Agamben refers to both texts comprised within this book as 'think[ing] one single problem: that of the political meaning of the messianic theme of the end of days' [ME xi]) and that which holds back the end — in this case, something like the Church, or perhaps indeed the Roman Empire or State more generally: these are the two interpretations of the *katechon* which Agamben considers. The former is the interpretation given by Illich, as Agamben points out, and it is here that, by indicating the decision that was made in that direction, by Tyconius first of all (upon whom Ratzinger had written and who was on his mind during his final days in pontifical office [cf. ME 5]), and then by the likes of Illich, in contrast with the decision taken by Carl Schmitt, Agamben enriches the discussion that Illich himself carries out by illuminating its historical and theoretical context, and by insisting upon both the eschatological nature of Illich's own critique of the church (which he left, as Benedict did) and the particular Pauline-messianic understanding of that eschatology that Agamben himself will have insisted upon even before his engagement with Illich himself.[25]

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[24] Giorgio Agamben, *The Mystery of Evil: Benedict XVI and the End of Days*. Trans. A. Kotsko. Stanford, CA: Stanford UP, 2017 [2013].

[25] Later on in the text, Agamben will say the following: 'My hypothesis is that grasping what the *mysterium iniquitatis* is means nothing less than understanding the Pauline conception of messianic time (which is to say, of historical time, if it is true that eschatology is only an abbreviation or a model in miniature of humanity's history)' (ME 27). One might imagine that these later works on the Kingdom are in part a way for Agamben to compensate for a certain

What Agamben is about to do is to examine the history of the church and its current character in terms of the relation between legitimacy and actual law. He will go on to use this as an example of how we are to understand all of our institutions in the modern or perhaps post-modern age.[26]

Benedict's resignation is of such importance for us, and for an understanding of our 'democracies' — as well as our 'democratic *institutions'* (ME 3, emphasis added)[27] — because it 'calls attention to the distinction between two essential principles of our ethico-political tradition, of which our societies seem to have lost all awareness: legitimacy and legality' (ME 2). The seriousness of the crisis afflicting our society is a result of its calling into question 'only the *legality* of institutions', not their legitimacy. Agamben formulates the distinction between legality and legitimacy in terms of power in the following way: 'not only [...] the rules and modalities of the exercise of power [legality], but the very principle that founds and legitimates it [legitimacy]' (ME 2).[28]

Illegality is not delegitimation: 'rather the contrary is true, namely that illegality is so diffuse and generalised because the powers have lost all awareness [*sic*; rather, 'sense', ML] of their legitimacy' (ME 2–3). This crisis of legitimacy 'cannot be resolved solely at the level of the law. The hypertrophy of law, which presumes to legislate over everything, on the contrary betrays, through an excess of formal legality, the loss of all substantial legitimacy. Modernity's attempt to make legality and legitimacy coincide, by seeking to secure through positive law the legitimacy of a power, is completely inadequate, as is clear from the inexorable process of decline into which our democratic institutions have entered' (ME 3).

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curious deficiency in *The Time that Remains,* his great work on messianism from the year 2000: there, even if Tyconius is mentioned in other contexts (cf. TTR 76 & TTR 92–3), the Illichian interpretation of the *katechon* as church is *not* broached, though another is added in its place, in which the *katechon* is taken simply to be God himself (cf. TTR 108ff).

[26] In truth the terms, 'legitimacy' and 'legality' do not in the end feature very heavily in what follows, and we find in their stead a string of related terms: if one were reading the book with Walter Benjamin in mind, one might well consider that the most illuminating among them are *law* and *justice*. The connection that Agamben makes elsewhere between Ivan Illich and Simone Weil provides some ballast for this terminological decision.

[27] When speaking of the *katechon* as either church or empire, Agamben makes it clear that he is in any case speaking of *institutions*: 'whether it [the *katechon*] is identified with the Empire or with the Church, in any case an institution [...]' (ME 33).

[28] In *The Church and the Kingdom*, Agamben reiterates this distinction, and makes the unique suggestion that the Church provides not only a model for the decline of institutions in a non-eschatological, non-messianic direction, but also — if such a redemption is possible — a potential model for the way in which other institutions might extricate themselves from this trough: 'With the eclipse of the messianic experience of the culmination of the law and of time comes an unprecedented hypertrophy of law — one that, under the guise of legislating everything, traduces its legitimacy through legalistic excess. I say the following with words carefully weighed: nowhere on earth today is a legitimate power to be found; [...] the Church can be a living institution only on the condition that it maintains an immediate relation to its end. [...] Will the Church finally grasp the historical occasion and recover its messianic vocation?' (CK 40–41).

Agamben himself suggests that a focus on 'justice' (and 'law') as a privileged term, might not be unjustified, in the following passage, in which, at the end of the first of the two essays which comprise *The Mystery of Evil,* entitled 'The Mystery of the Church', he reiterates what was said at the beginning, of Benedict's gesture: 'if this gesture interests us, this certainly is not solely insofar as it refers to a problem internal to the Church, but much more because it allows us to focus on a genuinely political theme, that of justice, which like legitimacy cannot be eliminated from the praxis of our society' (ME 17). The Church is the most extreme exemplar of an institution that should be divided between its earthly and heavenly functions, and so it stands as a particularly stark reminder to other institutions, when it falls into a purely worldly — and that means in part juridical — state.

Agamben explicitly compares our (democratic) society with the Church itself, in the following terms: 'the body of our political society is also bipartite, like that of the Church and perhaps even more seriously so, mixing evil and good, crime and honesty, injustice and justice' (ME 17). And yet modern democracies take this to be 'not a political and substantial problem, but a juridical and procedural one' (ME 17). 'From the perspective of the laissez-faire ideology that is dominant today, the paradigm of the self-regulating market has taken the place of that of justice and pretends to be able to govern an ever more ungovernable society according to exclusively technical criteria' (ME 17).

As if rejecting an interpretation of justice as a Kantian idea that can only asymptotically be approached, Agamben insists that the proper conception of the messianic will prevent such a bad infinite (and perhaps a Derridean conception of Justice as undeconstructible) from forming: 'a society can function only if justice (which corresponds to eschatology in the Church) does not remain a mere idea, entirely inert and impotent in the face of law and economy, but succeeds in finding political expression in a force capable of counterbalancing the progressive levelling out onto a single technico-economic plane of the two coordinated but radically heterogeneous principles — legitimacy and legality [the title of a book by Carl Schmitt who hovers in the background here], spiritual power and temporal power, *auctoritas* and *potestas,* justice and law — that constitute the most precious patrimony of European culture' (ME 17–18).[29]

[29] One wonders if the reason why the significance of these texts on eschatology and kingdom has not fully been taken into account by scholars of Agamben is due to a much more significant elision, only now very slowly being rectified, which is the failure to take into account the effect upon the notions laid out in the early parts of the Homo Sacer project of the *Kingdom and the Glory* and its notion of 'economic theology' in contrast with 'political theology' and its stress on sovereignty alone: kinghood, kingdom, as opposed to the angelic function of governance, management, or administration: 'two broadly speaking political paradigms, antinomical but functionally related to one another, derive from Christian theology: political theology, which founds the transcendence of sovereign power on the single [*sic*; rather, the one, unique] God, and economic theology, which replaces this transcendence with the idea of an *oikonomia,* conceived as an immanent ordering — domestic and not political in a strict sense — of both divine and human life. Political philosophy and the modern theory of sovereignty derive from the first

paradigm; modern biopolitics up to the current triumph of economy and government over every other aspect of social life derive from the second paradigm' (KG 1). And the 'history of economic theology [...] has been left in the shadows' and is even said to have been subject to 'repression' (ibid.). Agamben almost immediately turns to Carl Schmitt as a representative of political theology, which, as he clearly states, demands to be 'supplemented' (KG 3).

It is indeed the relation between this kingly sovereignty and the notion of economy that Agamben seems here to be thinking, the two poles of this machine having collapsed, and their distinction and its traces having been forgotten. The refusal to return romantically to the earlier state of distinction may be a result of Agamben's wariness when it comes to a chronological understanding of the messiah, in the sense that our only future can be one in which we come to realise that the messiah already walks among us, and the inoperativity of the machine that bestows upon us our juridical identity has already been attained: the task is not to restart the classical machine which establishes oppositional distinctions, but to rethink the *in*distinction of two opposites in a new way, a way that could take as its model the disabling character of the 'as not'. Can we understand inoperativity apart from a messianic context? Is this theological element in the genealogy of the concept, central to Agamben's ontology and political thought, indispensable? (Cf. 'The Machine in Esposito and Agamben', *Journal of Italian Philosophy,* Volume 5 (2022) for an initial attempt to achieve some clarity on these points.)

One would have to go still further in order to achieve a complete account of the supplements that must be added to the original Homo Sacer project, and indeed one would need to move beyond *The Kingdom and the Glory* itself and into *The Kingdom and the Garden* which seems to supplement the former with an alternative to the entire notion of a redemption of humanity by means of the 'economy of salvation'. As Agamben puts it: 'the Garden of Eden [...] has been tenaciously displaced to the margins of the tradition of Western thought [...]. While the Kingdom, with its economic-trinitarian counterpart, has indeed never ceased to influence the forms and structures of profane power, the Garden, despite its constitutive political vocation (it was "planted" in Eden for the happy habitation of humanity), has remained substantially alien to it' (*Kingdom and the Garden,* 3). The following passage alone suggests that an account of power cannot do without the supplement that *The Kingdom and the Garden* provides: 'not only is it not possible to separate the Garden from the Kingdom, but they are on the contrary so frequently and so intimately intertwined that it is likely that precisely a study of their intersections and their divergences would end up reshaping to a significant extent the cartography of Western power' (ibid., 3–4).

The way in which Agamben presents this is in terms of, on the one hand, St. Augustine's conception of human nature as originally sinful, and the opposite account, given in the Pelagian heresy, which enjoys a belated renaissance in the work of John Scotus Eriugena, for whom human nature (symbolised by the paradise garden) has no need of salvation: 'paradise — that is, human nature — is completely alien to sin and the history of the fall narrated by Genesis must be understood to have happened outside of it. There is not properly a history of salvation, because human nature is always already saved. Paradise — life in all its forms — was never lost' (*Kingdom and the Garden*, 73).

Agamben ultimately links the notion of an earthly paradise in the sense of an earthly kingdom that according to some theologians will precede the kingdom of god in heaven — lasting for a thousand years according to the 'chiliasts' or 'millenarians' — to the problem of the Church: 'If the Kingdom is the essential content of the Gospel proclamation [...] then the question of the modalities of its reality with respect to the reality of the Church become decisive in every sense. This problematic knot comes to light in the fact that the theology of the Kingdom of Irenaeus and the early fathers [which tended to include a notion of an earthly paradise at the end of time, a redemption of man here on earth and a restoration of human nature to its original integrity] is

This 'levelling out' is the way in which Agamben expresses — or rather, rethinks — what is at stake in Illich's notion of counterproductivity.

If Roberto Esposito speaks of his own attempt to reinvent the notion of an institution in a sense that would not oppose it to (social) 'movements' as an institution which does not ossify but remains in motion, Agamben speaks of an institution that remains 'living' (or which may be revivified): 'A society's institutions remain living only if both principles [legitimacy and legality] (which in our tradition have also received the name of natural law and positive law, spiritual power and temporal power, or in Rome, *auctoritas* and *potestas*) remain present and act in

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progressively eliminated in step with the strengthening of the institutional organisation of the Church' (*Kingdom and the Garden,* 140).

Thus what might come to replace a church which has 'closed its eschatological office' is perhaps not simply a reformed church (that would replace one which has become all too secular in its concerns) but rather something like an earthly paradise. Augustine's influence is — according to Agamben — malign here, and we have cause to lament the success of his polemic against the 'chiliasts' or 'millenarians': 'Augustine's decisive performance is, however, the neutralisation of what is said in the passage from John in which one reads unequivocally that "the just will reign with him [Christ] for a thousand years". With a gesture that was to have a long posterity in the history of the Church and in Christian historiography, he simply identifies the Kingdom with the time of the Church, the very one in which the just and the wicked live together [this is the 'mystery of lawlessness', the drama of the struggle between Christ and Antichrist within the church — ML] up to the moment when they will be separated on the day of Judgment' (*Kingdom and the Garden,* 144). In other words, Augustine is responsible for the elision of the earthly kingdom of God in any sense other than that of the Church (ibid., 145). Thus the possibility of an earthly garden of delights that is not the institutional church is obliterated. Thus the possibility of thinking a politics, a place and a way for human beings to dwell together, perhaps outside of *all* institutions, is erased from the history of theology: 'Insofar as it coincides with the historical existence of the Church, the Kingdom is emptied of all political significance' (ibid., 145). Agamben goes on, in *The Kingdom and the Garden*, to explicitly compare this paradisiacal Kingdom with the messianic state in Paul's letters, which form the subject of Agamben's almost infinitely rich commentary, *The Time that Remains* (*Kingdom and the Garden,* 149ff).

Agamben concludes his book with the following lines: 'the earthly paradise and the Kingdom are the two partitions that result from theologians' attempts to think human nature and its possible beatitude. They are split into a pre-historical element (the Garden of Eden) and a post-historical element, the Kingdom, which nevertheless remain separate and without communication and, as such, [remain] inaccessible [to one another]. The steady polemic against the chiliasts, who tend to identify the earthly kingdom with the paradise of origins, has precisely this function. The Garden must be driven back into an archi-past, which it is no longer possible to obtain in any way; the Kingdom, when it is not simply flattened into the Church and in this way neutralised, is projected into the future and displaced into the heavens. [/] Against this forced separation of the two poles, we must remember, with the chiliasts and Dante, that the Garden and the Kingdom result from the split of one sole experience of the present and that in the present they can therefore be rejoined' (*Kingdom and the Garden,* 151–52).

The model of whatever is to replace the church on Agamben's account is thus paradise. Although this notion seems not to have received a sustained elaboration in Agamben's subsequent works, one may presume that it is a theological analogue — human rather than divine — of god's sabbatical 'inoperativity'. A comparison with Agamben's earlier work on grace, clothing, and nudity in the Garden of Eden would be instructive here (cf. *Nudities*).

them without ever claiming to coincide' (ME 3) — a coincidence that modernity has explicitly avowed itself as having attempted.

Agamben specifies that legitimacy is not 'hierarchically superior' to legality, but that, on his account at least, 'legitimacy and legality are the two parts of one single political machine, which not only must never be flattened out into [*sic*: this is a rather Espositoan phrase which demands a different method of translation — ML] one another, but must also remain in some way operative so that the machine can function' (ME 4).

There are two forms in which the eradication of this polarity can take place: one totalitarian and one democratic, the former insisting on its own legitimacy in a way that is above the law, and the latter (today, in the modern age) insisting solely on legality, without a thought for legitimacy. Totalitarianism, like the church of the middle ages with its all-pervasive juridical sway, 'lays claim to a spiritual power to which the temporal power of the Empire or the State must remain subordinate' (ME 4), which is the same as to say that 'legitimacy insists on doing without legality'. For modern democracy, on the other hand, where 'the legitimating principle of popular sovereignty is reduced to the electoral moment and is dissolved into procedural rules that are juridically fixed in advance, legitimacy runs the risk of disappearing into legality and the political machine is equally paralysed' (ME 4).

In the institution of the Church, which appears to have gone the way of modern democracy, as opposed to totalitarianism and the church's own character in the middle ages, 'law' (on Agamben's account) is represented by the (present day) 'curia', 'that, completely oblivious to its own legitimacy, stubbornly pursues the motives of economy and temporal power' (ME 4–5). In the face of that curia, 'Benedict XVI has chosen to use only spiritual power, in the only way that seemed possible to him, namely by renouncing the exercise of the vicarship [*sic*] of Christ. In this way, the Church itself has been called into question to its very root' (ME 5). This is why Benedict's gesture is of such interest to us today, since it presents us with a gesture that responds to the purely legalistic character of modern institutions and the desuetude of the political machine that has over the last century merely oscillated between democracy and totalitarianism (or as Agamben sometimes puts it, which has come to rest in a form in which these two, like peace and war, have become indistinguishable from one another).

The bipartite nature of the church

So what is the nature of the church as such?

According to Tyconius, who provides the model for Benedict's conception of the church, and also at least implicitly for Ivan Illich's, the body of the Church has two sides, one guilty and one blessed, as is inevitable for an institution that must exist upon earth whilst serving at least primarily to render a portion of that earth somewhat less worldly and so to prepare Christians for another life, and subsisting only in the delay that temporarily holds back the coming of the Kingdom (ME 6). The church is inevitably afflicted with the sinful elements of secular life. 'The

consequence of this radical thesis, which divides and at the same time unites a Church of the wicked and a Church of the just, is, according to Ratzinger, that the Church is, until the Last Judgement, both Church of Christ and Church of the Antichrist' (ME 7).

On the chronological account that Agamben will elsewhere deem incompatible with a true conception of the Messiah as already being present here and *now*, he describes the thought of Tyconius as one in which this division will precisely be overcome in the end, when one of its poles will simply be defeated in the final battle of good against evil: 'in the present state, the Church's two bodies are inseparably mixed, but they will be divided at the end of days' (ME 7). Indeed, Agamben suggests that it is precisely this admixture, this bipartite nature itself that allows the church to delay the second coming — 'the bipartition of the Church's body, acting as *katechon,* seems destined to delay [Christ's second coming]' (ME 13). 'Tyconius therefore knows of [*sic*; rather 'conceives of' — ML] an eschatological time in which the separation of the two Churches and of the two groups of people will be accomplished; already at the end of the fourth century, then, there existed a school of thought that saw in the Roman Church, more precisely *in the bipartite character of its body*, the cause of the delay of the *parousia*' (ME 10, emphasis added).[30]

The Church is merely a place-holder on earth for the kingdom of Christ that will eventually prevail at the end of days. In this context, Agamben expands on the precise philological background of Illich's notion of the *mysterium iniquitatis*, which — as we have seen — stems from the Second Epistle of Paul to the Thessalonians, which contains a prophecy on the end of days.

'Mysterium iniquitatis' is the Vulgate's translation of Paul's phrase, *mystērion tēs anomias*, the mystery of lawlessness. Mystery is here to be understood in the Greek sense of a drama (cf. ME 14): lawlessness, or the man of lawlessness (the man of evil or 'iniquity') was, some time after Paul, identified with the Antichrist or anti-messiah (from the First Epistle of St. John) (ME 9). The lawless antichrist is at work in our world, and our institutions, dividing them at the heart. The role of the church is understood to be that of *to katechon* (the withholding power, the restraint) — what is restraining the man of lawlessness (*anomias*). This seems to mean the prevention of his triumph, and yet he can only be held off for so long until the moment when he will emerge, not triumphant, but in a millenarian battle against the forces of Christ, in which he will finally be defeated: the antichrist or *anomos* is the one 'whom the Lord Jesus will eliminate with the breath of his mouth, rendering him inoperative with the manifestation of his [Christ's?] coming' (ME 9). The church keeps the evil of the world in check until the time is ripe for its final vanquishment at the hands of the messiah in his second coming.

[30] 'Parousia' is here taken to mean what happens at the end of days and that is the 'second coming' of Christ, the Messiah (cf. ME 11): as Agamben says of St. Paul, 'Paul decomposes the messianic event into two times: resurrection and *parousia,* the second coming of Jesus at the end of time' (TTR 69).

An alternative interpretation of the restraining power stems from St. Jerome: on this reading, it is the Roman Empire, or, by metonymy, the State. Jerome's reading was 'vindicated [*sic;* rather, 'championed' ML] in the twentieth century by a great Catholic jurist, Carl Schmitt, who saw in the doctrine of the *katechon* the only possibility of conceiving history from a Christian point of view' (ME 11), which in Schmitt's case meant reconciling the very notion of history and its philosophy with the notion of an *eschaton* that would otherwise seem to bring history to an end or simply 'paralyse' it, by — one assumes — rendering redundant any intervention one might make within it, or any event which occurs *before* the last day.[31]

One might presume that the reason why Agamben will not accept this reading is connected with the fact that his thought is attempting to move some way beyond political theology to its essential supplement, economic theology, the former being insufficient due to its exclusive concern with sovereignty and a kingship that holds itself apart from the historical forms that the governance of the world takes. The second hypothesis on the nature of the *katechon* is thus described by Agamben in the following way, as having been taken up, after Tyconius (and, in truth, before Benedict) by 'a brilliant theologian who is underappreciated by the Church, Ivan Illich' (ME 11). According to Illich, the *mysterium iniquitatis* of the Apostle Paul — the progressive expansion of lawless evil within the Church and the world which it attempts to govern and shepherd towards the heavenly Kingdom — is the (historical) *corruptio optimi pessima*, which Agamben glosses as 'the perversion of the Church that, by institutionalising itself more and more as an alleged *societas perfecta,* has furnished the modern State with the model for completely taking charge [*sic*; one wonders if 'managing' would be closer to Illich's and Agamben's intention — ML] of humanity' (ME 11).[32]

The distinction between the two parts of the body of the Church is 'something that must orient *here and now* the conduct of every Christian and, in

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[31] 'The original historical force of the figure of a *katechon*, however, remains and is capable of overcoming the otherwise occurring [*sic*] eschatological paralysis' (Carl Schmitt, 'Three Possibilities for a Christian Conception of History'. Trans. anon. Telos 147 (Summer 2009), 169); cf. *The* Nomos *of the Earth: In the International Law of the* Jus Publicum Europaeum. Trans. G. L. Ulmen. New York: Telos Press, 2006*,* Ch. 3 (pp. 56ff, esp. 59–60).

[32] In an unpublished talk from around the time of the *Mystery of Evil,* entitled 'Pro Memoria Ivan Illich', Agamben affirms that it becomes apparent from the last works of Illich, and in particular the interviews with David Cayley, that 'it is on the correct interpretation of this expression *mysterium iniquitatis* that the correct understanding of Illich's thought also depends'.

If Illich is considered by Agamben to be our most profound critic of modernity, he here specifies the precise reason as to why this is the case: his critique is 'incomparably more fruitful than those that have been produced in the last hundred years on both the right and the left' because of its 'theological depth' ('Pro Memoria Ivan Illich').

(Many thanks to Arianna Bove for supplying a transcription of this talk; we had hoped to publish either a translation of the transcript or its elaboration in the present issue of the Journal of Italian Philosophy, having contacted the author about such a possibility; but this elaboration may in the end have proved impossible since effectively, as it turns out, *The Mystery of Evil* might be said to be in part at least this very elaboration.)

the first place, that of the pontiff' (ME15). Benedict's action (which Agamben describes, perhaps thinking of Pontius Pilate's attitude towards passing judgement on Jesus Christ, as the 'great refusal', at least twice in *The Mystery of Evil* [cf. ME 15]) 'reminds us [...] that it is not possible for the Church to survive if it passively defers until the end of days the solution of the conflict that tears its "bipartite body" apart [*sic*; better, 'is rending its bipartite body asunder']' (ME 15).

In other words, the church must not accept that the only thing to be done with the evil that mars its body is to wait until it bursts its banks at the end of time, when it can be defeated by the Christ; this chronological conception of the messianic — together with the fatalistic and 'paralysing' conception of history that corresponds to it — will not do for Agamben, as we have seen: 'As with the problem of legitimacy, so also the problem of what is just and what is unjust cannot be eliminated from the historical life of the Church, but must inspire in every instant the awareness of [*sic*; rather, its awareness with respect to? — ML] its decisions in the world. If one pretends to be ignorant, as the Church has often done, of the bipartite body, then the *fusca* [dark, evil] Church ends up prevailing over the *decora* [beautiful, good], and the eschatological drama loses all sense' (ME 15).

In the Church, throughout its history, stand two irreconcilable elements: economy and eschatology, 'the worldly-temporal element and that that which keeps itself connected with the end of time and the end of the world' (ME 16). These are the two poles of whatever machine may be said to be embodied by the Christian church as an institution. When the eschatological element disappears (as it has) the worldly economy becomes infinite, which is to say pervasive, and without an aim that would stand beyond it: Agamben often uses the metaphor of a pointless gyration or eternally recurring rotation in this context — which we might think of as a rendition of what Illich is attempting to think when he speaks of a means which becomes its own end at the threshold of counterproductivity (cf. ME 4): 'The paradox of the Church is that, from the eschatological point of view, it must renounce the world, but it cannot do this because, from the point of view of the economy, it is of the world, which it cannot renounce without renouncing itself. But this is exactly where the decisive crisis is situated: because courage — and this seems to us to be the ultimate sense of Benedict XVI's message — is nothing but the capacity to keep oneself connected with one's own end' (ME 16). It is thus effectively with a lack of courage that Agamben is charging the Church when he speaks to the Parisian clergy in *The Church and the Kingdom*. And one might even wonder if he learnt something of this courage from Ivan Illich.

Agamben tells us that the antichrist or the man of lawlessness, the man of evil or iniquity, in fact *resembles* the Christian, given that the messiah 'renders the law inoperative', and so *himself* inaugurates a lawless state, 'that coincides with messianic time and in this way frees the *anomos,* the outlaw, who is in this way very similar to the Christian' (ME 33).

This helps us to understand the role of institutions in messianic time: they are *katechonta*, they hold back; but they hold back two things: both the lawlessness

of the antichrist and the lawlessness of the messianic state, which they are perfectly capable of concealing (presumably this is what happens when the Church becomes a purely worldly authority and closes its eschatological office): 'The *katechon* is the power — the Empire, but also the Church, like [*sic*; better, 'as with' — ML] every juridically constituted authority [meaning every 'institution', perhaps — ML] — that opposes and conceals the lawlessness that defines messianic time and in this way slows the revelation of the "mystery of lawlessness". The unveiling of this mystery coincides with the manifestation of the inoperativity of the law and with the essential *illegitimacy of every power in messianic time'* (ME 34, emphasis added).[33]

Agamben adds immediately, in parentheses: '(And by all appearances this is what is happening today under our noses, when the powers of state act openly as outside the law. In this sense, the *anomos* does not represent anything but the unveiling of the *lawlessness that today defines every constituted power*, within which State and terrorism form a single system' (ME 34, emphasis added).

Thus institutions are both illegitimate and illegal in messianic times: perhaps this is the challenge for any institution today — to propose neither its own legality nor its own legitimacy, but to endure in such a way as to demonstrate the inadequacy of all law and every juridically constituted identity, which are merely to be 'used', freely.

A restoration of the eschatological-messianic element to institutions is a precondition not just for a functional church but for what Agamben describes as 'political action' of any kind: 'I believe that only if the *mysterium iniquitatis* is restored to its eschatological context can a political action again become possible, in the theological sphere as in the profane. Evil is not a gloomy *theological* drama that paralyses every action and renders it enigmatic and ambiguous, but it is a *historical* drama in which each person's decision is always in question' (ME 38). It just such a decision and perhaps such a (political) action that Benedict XVI presented us with.

Agamben concludes *The Mystery of Evil* with the following assertion, that one must accept and affirm the fact that when one participates in the mystery of evil, one is participating in a historical drama that is *not* without end, and so hellish (for the Inferno is the only part of god's creation that continues to be ruled over, to be governed, by law, after the last Judgement), but which must constantly take up its relation to its end; and Agamben, having just invoked the relevance of this theological affair for the profane sphere of politics, ends by insisting that profane institutions are to follow in the footsteps of the church: 'the bipartite nature of the Church's body, *as of every profane institution* is finally reaching its apocalyptic unveiling — it is in this drama, always underway, that all are called to play their part without reservation and without ambiguity' (ME 39, emphasis added). Such is the

[33] Cf. *The Time that Remains,* which Agamben is almost citing here: 'The unveiling of this mystery [the mystery of lawlessness, evil or iniquity] entails bringing to light the inoperativity of the law and the substantial illegitimacy of each and every power in messianic time' (TTR 111).

exemplary nature of Benedict's action in withdrawing from the church and effectively decapitating it.

Pilate and Jesus

At the same time as Pope Benedict was resigning from the church, and perhaps as part of his attempt to comprehend the meaning of this gesture and what it implies for the notion of the church as an institution (which had lost sight of the second pole of the institutional machine — the messianic or eschatological), Agamben writes a text entitled *Pilate and Jesus*.

Pontius Pilate was a historical figure, added to the Nicene Creed at the Council of Constantinople in 381 to make it clear that history itself is a crucial part of the Christian religion. The son of God stands trial before Pilate, partaking thereby in a 'process' which embodies the encounter between the heavenly and the worldly, and in a way that is somewhat distinct from the encounter that we have just delineated with the mystery of evil — another meeting between the messiah and the law. Although as it shall turn out, Pilate is in his own peculiar way exemplary, even if not in quite the same way as Benedict,[34] in his hesitation — or even his 'great refusal' — to apply the law in Jesus's case.

Agamben tells us that if the incarnation is a historical fact, then the trial of Jesus is 'one of the key moments of human history, in which eternity has passed into history at a decisive point' (PJ 1). Agamben here poses the question as to 'how and why this crossing [passing] between the temporal and the eternal and between the divine and the human assumed precisely the form of a *krisis*, that is, of a juridical trial' (PJ 2).

And yet it is a curious form of trial which ultimately reaches no judgement: as Agamben insists, throughout the course of the trial, Pilate tries to avoid pronouncing a verdict.

What Pilate and the trial of Jesus seem to represent is the possibility of a real human being intervening in a history which might otherwise have passed for 'fate', one which Agamben calls the 'economy of salvation': 'The role of the prefect of Judea and of the judgement, the *krisis* that he must pronounce is not inscribed into the economy of salvation as a passive instrument but as a real character in a historical drama, with his passions and doubts, his caprices and scruples' (PJ 30). A historical figure, then, in much the same sense as Benedict was.

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[34] Benedict, Ratzinger, the student of Tyconius, might be said to have resigned in the name of an eschatological vocation which had been forgotten: Agamben is particularly clear on this point in an obituary notice he wrote upon the death of Benedict XVI in 2022: 'Benedict XVI reminded a curia concerned only with its own worldly continuation of the spiritual meaning of the last things' (Agamben, 'Benedict's Great Resignation', 31st December 2022, Compact Magazine, https://www.compactmag.com/article/benedict-s-great-resignation/ [accessed 20th April 2025]). And further, '[b]y calling into question the unity and legitimacy of the Church, Benedict XVI, who was at the head of the oldest existing institution in the West, called into question the meaning and legitimacy of all institutions' (ibid.).

The Christian conception of history as the execution of the divine economy of salvation (which, as if to intimate our reading, Agamben also compares to its secularised version: 'a realisation of the unbreakable laws immanent to it [history]') 'must be, at least in our case, revised' (PJ 30).

Agamben's account lays some stress on the notion of 'handing over', first in the sense in which Pilate refused explicitly to pronounce judgement and yet nevertheless delivered Jesus over to his fate in the hands of the Jews and the executioner, and second in the sense of the tradition that would form the fundamental element of history: 'With the judgement of Pilate history bursts into the economy and suspends its "handing over". The historical *krisis* is also and above all a crisis of "tradition"' (PJ 30).

'As a Roman magistrate, Pilate must exercise his judgement and does exercise it in his own way without taking account of that economy of "handing over" of which he is ignorant and to which he will yield in the end only because he seems to be convinced that a king of the Jews is in some way politically problematic' (PJ 30–31).

In other words, Pilate, and, as we shall see, Jesus in his own way, give us two examples, from two different points of view, of the way in which a purely '*oikonomic*' view of an institution can be modified, a view which we might surmise to be identical with a purely eschatological reading of the messianic which Schmitt perhaps rightly saw as paralysing with respect to any individual intervention within history. In the one case, that of the Prefect, we have an earthy institution which is the law, with which Pilate is wrestling, and with Jesus we find a heavenly kingdom, a messianic state, in which the law has become inoperative; and yet because Jesus is on earth, and the church as an institution must span the heaven and the earth, he submits himself to whatever the outcome of the Pilatean trial may be: 'The representative of the earthly kingdom is competent to judge the "kingdom that is not from here" and Jesus [...] acknowledges his authority, which comes to him "from above"' (PJ 31). As Agamben puts it, it is certain that Christ 'did not want to escape judgement' (PJ 31).

But what a curious kind of judgement it is, if it even may be said to be one at all: 'Here two judgements and two kingdoms truly stand before one another without managing to come to a conclusion. It is not at all clear who judges whom, whether it is the judge legally invested with earthly power or the one who is made a judge through scorn [Jesus clothed in purple robes and adorned with a crown of thorns], who represents the kingdom that is not from this world. It is possible, in fact, that neither of the two truly pronounces a judgement' (PJ 37).

As Agamben points out, a radical critique of every judgement is an essential part of Jesus's teaching (PJ 37). To judgement is opposed salvation: God does not want to judge the world but to save it — at least until the *eschaton*, the Judgement to end all judgements (save for the damned of hell).

It is just this encounter between salvation and legal judgement that Agamben's text comes to centre around. Thus the text and the encounter between

Pilate and Jesus may well have something to teach us about the somewhat obscure notion of the 'unsaveable' (or perhaps irredeemable) character of human life in the desuetude of the various apparatuses that keep us captive, which Agamben refers to in a number of his works in a fashion that can seem allusive.

Agamben tells us that Pilate and Christ embody the same irresolvable contradiction: the antithesis of economy and history, temporal and eternal, justice and salvation, 'that Dante's doctrine seeks in vain to reconcile [this doctrine suggests that Christ had to be subject to crucifixion as a legitimate punishment ordered by a judge who had jurisdiction over the entire human race — since he represented the Roman Empire — and thus the punishment is supposed to redeem the entire race]. Pilate *is* this contradiction. And Christ, insofar as the word in him has been made flesh, is this contradiction *par excellence*' (PJ 40).

Agamben affirms that in the context of the trial, at least, and despite Christ's testifying to his kingdom that resides and stems from elsewhere, here both he and Pilate are merely human: 'he [Jesus] must testify *in* this world that his kingdom is not from this world — not that he is *here* a simple human being but *elsewhere* a God' (PJ 41). It seems that whilst both humans are involved in a trial, in neither case can they either avoid it or go through with it. In any case, Agamben describes Pilate here as Jesus's 'alter ego': 'From the point of view of law his [Jesus's] testimony [to his kingdom, whose provenance is elsewhere] can only fail and end in a farce [...]. He — who has not come to judge the world but to save it — finds himself, perhaps precisely for this reason, having to respond in a trial, to submit to a judgement, which his *alter ego,* Pilate, in the end will not pronounce, cannot pronounce' (PJ 44).

Agamben comes to his conclusion by speaking of the irreconcilability of justice and salvation, as if this were to explain both the necessity of the trial and its inevitable failure to conclude with an actual judgement: 'Justice and salvation cannot be reconciled; every time, they return to a situation in which they mutually exclude and call for one another. Judgement is implacable and at the same time impossible, because in it things appear as lost and unsaveable; salvation is merciful and nevertheless ineffective, because in it things appear as unjudgeable' (PJ 44–45).

The world is unsaveable, Agamben tells us, and that seems to be because those with their feet planted firmly upon its surface understand only the law, and judgement in accordance with the law; not its beyond — is this another instance of the forgetting of the eschatological, not on the part of the church but on the part of the judiciary? Even though Pilate himself refuses to carry his judgement through and thereby attempts to save justice from itself, Agamben nevertheless ends the main part of *Pilate and Jesus* with the following words: 'to testify, here and now, to the truth of the kingdom that is not here means accepting that what we want to save will judge us [i.e. the earthly kingdom will judge Jesus, who wanted only to save it]. This is because the world, in its fallenness, does not want salvation but rather it wants justice. And it wants it precisely because it is not asking to be saved. As

unsaveable, creatures judge the eternal: this is the paradox that in the end, before Pilate, cuts Jesus short. Here is the cross; here is history' (PJ 45).

Pilate cannot judge (he merely hands Jesus over) and in this context Jesus cannot save. What conclusions can we draw from this mutual failure?

Agamben suggests, in the Glosses that follow the main body of the text, *Pilate and Jesus,* that a trial without a judgement is itself effectively (thanks to Pilate, it might be said) the most effective way in which the juridical order can render itself inoperative: it is 'the most severe objection that can be raised against the juridical order'. And Agamben links this explicitly with the *messianic* gesture of the fulfilment and suspension of law: 'The one who has come to fulfil the law, who has been sent into the world not to judge it but to save it, must submit himself to a trial without judgement' (PJ 51–52).

Agamben might be taken, on the basis of these Glosses, to be suggesting that in fact judgement and salvation enter into a zone of indiscernibility here, and that precisely because no judgement is ultimately given in the trial: '[t]he trial of Jesus is thus not properly a trial but something that remains for us to define and for which it is likely that we will not manage to find a name' (PJ 49). This is the perhaps the nameless act which, employing terms that are hereby being surpassed, as if the two poles of a machine were entering a state of confusion, Agamben elsewhere speaks of as the saving of the unsaveable, the salvation of the unsalvageable.[35]

And yet Agamben goes on to suggest that in *this* trial, at least, the two, judgement and salvation, do not touch: 'Judgement and salvation remain up to the end unrelated and incommunicable' (PJ 54).

This point may perhaps be clarified by the fact that Agamben here attempts to juxtapose the trial of Jesus that is no proper trial, with the messianic thesis of St. Paul, the critique of the Law as such and of the identity of those who stand within the juridical realm: 'It is possible that Paul, when he elaborates his critique of the law in the Letter to the Romans, may be aware of narratives of Jesus's trial that are later brought together in the Gospels. His peremptory thesis — no one can be justified through the law but only through faith — corresponds point by point with the fact that Jesus could not actually be judged. Just as the law cannot justify anyone, so also can it judge no one' (PJ 52). At this point, Christ — the messianic aspect of the human being, Jesus of Nazareth — evades judgement even by a law that places itself in abeyance. This ultimately indicates the difference that separates Pilate from Benedict: in Pilate we discern a character who *refuses* to decide and thus effectively delivers Christ up to his fate, a gesture which in the end might be interpreted as quite distinct from the decisive resignation of *Benedict*, since it fails to turn the law

[35] As to saveability and the unsaveable, one might refer in the first instance to *The Time that Remains:* 'He who upholds himself in the messianic vocation [...] knows that in messianic time the saved world coincides with the world that is irretrievably lost'. And '[t]he saving God is the God who abandons him [...]. The messianic subject does not contemplate the world as though it were saved. In Benjamin's words, he contemplates salvation only to the extent that he loses himself in what cannot be saved; this is how difficult it is to dwell in the calling' (TTR 42).

and the unfolding of history in an eschatologico-messianic direction. What more can one expect of the sovereign in charge of the judiciary as opposed to the head of the universal church?

Something like this reading is perhaps suggested bv the way in which Agamben brings *Pilate and Jesus* to its conclusion, in a manner that suggests some analogy between Pilate's gesture and the permanent state of exception, in contrast to Jesus Messiah who suspends law in a quite different manner. Agamben is in the process of demonstrating the relation between the inconclusive trial of Jesus at the hands of Pilate and the present moment of our own history: he adverts to the fact that modernity is prone to understanding history itself as a trial; but like the trial of Jesus, this process does not conclude, and remains undecided, or unproven. Agamben describes this interminable trial without judgement as a 'state of permanent crisis', which we might also read as the state of exception or emergency, in which law is suspended by law itself (by the sovereign who rules over the legal domain) — as the trial itself, the execution of the law, continues but without finding its consummation and end in an actual judgement. The law, the realm of the juridical, extends itself everywhere, to the farthest reaches of the human world and to its most intimate and secret moments, precisely by hindering, perhaps forever, the imposition of a judgement, and without even revealing the crime of which we are accused, which might have justified such surveillance.

As ever with Agamben's thought, the task is to disable the law, but in a different manner to the suspension of law carried out in the state of exception; we are seeking a different kind of suspension, an inoperativity that will allow something like a salvation of the unsaveable order of juridical judgement — a redemption of this earthly institution which might yet make of it a paradise.

For one last time, Agamben returns to the closure of the church's eschatological offices, as if the church itself had forgotten the lesson of Pilate and Jesus, and their role in the process of salvation: 'In this sense the trial of Jesus is an allegory of our time that, like every historical epoch with respect to itself, should have the eschatological form of a *novissima dies* ['last day', 'end of days'] but has been deprived of this by the tacit, progressive exhaustion of the dogma of the Universal Judgement, which the Church no longer wants to hear about' (PJ 57–58).

Conclusion

The very least that can be said in light of the foregoing, is that Roberto Esposito is wrong to assume that Agamben's work is lacking in a profound theory of institutions and their history. A reference to Agamben's texts on messianism and the Kingdom suffices to establish this. This work began in earnest in the third millennium, once it had become clear that a chronological understanding of the second coming had suffered a terminal blow. At the same time, perhaps in 2005, when *The Rivers North of the Future* was finally published, Agamben found a companion to his thought of the Church and the Kingdom in Ivan Illich, who had demonstrated that where the church led, often many centuries in advance, modern

institutions were sure eventually to follow. Perhaps it was then that to the list of possible candidates for the mysterious *katechon* that Agamben had broached in *The Time that Remains,* he added the church, first and foremost.

At stake in Illich's account of the institutionalisation of the Christian religion was the perversion of the Christian or messianic gesture of the overcoming of law through charitable love, which the established Christian church came to juridify once again. In the process, it condemned its parishioners to a state of permanent dependence upon their all too established church, which thus was able to achieve a monopoly on the servicing of their needs that Agamben more than Illich is prone to speak of in terms of an unprecedented 'power'.

The task of the critic of modernity and its institutions is then to work out how to disable the law and the juridical apparatus of the modern institution so as to allow another kind of community — or amity — to flourish, or at least to sustain itself in the more obscure corners of a world which has in recent years rendered even the drawing of breath, let alone its commingling in a conspiratorial kiss, quite literally illegal.

What Illich was perhaps too modest to insist upon or too extroverted to realise was his own potential role in the history of institutions, for as Agamben points out, in the wake of his experiences with Benedict, Pilate, Jesus, and even Illich himself — all of whom in their own way remained on the margin that separates church from law — we would be well advised not to view the evil of our institutions as a matter of fate that we must simply wait out until a final apocalyptic battle breaks out, for good or ill. All it takes is to be sure not to interpret the messianic in a chronological manner, to resist the apocalypticism that our culture in its constant lust for the declaration of various 'states of emergency' is so enamoured with. In place of apocalyptic prophets, Agamben places those figures who seek each other out amidst the crumbling ruins of what was once the best, and attempt to find the right way in which to resist the urge not just to think apocalyptically but also to romance about the way in which their institutions once were. It is not implausible that something in Agamben's notion of an institution become destitute, and a form-of-life that cannot be rendered bare by the sovereign decision that would subject it absolutely, always and everywhere, to the rule of law, might provide us with a way to protect Illich still more securely against the accusation of a romantic attachment to the vernacular, convivial life which his critics would rather scoff at.

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On Complementarity in Agamben's Anthropological Machine and in the Scholastic Concept of *Relatio Subsistens* (as invoked by Illich in the context of Gender)

Nicola Labanca

Introduction

According to Agamben, an anthropological machine has been at work within human societies since antiquity and produces the main categories whereby western culture, science and politics operate (e.g., human life, language, power, etc.). In his view, the widespread diffusion of the oppositional relationality and states of exception resulting from the operationalisation of these categories by the machine represents the major challenge of contemporary societies.

Illich's views on gender and on its underlying complementary relationality are instead nourished by the scholastic notion of *relatio subsistens* whereby mediaeval theologians have described the mystery of the Trinity and relations among the three persons of father, son and holy spirit. Illich has provided insightful descriptions of this latter type of relationality in his interpretations of the parable of the Good Samaritan and has devoted the majority of his studies to investigating how this became increasingly perverted in modernity. By putting *relatio subsistens* at the root of gender, Illich seems however also to suggest that the expression of this type of relationality constitutes the genuinely and originary 'human' element in human life.

This essay argues that the perversion of *relatio subsistens* with which Illich is so concerned might be reflected in and explained by the operation of Agamben's machine.

The way in which signatures (e.g., human life) get attributed through Agamben's anthropological machine reflects how instruments operate according to Illich. In his *The Signature of All Things*, Agamben himself suggests this when highlighting the common origin of the theory of signatures and the theory of instruments also addressed by Illich. The large-scale presence of states of exception that can follow a signature's attribution through the anthropological machine then closely resemble those situations of instrumental counterproductivity studied by Illich where the large-scale application of given instruments generates temporary contradictory situations by producing effects that are the opposite of what was expected (e.g. whenever the widespread employment of means for mobility generates conditions of immobility). Moreover, the permanent conditions of indistinction between oppositional categories like human-non-human, human-animal, animate-inanimate that characterise the cybernetic views that Illich prophetically saw taking hold in the upcoming age of systems can probably be

considered as the final destination of the widespread application of Agamben's machine.

Further elements corroborating a close correspondence between insights and conclusions achieved by Agamben and Illich can also be found in Agamben's proposal for a modal ontology as a way to overcome the formidable challenges generated by the operation of the anthropological machine. Agamben's modal ontology is indeed hardly distinguishable from that at stake in *relatio subsistens*. The conceptual framework wherefrom he elaborates the need for such an ontology is precisely the one which scholastic thinkers referred to when addressing the mystery of the Trinity, i.e. it is the same conceptual framework whereby the notion of *relatio subsistens* that nourishes Illich's views on gender was produced and explained.

Overall, Agamben and Illich hence seem to conclude that fundamental challenges posed by western thought and societies can only be addressed through the cultivation of a similar type of complementary relationality.

If the hypothesis proposed in this paper is correct and the widespread application of Agamben's machine is actually perverting the complementary relationality that Illich places at the foundation of gender, this would however mean that this machine alone might not explain how anthropogenesis takes place, as Agamben seems to suggest. These different postures on how human relations are generated seem to be reflected also in the different approaches Agamben and Illich take when it comes to considering how to address the perverse mechanisms they see operating in contemporary societies. Agamben is indeed focused on a deactivation of his anthropological machine that can suspend and expose tensions between its oppositional categories (e.g., between constituent and constituted power) in such a way that a modal ontology can be freely expressed. Illich's writings and life represent instead a plea to counter the counterproductive effects of institutions and technologies by cultivating very personal relations of friendship. On a conceptual level, this plea can be considered as an exhortation to recover and practise the originary and complementary relationality that Illich finds at the root of gender in the form of the *relatio subsistens* which also seems to inform Agamben's modal ontology.

Complementarity in Agamben's anthropological machine

According to Agamben, an anthropological machine is constantly at work in Western culture and produces man through oppositional categories like man/animal, human/inhuman, etc. However, apart from these categories, this machine also produces states of exception representing a specific type of contradiction that can reveal the origins and inner mechanisms of Western politics.[1] If I understand him correctly, the functioning of his anthropological machine is reflected in the strategic thought device developed by Aristotle which

[1] G. Agamben, *The Open: Man and Animal*. Stanford University Press, 2004, p.37

consists in a series of splits and separations whereby every question concerning 'what something is' is reformulated as a series of questions concerning 'through what something belongs to another thing'.[2] For example, the question 'what is human life?' is reformulated by first setting a common background (i.e., inanimate life) against which human life is then defined 'through what' it belongs to and through a series of ever more exclusive sub-categories representing specific functional faculties (e.g. nutrition, sensation, thought). Starting from a common background, human life is in this way progressively separated from — whilst remaining included within — a hierarchy of ever more specific categories resulting from oppositions (e.g., inanimate-nutritive, nutritive-animal, animal-human) where a higher category is separated from but remains included in the lower (e.g. 'nutritive' is separated from but included within 'inanimate', 'animal' is separated from but included within 'nutritive', etc.).

According to Agamben, the mechanism of progressive separation that operates to produce human life lies at the root of Western culture, science and politics, and cannot work without entities situated on the boundary of categories that result from this separation.[3] For example, in order to separate the human from the animal, societies need to artificially create and maintain figures that are neither totally human nor totally animal and that, as such, come to represent a condition of exclusion by inclusion that Agamben names *bare life*. So called *homo alalus*, slaves, barbarians, and *homines sacri* are examples of different incarnations of this state of exception as created through language and categories established by law and politics in antiquity. Similarly, the *Muselmann*, comatose persons and bodies preserved for organ transplantation, represent other disquieting examples of bare life created in more recent times. These figures seem hence the necessary and perverse outcome of the operation of Aristotle's thought device through the definitions of human life adopted by Western thought and politics across history.

However, the application of operative definitions of human life represent for Agamben just a specific case of how a given *signature* can become generally attributed in different historical periods to natural entities through the operation of the anthropological machine (according to Agamben, other signatures include e.g., language, power, potentiality, poetry[4]). As seen in the case of human life, this

[2] Agamben, *The Open,* p. 14.

[3] Ibid., p.37.

[4] For a discussion on language as originary signature, see G. Agamben, *The Signature of All Things: On Method.* Zone Books, 2009, p. 35. On language as signature, see also G. Agamben, *The Coming Community*. University of Minnesota Press, 1993, p. 9. There, Agamben discusses how the oppositional categories and the antinomy of *individual* and *universal* originate in language and how the concept of the *example* escapes this antinomy. On power as signature and the related articulation of the two oppositional elements of *potestas* and *auctoritas* that is suspended in the state of exception, see G. Agamben, *State of Exception*. University of Chicago Press, 2005, pp. 74–87. On potentiality as signature and the articulation of *potential* and *actual* that is suspended through impotentiality, see G. Agamben, *Potentialities.* Stanford University Press, 1999, p. 179. On poetry as signature and the articulation between oppositional semantic

attribution generally takes place through caesurae against a common background that determine the joint creation of oppositional categories (e.g. the caesura generated by the attribution of the signature 'human life' can generate the category 'human life' in opposition to 'non-human life'; the attribution of the signature 'language' can generate the category of 'language' in opposition to that of 'animal', etc.). As mentioned, this process of attribution inevitably also generates a third and singular element that does not belong to either of the two oppositional categories and emerges from the field of tensions that these determine. Agamben names *paradigm*[5] the state of exception where differences and dichotomies between the two categories generated through a signature coexist and are at the same time suspended.[6]

The same signature can however be operationalised differently across time, and different paradigms can hence emerge as this signature travels across time.[7] In the case of the signature human life, the slave, *homo sacer*, *homo alalus*, the comatose person, etc. therefore represent different paradigms that have incorporated the oppositional relation of this signature as it has travelled across time. Such paradigms are therefore different exemplary cases of what Agamben names 'bare life' and reveal how the anthropological machine and associated signatures work through history.

One might gain some insight into this revelatory moment by considering how, following Aristotle again, Agamben sees the paradigm as a model of inference that proceeds from particular to particular and goes beyond the particular-general couple whereby induction and deduction develop.[8] While induction proceeds from the particular to the general and deduction from the general to the particular, the paradigm constitutes a peculiar form of knowledge that proceeds through singular cases that represent the particular but also the general and that, as such,

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and semiotic elements, see G. Agamben, *The End of the Poem*, Stanford University Press, 1999, pp. 109–115.

[5] G. Agamben, *The Signature of All Things: On Method.* Zone Books, 2009, p. 9.

[6] See the definition of paradigm as provided in G. Agamben, *The Signature of All Things: On Method.* Zone Books, 2009, p. 31.

[7] It is intriguing to observe how signatures, and the way in which they are supposed to be created and travel across time according to Agamben, reflect quite well what happens to *plastic words* as intended by Illich and discussed in U. Pörksen, *Plastic Words: The Tyranny of Modular Language*. The Pennsylvania State University Press, 1995. The operation of signatures seems to recall how concepts employed by science, and reflected in their plastic words, operate (e.g. in the case of life, energy, etc.). Also the way in which signatures travel across time as floating signifiers being associated with different categories and states of exception as they travel seems reminiscent of the way in which plastic words lose their denotative power and become associated with different meanings, according to Pörksen. On this last point, see also Agamben's reference to Lévi-Strauss's theory of the constitutive excess of the signifier over the signified and to signatures as floating signifiers in Agamben, *The Signature of All Things*, p. 78.

[8] Ibid., p. 19.

cannot be reduced either to the general alone or to the particular alone.[9] For example, the paradigmatic character of the state of exception, as generated through the attribution of the signature 'human life' in a given historical circumstance (for example, the paradigm *'homo sacer')*, is what allows a kinship with states of exception that are generated around this same signature in other historical circumstances to be revealed (e.g., the kinship of *homo sacer* with *homo alalus*, comatose persons and so on).

Agamben's argument concerning the anthropological machine suggests to me that the operation of Aristotle's thought device must *necessarily* create states of exceptions. Rather than merely *logical*, the reasons for the necessary generation of states of exception seems to be mainly *practical* and pragmatic and concerns the procedures by which the machine is put into operation. Typically, states of exception seem to represent a necessary condition of un-decidability that must be created to make the machine work, as this machine necessarily relies on the application of the *universal categories* to specific instances. For example, whenever specific laws (e.g., on refugees) must be enforced, dedicated institutions and arrangements (e.g., refugee camps) creating a temporary condition of suspension and un-decidability become necessary to allow the application of related decisional processes and procedures. Similarly, whenever medical diagnoses or therapies must be decided or applied, people must undergo institutionalised medical procedures during which they come to represent temporary states of un-decidability and exception.

However, there seem also to be states of exception for which no specific process or procedure is envisaged by the anthropological machine. In principle, these states of exception might represent either exogenous events or unexpected or unforeseen outcomes of the machine itself. For instance, the application of specific laws or exogenous shocks can trigger the unforeseen collapse of enforcing legal institutions just as new diseases can emerge for exogenous reasons or as the unexpected yet verified consequence of the application of medical treatments. The reasons to relate such unexpected and/or exogenous events to the operations of the anthropological machine and for them to be included among its states of exception are again to be found in the assumed *universality* of the categories the machine relies on. Such universality cannot indeed envisage *exogenous* events, by definition (e.g. in the case of a machine defining and medically operationalising the universal category *human life*, any threat to human life must fall under its jurisdiction).

Either the possible generation of unknown events is explicitly contemplated by the machine (and therefore special operational rules are established to deal with them) or not, the universality of its categories apparently implies that the machine is expected to process unanticipated events. To function, this machine requires that both the states of exception created to make it function and the states of exception emerging unexpectedly be considered as *endogenous* phenomena that the machine

[9] Ibid., p. 19.

knows or will know how to treat. These two types of states of exception represent therefore the *same* condition of un-decidability and Agamben's machine can be understood as a specific type of *knowledge* machine whose potential knowledge is as unlimited as the applicability of the man-made universal categories it relies on. Within its framework, the manifestation of unexpected phenomena that can remain indefinitely unknown does *not* seem to be contemplated (the universality of its categories ensures indeed that any event falls either within a category, or within the complement of this category, or at the boundary between the two). Any unknown is in this way reconfigured as something that is *not yet* known. States of exceptions created to enable the machine to operate and states of exception that unexpectedly emerge are ultimately indistinguishable and both are expected to be processed by the machine.

The endogenous, and hence self-reflexive, character of the kind of unlimited knowledge associated with the anthropological machine seems to be confirmed by Agamben when he suggests in *The Open* that metaphysics and any problem of transcendent unity might be solved within this machine. Accordingly, rather than seeking for the nature of man in some transcendent unity of soul and body, the matter of what man is might have to be found in how man has been separated from the non-man within him through the divisions and separations mentioned above.

Overall, it can hence be argued that an essential character of Agamben's anthropological machine is represented by the *universal* categories by which it operates (human life being one such example). The mechanism whereby these universal categories are created and applied seems however to necessarily entail the production of *particular* cases (i.e. states of exception) that, through a process of exclusion by inclusion, end-up belonging both to the category at stake and to its complement and, as such, represent a living contradiction. There seems to be here an inevitable imbalance between universals and particulars that, if not counteracted, can become the main cause for a very curious fate and inevitable derailment of Agamben's machine, as represented by the creation of a general situation of contradiction and in-distinction between opposites. Probably because of the presumed universality of the categories the machine relies on, its application seems to be destined to become ever more extensive and pervasive and to concern an ever-increasing number of situations and individuals (for example, in the case of human life, its medical operationalisations seem to be destined to concern an ever-increasing number of individuals and an ever-increasing number of aspects of their health). It can hence be reasonably assumed that this expansion in its operations becomes inevitably responsible for a progressive increase in the number of associated states of exception and un-decidability. However, notice that until the machine has concluded its operation on a given case, this has to be considered as a case of un-decidability and hence included among the states of exception.

As previously argued, other kinds of states of exception that are also destined to expand with the expansion of machine operations are then represented by all those cases for which no specific treatment is envisaged and by all those unexpected

cases whose generation must be attributed to the machine's operation itself (to refer to the previous example of medical applications, these cases might be represented by diseases generated by medical applications themselves). If not counteracted in some way, it can be presumed that, altogether, these dynamics of expansion can lead to a general and permanent state of exception and in-distinction, whose production Agamben's machine seems ultimately to be describing. Hence, the operationalisation of universal categories through Agamben's anthropological machine seems potentially to be able to lead to a general and diffuse condition of contradiction and in-distinction as initially represented by the individual states of exception which this machine inevitably generates. For example, in the case of *human life*, it can be presumed that the final destination of the operations associated with this signature corresponds to a situation in which all elements represented by this universal category become permanently indistinguishable from those of the complementary category *non-life;* those of the category *man* become indistinguishable from those of the category *animal*, etc.

Relationality embedded in Agamben's machine vs. *relatio subsistens* invoked by Illich in the context of gender

Illich interpreted gender as a mode of perception and as the expression of a specific type of complementarity in knowledge and human relations that can enable the radical questioning of certainties concerning equality between individuals, the existence of an abstract and universal human being, and concerning knowledge produced by science. According to Illich, gender incarnates a way of knowing in terms of opposed domains that reflects the truly complementary nature of reality. This type of relationality is well rendered by his reading of the parable of the Good Samaritan[10] and by the following statements, made during his lecture at a Presbyterian chapel in Chicago in November 1988:

> When I submit my heart, my mind, my body, I come to be below the other. When I listen unconditionally, respectfully, courageously with the readiness to take in the other as a radical surprise, I do something else. I bow, bend over toward the total otherness of someone. But I renounce searching for bridges between the other and me, recognising that a gulf separates us. Leaning into this chasm makes me aware of the depth of my loneliness, and able to bear it in the light of the substantial likeness between the other and myself. All that reaches me is the other in his word, which I accept on faith.[11]

[10] On this point, see, D. Cayley, *Ivan Illich: An Intellectual Journey*. Pennsylvania State University Press, 2021. Kindle Edition, p. 395.
[11] Ibid., p. 19–20.

According to Illich, this substantial difference and irreducibility between any person and the other, makes it possible to reach the other only in terms of metaphor and analogy.[12]

Although without much explanation, Illich states in *Gender* that his views on gender are nourished by the scholastic concept of *relatio subsistens.*[13] The kind of relation at stake here however clearly reflects that based on the surprise originating from the Other, which Illich roots in the Christian gospel. As noted by David Cayley,[14] the participal *subsistens* was used by scholastic philosophers to translate the Greek *hypostasis*, which indicates what subsists and has an independent status, while *relatio* refers to something that is in relationship and therefore not independent. Strictly speaking, a *relatio subsistens* is therefore a contradiction in terms. In so far as it concerns any being entering into a relation with the other, this type of relationality seems however to have a much wider valence compared to that of Agamben's anthropological machine and, as will be discussed in the following paragraphs, it might allow us more clearly to bring to light the kind of perversion which this machine can generate.

States of exceptions generated by Agamben's machine seem indeed to be produced by an original violence operated through cuts and caesurae. Agamben himself associates these cuts with the generation of a trauma in his *The Signature of All Things.*[15] By contrast, the scholastic concept of *relatio subsistens* that Illich invokes to understand what he calls gender concerns a kind of relatedness that is both fuzzy and felt. Such relatedness can be perverted when widely applied using sharp cesuras and rigid categorisations, as probably happens with Agamben's anthropological machine. Whilst Agamben's machine seems to be based on the creation of universal categories and presupposes a preexisting common background (wherefrom beings are generated through a process of division that nevertheless leaves beings closely linked to non-beings), the type of relationality Illich sees at stake in *relatio subsistens* seems to concern a sense of fragile commonality that develops instead from an initial and irreducible difference between two separate entities possibly entering a mutual relation through the unexpected recognition of the presence of a third.[16] Rather than presupposing the existence of universal categories that can be created through logical cuts in a

[12] Cayley, *Ivan Illich: An Intellectual Journey*, p. 335.

[13] See n. 7 in I. Illich, *Gender*. Pantheon Books, 1973, p. 48. On this point see also what is discussed in Cayley, *Ivan Illich: An Intellectual Journey*, p. 332.

[14] Cayley, *Ivan Illich: An Intellectual Journey*, p. 332.

[15] See, for example, the chapter section where Agamben reflects on how to regress to the origins of this cut and proposes an analogy between archaeological regression and psychoanalysis, in *The Signature of All Things*, Chapter 3, section 12, p. 102.

[16] As assumed by Agamben for his anthropological machine, the kind of relatedness expressed by *relatio subsistens* seems somehow to be connatural to humanity. As is implicitly suggested by its association with gender, this kind of relatedness might pre-exist and might not have to be identified solely with the relation with the incarnated Christ.

common background, Illich's *relatio subsistens* seems to presuppose the existence of irreducible singularities which might (or might not) acknowledge or fit with each other through a third. Accordingly, while contradiction embodied in people who represent a state of exception makes them aberrations that remain necessarily marginalised (at least as long as they represent states of exception), contradiction that can manifest itself within Illich's *relatio subsistens* seems to be what can potentially make two pre-existing and individual singularities related to a third and, therefore, genuinely human.

Overall, the cuts and caesurae of Agamben's machine relate to (and might perhaps be identified with) an original operativity and *endogenous* machine-like social construction that are assumed to work over an indistinct matter since the origins of humanity and that can create and lead to the large-scale diffusion of entities that are beings and non-beings at the same time. In the case of Illich's *relatio subsistens,* singular and irreducible beings seem instead to represent pre-given entities, whilst the glue and operativity that might keep them together is simultaneously *endogenous* and *exogenous* and might not necessarily materialise.

Whilst difference seems hence to emerge from a cut operated over an original homogeneity and through a process of exclusion in Agamben's machine, Illich's *relatio subsistens* presupposes an original difference and irreducibility between entities. These entities can then reveal their complementarity by generating a third through an erotic and fragile relationship that might always be perverted through the categorisations at work in Agamben's machine. A possible primacy of *relatio subsistens* over Agamben's machine could generally put into question the foundation of western politics on principles of equality and democracy together with the way in which it excludes and sacrifices difference so as to make order function. Acknowledging that difference, rather than equality and identity, is the fabric of social ties would indeed entail a complete re-conceptualisation and re-organisation of politics and societies.[17]

If not completely reducible to a perversion of this latter type of relationality, the anthropological machine seems at least able to clarify how the type of corruption to which Illich has dedicated most of his studies might be generated. For example, the situations of technical *counterproductivity* that Illich associates with the large-scale diffusion of tools and instruments closely resemble the diffused condition of exclusion by inclusion that follows the large-scale application of Agamben's anthropological machine and associated signatures. In *The Signature of All Things*, Agamben himself seems to implicitly suggest that the operation of his anthropological machine reflects that of technological instruments when he discusses existing correspondences between the theory of signatures developed during the Renaissance and the Baroque period and the notion of *causa*

[17] Agamben's anthropological machine can in my opinion be seen also as a sacrificial machine that excludes and sacrifices difference to establish identity and homogeneity. These considerations have been inspired by A. Caldwell, 'Transforming Sacrifice: Irigaray and the Politics of Sexual Difference', Hypatia vol. 17 no. 4 (2002).

instrumentalis elaborated through sacramental theory by theologians during the early twelfth century.[18] There, he suggests that we look at instruments and instrumentality as enablers of operations whereby specific signatures become attributed to natural things and specific conditions are assumed to be achieved by them. Based on this hypothesis, technologies and operational concepts employed by techno-science might have to be seen in a new light. *Immunity* might for example be seen as the signature conferred through technical instruments aiming at keeping people in healthy conditions; *information* might be the signature conferred through technical means aiming at education; *energy* might be the signature for labour; and *mobility* would be the signature conferred through means of transport.[19] If so, the operation of these signatures and their possible technical counterproductivity might have to be studied in terms of universal categories and associated states of exception as created through cuts over an assumed common and pre-existing background, according to the same mechanisms described by Agamben in the case of the signature *human life*. A situation of instrumental counterproductivity would in this way come to represent a situation where the state of exception associated with the related signature becomes a diffused and *temporary* condition of *coincidentia oppositorum* (e.g., in the case of mobility, this would be a situation of counterproductivity where, to use Agamben's terminology, mobility and non-mobility become temporarily indifferent).

Besides the question of whether Agamben's machine might represent a perversion of Illich's *relatio subsistens*, the simple possibility of a widespread presence of this latter type of relationality might put in question Agamben's idea of anthropogenesis. Even if it does not represent a late byproduct or perversion of Illich's *relatio subsistens*, the kind of relationality embedded in Agamben's machine might indeed have always co-existed with Illich's *relatio subsistens.* If so, the anthropological machine alone could probably not be placed at the origin of humanity, as appears to be implied by the qualifying adjective 'anthropological'. Considering 1) how Illich's *relatio subsistens* seems to rely on an *immanent* transcendental, and considering 2) that modernity might represent the age in which this transcendental has started leaving humanity while the social spheres of politics, religion, and science have apparently started separating and departing from each other, and lastly, 3) how the operation of Agamben's machine and the universal categories it relies on might well reflect this process of progressive detachment of

[18] See Agamben, *The Signature of All Things*, p. 50.

[19] While it is quite easy to infer how *immunity*, *energy* and *information* can represent signatures of health, labour and education and be technically operationalised, I don't have a clear idea about specific signatures that might be considered in case of means of transport. I do not exclude that they might concern the operationalisation of categories of *space* and *speed* as investigated by Illich. Besides the specific signs and words carrying them on and besides how these signatures might travel across time, this example is being made mainly to highlight how Agamben's machine might be at work also in case of universal categories operationalised through means of transport and might explain how their counterproductivity might be generated through associated states of exception.

the transcendental element from humanity, it cannot be excluded that Agamben's machine might just have started prevailing over Illich's *relatio subsistens* since modernity. Obviously, such an assessment does not rule out the possibility that the anthropological machine was also at work well before modern times (*homo sacer* and Agamben's studies indeed provide plenty of evidence in this respect). The key and seemingly exclusive role that Agamben attributes to his machine for anthropogenesis should however be contrasted with Illich's *relatio subsistens* that potentially offers another important and complementary dynamic that could also, in principle, limit and contain this machine.

To summarise this all too brief analysis, it seems to me necessary to acknowledge the following points in comparing certain aspects of Illich and Agamben: 1) due to a reliance on the operationalisation of universal categories whose diffused application can end up generating large-scale states of exception where these categories co-exist and become indistinguishable from their complements (as e.g. in the case of mobility, education, health care, etc.), Agamben's machine might very well represent modern perversions of unchecked technology including the progressive separation between subject and object and the relegation of a governing God to another world and that, consequently, 2) the possible presence of a transcendental but incarnated third is what renders Illich's *relatio subsistens* (and the type of contradiction associated with it) irreducible to and able to embed the kind of relationality embedded in Agamben's machine. Accordingly, Illich's *relatio subsistens* might therefore serve to limit and contain the anthropological machine.

Systems as the final destination of Agamben's machine

The connection between the two types of relationality addressed in this paper seems to be maintained also during what Illich names the contemporary age of *systems*. The main peculiarity of this age is described by him in terms of the possibility of the complete integration of people into their artificial tools and environment.[20] This is an age in which people's horizons can be completely closed to any transcendent third and any leeway for Illich's *relatio subsistens* and its immanent/transcendent third becomes therefore extremely narrow.

In general terms, the age of systems looks like the final destination where we might have been taken by the anthropological machine. As mentioned, the machine leads to a situation of permanent in-differentiation between the universal categories it operationalises and their complements. For example, human life seems destined to first become indistinguishable from (or, using Agamben's terminology, 'indifferent' to) animal life, then from nutritive life and, ultimately, from non-life. If it is true that the creation and operationalisation of universal categories by Agamben's machine have intensified with modernity and widespread

[20] See D. Cayley, (2005), *The Rivers North of the Future: The Testament of Ivan Illich as told to David Cayley*. House of Anansi Press, Ch. 4.

technology,[21] then the age of systems might perhaps be considered as the final outcome of this operationalisation. This finality would consist in a diffuse and permanent situation of in-distinction between opposites (e.g., life/non-life, subject/object, man/animal, animal/vegetal, etc.). Somehow, the age of systems might have to be considered as the age where any being, as created from a common background (i.e. the inanimate) through the anthropological machine, potentially ends up becoming indistinguishable from this background. As I try to argue below, this in-distinction might be the outcome of the permanent exclusion of a transcendental element that had not as yet been achieved with instruments and that might instead manifest itself in the age of systems by conferring extreme porosity and plasticity upon beings.

As discussed by Agamben, ideas of instrumentality that take hold with modernity lead to the identification of being with operativity and effectuality[22] while producing a deep separation between subject and object that somehow reflects the stable separation assumed to exist between a still very present God and his creatures. Systems instead render this separation extreme by integrating people into their material environment and, in this way, closing themselves to the transcendental. They seem to rely on contingent/random couplings that precede and then constitute arbitrary subjects and objects that continuously mirror and redefine each other within a closed space where no room is left for an incarnated and/or transcendent third. With systems, potentiality or *dynamis* is indeed reduced to mere action or *energeia* without any possibility for resistance. Contrary to modern beings which are constituted through instruments, beings constituted through integration into systems seem to maintain their independence from a transcendent god through a constant integration into their material environment, this situation conferring upon these beings an extremely ephemeral and porous character.[23]

Qualitative transformations quite recently undergone by human artefacts with the extensive diffusion and employment of computer technologies might explain very well how this happens. Rather than means enabling the achievement of specific ends, computer technologies resemble artificial and interconnected prostheses enabling the achievement of an ever-increasing variety of ends and coming therefore to constitute a closed but ever expandable space wherein beings constantly live and modify themselves in conjunction with their non-living

[21] As in previous considerations, I am arguing here that this age might be characterised by the large-scale implementation of universal categories as enabled by instruments through the *distality* they have generated between subject and object and the consequent possibility of producing a wide variety of standardised artefacts that can be used by any person.

[22] As happens during the Eucharist, being is assumed to manifest itself only through its produced effects.

[23] On this point, see N. Labanca, 'Imitation Games: When Who You Are is Reduced to What You Do', Conspiratio, Fall 2023.

counterparts.[24] The pre-existing and contingent couplings wherefrom these beings get constituted in conjunction with their material environment might just come to consist of *negative feedbacks* whereby contingent variations and differences emerging from an otherwise totally homogenous and flat substratum get temporarily established and maintained. In so far as they are completely integrated into and cannot be isolated from their environment, these beings must modify themselves by chasing changes occurring therein and cannot suspend action,[25] this condition, among others, conferring upon knowledge itself the same rarefied and porous texture as prosthetic beings that populate systems.[26] Such extreme porosity and required malleability might hence be an outcome of the aforementioned integration and exclusion of the transcendental element that ultimately correspond to a situation where it is impossible to distinguish being from non-being and that is characteristic of a permanent state of exception and contradiction.[27]

The extreme character of the type of contradiction embodied in this permanent state of exception might however not only be reflected in permanent in-distinctions between being and non-being, subject and object, etc., but also in a permanent contradiction affecting *action*.

These aspects seem quite clearly reflected in how *systems* counterproductivity might differ from *instruments* counterproductivity. Whilst instrumental counterproductivity mainly concerns the end associated with a given tool and the effectuality of the specific action undertaken thereby (e.g. the counterproductivity of cars concerns mainly how cars and actions undertaken therewith become an impediment to mobility), systemic counterproductivity seems to concern more generally how actions undertaken through whatever means can permanently rebound also on ends not directly addressed by that means and how these actions can put the very survival of certain systems at risk. Instrumental counterproductivity seems indeed mainly limited to the operationalisation of an associated conceptual category (e.g. mobility, education, etc.). Systemic

[24] In so far as any function comes to be performed through these protheses, the space wherein they constrain people is closed. In so far as new functions can always be added and reproduced therein, this space is always expandable.

[25] This characteristic can be grasped very well in my opinion by looking at how the production of stocks and reserves of materials, competences and energy sources is being progressively substituted for by integration into information networks whereby we expect to get whatever we need on demand. This progressive reduction of reserves is probably what obliges the chasing being described here and what makes the suspension of action harder and harder.

[26] Such a situation is analogous to what is potentially happening with virus mutations induced by mass vaccination. People are called to continuous action because changes induced by the vaccines they synthesise and use to inoculate on a large scale can change their environment and select mutations calling for further action, generating in this way a continuous chase that cannot produce any definitive outcome.

[27] I have tried to describe this condition of permanent contradiction through the paradoxes discussed in this article in N. Labanca, 'Coronavirus and Enaction of Human-made Complexity Paradoxes', International Journal of Illich Studies, vol 7 no. 1 (2020), pp. 122–50.

counterproductivity seems instead to relate to action in general. Accordingly, actions undertaken for whatever purpose can potentially affect any part of a system, the whole system, and the very possibility of that system's survival.

Therefore, the prosthetic character of artefacts whereby people are integrated into systems[28] might render any purposeful action not only potentially and disruptively self-reflexive (within these kinds of system any part of a system can be tightly coupled to any other part and any action I undertake can unexpectedly and disruptively rebound on me) but might also render action constantly full of unintended and potentially disruptive implications for the whole system (within these systems you cannot intervene in one function without also potentially and unintentionally altering other potentially vital functions).

Overall, Agamben's machine and the specific type of contradictions it generates might show how both instruments and systems counterproductivity can ultimately represent the outcome of processes of extensive *homogenisation* associated with the multiplication of given universal categories and technologies. In the case of instrumental counterproductivity, homogenisation is indeed achieved through the radical monopoly exercised by a single means over all alternative ways of achieving the same end. In this case, Agamben's machine reveals how this radical monopoly can be associated with the universalisation and standardisation of the conceptual category operationalised through the means in question and how this universalisation corresponds to the generation of temporary states of exception and contradiction where the category at stake and its complement become temporarily indistinguishable (e.g. when cars exercise a radical monopoly over mobility, mobility can temporarily become indistinguishable from immobility). In the case of systems counterproductivity, Agamben's machine might show instead that homogenisation concerns the common and inanimate background that all universal categories may be destined to be permanently reduced to, this common background being nowadays mainly reified through the negative feedback loops of material, energy, and information flows through which artificial prostheses are put into operation.[29] Though these prostheses seem to enable unprecedented levels of

[28] As mentioned, by 'prosthesis' I intend here a single means whereby a multiplicity of ends become achievable.

[29] Notice that, when intended as means enabling the achievement of an increasing variety of ends, artificial prostheses integrating people into systems might in principle result from circulations of information, monetary, material and energy units. These entities can indeed in principle be considered as single means whereby an increasing variety of ends can be achieved and hence might in principle come to co-constitute the common and uniform background that systems rely on. Besides potentially revealing homeomorphisms between the realms of economics, energy physics and information science (Philip Mirowski has already provided some insight into this in P. Mirowki, *More Heat than Light: Economics as Social Physics, Physics as Nature's Economics*. Cambridge University Press, 1989), this common prosthetic functioning might imply, among other things, that monetary systems and energy systems can somehow represent forerunners of the systems being discussed in this text. What I am suggesting is that the large-scale diffusion of this kind of prosthetic functioning might represent a necessary precondition for the generation

diversification while representing and embedding any conceivable singularity and particularity, the systems they constitute rely on material, energy, and information flows whose creation reflects the achievement of unprecedented levels of standardisation and homogenisation. Rather than resulting from pre-existing differences, systems hence seem actually to result from an extremely diffuse and socially constructed *sameness* that, contrary to what is happening with instruments, can potentially be highly variable and appears (while actually being anything but) very immaterial. The socially constructed *sameness* that constitutes the ever more invisible background that systems rely on might be responsible for the generation of ever more frequent disruptive and unexpected events that put large parts of the survival of systems at risk and that most probably represent the hallmark of systems counterproductivity.

On the other hand, the assumed presence of pre-existing and irreducible singularities (that possibly acknowledge each other through a third) seems to make Illich's *relatio subsistens* intrinsically irreducible to the kind of relationality embedded in Agamben's machine that might have started dominating societies with the advent of modernity, instruments and, more recently, with systems. The complementary and embedding character of Illich's *relatio subsistens* might perhaps still represent a safeguard against the ever more extensive and unsustainable processes of homogenisation and technological multiplication entailed by instruments and systems. Compared to the age when instruments prevailed, the cultivation of this kind of relationality and associated possibilities to limit the diffusion of systems might nevertheless require markedly different and still mostly unexplored approaches.

Notably, Agamben himself discusses exactly the conceptual framework from which *relatio subsistens* emerges in his *The Use of Bodies*.[30] There, he associates this type of relationality with a specific modal ontology whose constitutive ambiguity is described in terms of a very weak relation that 'constitutes its elements by at the same presupposing them as unrelated'[31] or as a relation where 'being precedes relation and exists beyond it, but it is always already constituted through relation

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of systems. If so, this necessary precondition could be equivalently intended as a condition of large-scale reproduction and employment of single 'artificial' entities (as represented by monetary, energy, or information units) that, through the establishment of some principle of equivalence, come to constitute means for the achievement of an increasing number of ends, this simple fact seeming to me sufficient to render these particular means *scarce* by definition.

[30] The scholastic concept of *relatio subsistens* is a re-description of the Christian mystery of the Trinity and of how the trinity of Father, Son and Holy Spirit is captured in the potential of God by maintaining God as formally distinct from these three persons. Agamben dedicates a whole chapter to a discussion of how the problem of thinking the relation between unity and trinity in God can be solved by attributing a specific ontological rank to a type of relation that corresponds to *relatio subsistens*. See G. Agamben, *The Use of Bodies*. Stanford University Press, 2016, p. 146.

[31] Ibid., p. 270.

and included in it as its presupposition'.[32] Moreover, he argues that the possibility of cultivating this type of relationality presupposes the deactivation of the mechanisms whereby the anthropological machine defines and operationalises its own categories and states of exception through an appositional relation[33] where these categories cannot pre-exist their opposites (e.g. when law gets defined on the basis of bare life and *anomia* and vice versa, or constituent power gets defined on the basis of constituted power and vice versa, etc.). In his view, this deactivation would make these categories inoperative without destroying them while bringing them to appear in their free forms and disclosing the potential to use them differently. Contemplation and inoperativity are seen by Agamben as 'key metaphysical operators of anthropogenesis' which can make this deactivation possible by liberating living human beings from every biological and social destiny assigned by the anthropological machine.

Illich, instead, roots the possibility of recovering the special type of relationality embedded in *relatio subsistens* and gender in the cultivation of 'a very personal relationship of friendship that can replace what was formerly a culturally defined relationship between men and women'.[34] According to him, this however necessarily requires a reduction in the scale and intensity of economic activities that have progressively hindered the expression of this type of relation by flattening existing differences and dis-symmetries between persons.

Overall, Agamben and Illich seem therefore to have achieved surprisingly similar conclusions concerning the need to cultivate the type of relationality at stake in the scholastic concept of *relatio subsistens* in order to overcome major limitations and problems of Western culture and politics. When however we come to consider how this might be achieved, Agamben focuses his attention on how the deactivation of the anthropological machine might liberate existing potentials to express the aforementioned relationality; Illich, on the other hand, associates the expression of this relationality with gender and the exercise of a very personal relation of friendship, and his writings and life can be considered as an exhortation to its practice.

[32] Ibid., p. 270.
[33] Ibid., p. 272.
[34] Cayley, *Ivan Illich: An Intellectual Journey*, p. 361.

Agamben and the Logic of *Geltung ohne Bedeutung* (validity without significance) at the Foundation of the Juridical, Political, Linguistic, Ethical and Medical Domains

Mar Rosàs Tosas

Abstract

In a letter to his friend Walter Benjamin in 1934, the scholar of religions Gershom Scholem described the status of the law in Kafka's work as *Geltung ohne Bedeutung* (validity without significance). He meant that, in Kafka's work, the law keeps its *validity*, but does not translate into concrete, identifiable laws. More than sixty years later, Agamben revived this notion in a number of texts.

The first goal of this paper is to explore how an attentive reading of Agamben reveals that the logic of *Geltung ohne Bedeutung* might also operate at the foundational moment of the juridical, the political, the ethical, and the linguistic. And, moreover, how this logic, as if *haunting* us, is felt throughout the entire experience of these fields.

Second, by moving beyond Agamben's work, I study the potential that the notion has for understanding the foundational moment of the medical field: the meta-medical. I argue that the notion of *Geltung ohne Bedeutung* sheds new light on why philosophers of medicine do not agree on the criteria for distinguishing between the normal and the pathological.

It remains to be explored how much this logic and its implications owe to Husserl's digression on the dialectics between genesis and structure.

Introduction

In a letter to his friend Walter Benjamin in 1934, the scholar of religions Gershom Scholem described the status of the law in Kafka's work as *Geltung ohne Bedeutung*, which in English has been translated as 'validity without significance'. He meant that, in Kafka's work, the law keeps its *validity*, but does not *signify* anything in particular, that is to say, it does not translate into any concrete, identifiable law. In Scholem's own words:

> (By the nothingness of revelation, I understand) a state in which revelation appears to be without meaning, in which it still asserts itself, in which it has validity but no significance (*in dem sie gilt, aber nicht bedeutet*). A state in which the wealth of meaning is lost and what is in the process of appearing (for revelation is such a process) still does not disappear, even though it is reduced to the zero point of its own content, so to speak.[1]

This difficult passage has been the object of a number of interpretations. Among them, I would like to draw the attention to the thought-provoking reading offered by Italian philosopher Giorgio Agamben in three of his texts.

[1] Scholem 1989, p. 142.

These three texts deal with different issues and have different purposes, but I propose to read them in conjunction.

The aim of this paper is twofold. First, my goal is to read and explore all three texts in conjunction in order to offer a complete analysis of the place and the role of the notion of *Geltung ohne Bedeutung* in Agamben's work. Within Agamben's vast opus, this notion is not a central one — it only appears here and there. However, it is my view that the notion plays a significant role within Agamben's thought. My first goal is, in particular, to explore how an attentive reading of Agamben's work reveals that the logic of *Geltung ohne Bedeutung* might not only inform the juridical world of Kafka's work, but also lie at the heart of Agamben's account of a number of foundations at the juridico-political, linguistic, and ethical level. The notion is, therefore, of the utmost importance within Agamben's work. These foundations will be examined in turn in the first three sections of the paper. In order to delve more deeply into each of these dimensions, I turn to Agamben's reflections, and I complement his reading with arguments made by Jacques Derrida, to whom Agamben is indebted, and by Eric Santner, who explores Agamben's view on *Geltung ohne Bedeutung* at length.

The second goal is to move beyond Agamben's reading and to suggest that the logic of *Geltung ohne Bedeutung* also lies at the heart of any attempt to lay the foundations of the criteria that distinguish between the normal and the pathological. As I see it, the exploration of the notion of *Geltung ohne Bedeutung* has been limited to the fields of political philosophy, philosophy of language, and ethical theory, with its potential for understanding the intricacies of the foundations of the medical field — the metamedical — left unexamined. There may be several reasons for this omission, but it may largely be due to the fact that philosophers of medicine often hail from the discipline of analytic philosophy, where there is very little room, if any, for Agamben's theologically-inspired thought.

In section 4, therefore, I will explain how philosophers of medicine do not agree on the criteria for distinguishing between the normal and the pathological. And my point will be that the notion of *Geltung ohne Bedeutung* can shed new light on the reason for this lack of consensus. My starting point will be the idea that the medical field is the study and treatment of everything that falls within the domain of *pathology*. Therefore, in order to determine where the medical field opens up, one needs to first define what pathology is. However, philosophers of medicine have not reached a consensus on this — normativists suggest defining pathology in a certain way, while naturalists favour another type of definition. I will maintain that at the moment the medical dimension is opened up, what is operating is the logic of *Geltung ohne Bedeutung*. And I will explore why it is precisely this logic that makes it impossible for only one explanation to define the criteria for what pathology is, once and for all. I will conclude, therefore, by saying that

the unsolvable discussion between different views on how to draw the threshold between the pathological and the normal stems from the ambivalent logic of *Geltung ohne Bedeutung* that lies at the core of any attempt to define the pathological.

SECTION 1. The implications of 'validity without significance' for political philosophy and the juridical field

Agamben refers to Scholem's letter to Benjamin in the fourth chapter of the first volume of his *Homo Sacer* (1995), when examining Kafka's story 'Before the law' (1925). According to Agamben, the character in Kafka's story is exposed to a law that is in force, but does not signify anything in particular: it has no content. It is not, though, a lawless world that is depicted. The law does indeed apply, but 'in no longer applying'.[2] It is a matter of a pure intentionality without content, a mere impulse that does not materialise in any concrete legal form.

Although Agamben does not put it in these words, the atmosphere of Kafka's world is suffocating because, when the law does not acquire a concrete form, one can neither identify it nor escape from it. *Geltung ohne Bedeutung* is thus frighteningly dangerous. And, as other works by the philosopher reveal, Agamben is concerned with how to switch off this terrible force.

But the logic of *Geltung ohne Bedeutung* is more than the logic surrounding the experience of Kafka's world. For Agamben, it is interesting because it is also, and primarily, the stage where the legal sphere opens up. Or, in other words, it is the stage that creates the division between the legal and the illegal — yet this stage is not yet legal or illegal. It is the zero moment of the law, the moment in which the law, to put it in Aristotle's words, is a pure potentiality without act.

Agamben draws the attention to the fact that this logic appears for the first time in modernity in Kant's *Critique of Practical Reason*. For Agamben, what 'Kant calls "the simple form of law" (*die blosse Form des Gesetzes*) in the *Critique of Practical Reason* is in fact a law reduced to the zero point of its significance, which is, nevertheless, in force as such'.[3] It is an imperative that prescribes nothing in particular.

The originality of Agamben's reading lies in the fact that, for him, this idea of something being in force without significance is also the very structure of sovereignty.[4] And, what is more, that 'a life under a law that is in force

[2] Agamben 1995, p. 33.
[3] Ibid., p. 28.
[4] Ibid., p. 35.

without signifying resembles life in the state of exception'.[5] Agamben developed this thesis at length some years later in *State of Exception* (2003), particularly in chapter 2. By state of exception he refers to a measure that is contemplated in all Western democracies and that can be declared in the face of a catastrophe: the temporary suspension of some rights and laws (or the suspension of the rule of law as such) in order to return to the normal order of things as quickly as possible. In this sense, a state of exception is opposed to chaos — its goal is to safeguard the order in force.

By taking further Carl Schmitt's (1922) inquiry into the state of exception, Agamben examines the paradox that lies at the heart of this phenomenon: within the state of exception, one is simultaneously outside the law and inside it.[6] Law is suspended, but legally. This is why he conceives it as a territory of indiscernibility between being inside and outside the law.

Although Agamben does not refer either to the letter by Scholem or to *Geltung ohne Bedeutung* in chapter 2 of *State of Exception,* the logic at work is exactly the same. Just as in Kafka's world, the application of the law is suspended, but the law remains in force.[7] Agamben warns us, then, about the fact that, within the state of exception, the formal essence of the law is separated from its applicability — the former remains in place, while the latter is suppressed. He goes on to describe this state as a force-of-~~law~~ — striking through the word 'law'. And he explains that, in contemporary politics, sovereigns can suspend the law — concrete laws — but not the force of law as such. That is, within the state of exception, it becomes clear that the potentiality of the law and its actions are radically separated.[8]

Agamben's whole argumentation aims to demonstrate that an analysis of global politics, in particular, an examination of the proliferation of declarations of states of exceptions since the 2001 terrorist attack on New York's Twin Towers, reveals that the state of exception is no longer an exceptional, temporary measure, but 'tends increasingly to appear as the dominant paradigm of government in contemporary politics'.[9]

Yet there is more to this. Between *Homo Sacer* (1995) and *State of Exception* (2003), Agamben published 'The Messiah and the Sovereign: the Problem of the Law in Walter Benjamin' (1999). In it, Agamben holds that the 'validity without significance' of which Scholem speaks in the letter to his friend is the logic of the state of exception which Benjamin refers to, and which, to Benjamin, *is, simultaneously, the logic of the messianic state within*

[5] Ibid., p. 35.
[6] Agamben 2003, p. 35.
[7] Ibid., p. 31.
[8] Ibid., p. 39.
[9] Ibid., p. 2.

Jewish thought.[10] For the messianic Jewish tradition, when the messiah appears, the law will no longer be necessary. However, according to some authors, it will not be cancelled either; it will be suspended whilst still being in force. According to Agamben, then, Benjamin proposes an analogy between the arrival of the Messiah and the Schmittian state of exception.

In other words, if one reads these three texts by Agamben in conjunction, *Geltung ohne Bedeutung* describes, simultaneously, the status of the law in Kafka's work, in the messianic state, and in the state of exception, which is becoming the norm in Western governmentality. In short, Agamben presents 'validity without significance' as a crucial juridical and political mechanism and goes so far as to state that we now live in a permanent messianic paradox. We shall later see how this paradox has been made manifest in the states of exception declared à propos the covid-19 episode.

SECTION 2. Philosophy of language and 'validity without significance'

As well as a mechanism at work in the juridical and political dimensions, for Agamben, 'validity without significance' also constitutes a fundamental mechanism in the linguistic dimension. This occurs primarily for two reasons. First, Agamben explains that, according to some specialists in Jewish mysticism, that is, to some Cabbalists, the Jewish Torah was originally not a sacred text, as it is conceived nowadays, but the *total potential combination of the letters of the alphabet* — and which, in turn, is included in the unpronounceable word that is used to refer to God, YHWH. It is in 'The Messiah and the Sovereign: the Problem of the Law in Walter Benjamin' (1999) that Agamben develops this argument. He quotes a text by Scholem in which the author refers to the Cabbalist Moses Cordovero's (1522–1570) account of the Torah.[11] In it, the Torah was not originally understood as a book, but as the sum-total of all possible combinations of the letters of the Hebrew alphabet.[12] Agamben describes a similar account of the Torah by Ba'al Shem, the founder of Hassidism in Poland. Originally, then, the Torah was understood as a mere potentiality without act — as *Geltung ohne*

[10] See my *Mesianismo en la filosofía contemporánea* (2016) for a study of the role played by the state of exception in the messianic worldview of different continental philosophers — Benjamin, Rosenzweig, Lévinas, Agamben, Derrida, Badiou, and Žižek.

[11] It reads: 'the Torah in its innermost essence is composed of divine letters, which themselves are configurations of divine light. Only in the course of a process of materialisation do these letters combine in various ways. First they form names, that is, names of God, later appellatives and predicates suggesting the divine, and still later they combine in a new way, to form words relating to earthly events and material objects' (Scholem 1961, p. 71).

[12] Agamben 1999, p. 267.

Bedeutung – because it potentially included all of the possible combinations of letters but none in particular.

However, for Agamben, the relevance of *Geltung ohne Bedeutung* for the philosophy of language is not limited to one isolated example (the Torah), just as the relevance of *Geltung ohne Bedeutung* for the legal dimension is not limited to the status of the law in Kafka's work. For Agamben, by contrast, *Geltung ohne Bedeutung* traverses all linguistic practices. For him, the reason for this is that, before any concrete word, there exists 'language as the pure potentiality to signify'.[13] At this 'zero point' of signification, language is all in potentiality, but not in act. That is to say, at this point, language might mean anything and does not mean anything in particular. It is simply the moment in which the linguistic domain is opened up or, to put it in Agamben's words, the moment that 'divides the linguistic from the nonlinguistic'.[14] In short, the logic of *Geltung ohne Bedeutung* informs not only the 'zero point' of the law, but also the 'zero point' of language.

The analogy between the workings of the law and the workings of language can be extended further. When it comes to the law, the logic of *Geltung ohne Bedeutung* is not only felt at the 'zero point', but also in different phenomena of the workings of the law, such as in the state of exception. The same applies to language: *Geltung ohne Bedeutung* is not only observed at the zero point of language, but also in the daily experience of language. For Agamben, this is what Claude Lévi-Strauss (1950) meant when he spoke of the 'excess of the signifier over the signified' that is felt in the linguistic domain.[15] This is a point that Derrida (1967a) has developed at length and that constitutes one of the core concepts in his work: for Derrida, signifiers point to signifieds, but, in contrast to what is commonly thought, they never actually reach them. In other words, signifiers are not exhausted and contained by signifieds. Signifiers always mean something more, something else, that escapes the control of the signified. In all signifiers there is a potential that is not exhausted in any signified. This phenomenon has far-reaching consequences. The most important of them is surely that no text has one unambiguous meaning which can be deciphered by all readers.

The reason for this phenomenon is that *the daily practice of language echoes, or is haunted by, the initial moment of language:* the opening moment of the linguistic, the metalinguistic. For Derrida, in this initial moment of language, we do not find, as is commonly assumed, a fixed and full signified, a full foundation or origin, a unity;[16] but rather, we find a force that does not translate into any concrete signified – that is, we find a signifier.

[13] Agamben 1995, p. 20.
[14] Ibid., p. 20.
[15] Ibid., p. 21.
[16] Derrida 1972, p. 299.

By its very nature, a signifier always refers to a signified. In contrast, according to Derrida, the tension of the signifier that we find at the place that is traditionally assigned to the origin is never released — it never reaches any signified, and therefore always remains in suspension. This signifier is, then, a pure potentiality or impulse without actualisation. This distinguishes Derrida from his predecessors, since, for most of them, ranging from Greek thinkers to mediæval Thomists and modern philosophers, at the founding moment we find a full, stable, fixed origin — at least on Derrida's account. Derrida's vast opus made an attempt to criticise this paradigm, which he labelled the 'metaphysics of presence'. And he proposed the aforementioned alternative account of the foundational moment.[17] Derrida did not refer to this alternative foundation with the term *Geltung ohne Bedeutung*. However, Agamben considers that *Geltung ohne Bedeutung* is fundamental to Derridean deconstruction. In Agamben's words, the 'success of deconstruction in our time is founded precisely on its having conceived of the whole text of tradition, the whole law, as *Geltung ohne Bedeutung*, as being in force without significance'.[18]

Moreover, Derrida developed the idea that, if we observe the daily practice of language, we encounter a number of examples of this potential that does not translate into any concrete act. Again, Derrida did not refer to them in terms of *Geltung ohne Bedeutung*, but in his reasoning, it is exactly the same logic that is at play. Such is the case with Lotz and Jakobson's 'zero phoneme'. The zero phoneme is a phoneme that, if it disappeared, neither the pronunciation nor the meaning of the word would be modified, because it means nothing and adds nothing. Such is the case with the letter *h* in Spanish. It is a fleshless skeleton, a signifying entity that does not signify. Nevertheless, the zero phoneme distinguishes itself from the absence of a phoneme[19] because the former has the power to signify while the latter does not. It is a 'floating signifier', like the signifier that we find in the place that is traditionally assigned to a full origin or foundation. They both keep their capacity or potentiality to signify, although they signify nothing in particular. They are a mere force, impulse, excess.

Agamben, when elucidating the implications that *Geltung ohne Bedeutung* has for language, is very close to Derrida's view on language. For Agamben, then, *Geltung ohne Bedeutung* is at work in the opening moment of the linguistic, as he himself explores, and throughout the linguistic domain — something Derrida explored and Agamben took on.

At this point, it is worth noting that the existence of forms of language that keep their validity to signify but do not have a particular meaning, had

[17] At this point, it is worth mentioning that Derrida conceives ontology in terms that are proper to the philosophy of language. See his *Of Grammatology* (1967a).
[18] Agamben 1999, p. 170.
[19] Derrida 1967b, p. 423.

already been studied by Husserl[20] and Frege,[21] authors Derrida addressed in his work. What is particularly original about Derrida's and Agamben's position is that, for them, *Geltung ohne Bedeutung* is not only observable in an ontology conceived in linguistic terms, as it might be for Husserl, but also in political philosophy, in the juridical domain and, as we shall see next, in the ethical domain.

SECTION 3. The Foundation of Ethics as *Geltung ohne Bedeutung*

While Agamben explicitly tackles the juridical, political and linguistic implications of *Geltung ohne Bedeutung*, he does not mention its ethical implications. These can be explored by turning to Eric Santner's reading of the passage from Scholem's letter to Benjamin. Santner is concerned with deciphering the fragment and, in doing so, he expands upon Agamben's own reading. For Santner, 'validity without significance' is nothing more than 'too

[20] This is the case, for example, with enunciations without informative value, as Virno recalls à propos Husserl (Virno 2015, p. 39). Virno explores at length how the act of enunciating constitutes, precisely, a *Sinn ohne Bedeutung* in the Husserlian sense. In the act of enunciating there is a moment in which we are dealing with the 'sheer' fact of enunciating, which, according to Virno, following Husserl and Frege, is 'itself without content' (Virno 2015, p. 38). That is, it does not (yet) enunciate anything in particular. According to Virno, something similar applies to Frege's analysis of poetry: within poetry, some enunciations are 'devoid of a verifiable meaning' (Virno 2015, p. 39).

But Derrida's thought — and Agamben's through Derrida's — is indebted to Husserl in a deeper sense, as I have explored elsewhere (chapter two in Rosàs 2016). In what is usually considered his 'first stage', Derrida examined the concept of genesis in Husserl. Although the text, *The Problem of Genesis in Husserl's Philosophy* was not published until 1990, it was written in the 1950's. Husserl participated in the debate on the dialectic between genesis (or history) and structure (or idea). For Derrida, Husserl had the merit of realising that in the notion of genesis the following paradox is at stake: on the one hand, there is only genesis if there is an absolute origin, that is, an instant that does not derive from any previous instant; on the other hand, however, genesis can only take place within an ontological totality that includes this genesis. This implies that in order for genesis to take place, genesis needs already to have taken place (Derrida 1990, pp. 7–8). In words that hail from Kant's thought: what makes experience possible is an *a priori synthesis* (Derrida 1990, pp. 10–12). In a few words: Derrida argues that Husserl had the merit of simultaneously affirming the idea of an absolute origin and the idea of temporality. Husserl's thought therefore makes a traditionally stable origin impossible.

In my view, the notion of *Geltung ohne Bedeutung* developed by Agamben needs to be framed within this paradoxical ontology. This debt deserves further exploration.

[21] Frege did not refer to this phenomenon as *Geltung ohne Bedeutung*, but as *Sinn ohne Bedeutung*. The phenomenon, though, was very similar. As Vanrie puts it: for Frege, '[t]o have *Sinn* but no *Bedeutung*, then, is one way for a name to merely have the purpose of signifying, i.e., to occur without successfully signifying. Frege presents examples of such cases in *Über Sinn und Bedeutung'* (Vanrie 2021, p. 123).

much address': the subject feels that he or she is being addressed *too much*. The subject hears a commandment — you there, answer! — to which he or she cannot respond because it does not command anything in particular. This is the logic of *Geltung ohne Bedeutung* at work: pure potentiality without actual content. The subject feels that he or she is exposed to a call that addresses him or her without establishing what is expected from him or her: a call to which, therefore, he cannot respond appropriately. In Santner's words: 'what gets under the skin is, in other words, a fragment of a hypnotic commandment, a sort of somniferous vocal object'.[22]

In my view, this is the zero degree of the ethical experience, especially as portrayed by Emmanuel Lévinas (1961), for whom the first experience of the subject is the call from the other. Interestingly, Santner does not maintain that this experience is interwoven with ethics, but instead with trauma. Santner holds that '[e]very trauma must, Freud says, contain the order of an excess of demand'.[23] And that 'a trauma becomes possible when a "too much of address" [*sic*] persists beyond what can be *translated* into a demand for work, a task to be discharged, *something we can do'*.[24] It could be stated, then, that trauma arises with the difficulty of fulfilling an excessive ethical demand.

The experience of an excess of command brings about a certain degree of anxiety because one feels the need to respond to the call, but does not know what the demand is and how to satisfy it. Then, the 'mind is left possessed or haunted, under the "ban" of something that profoundly matters without being a fully-fledged thought or emotion, that is, anything resembling an orientation in the world'.[25]

This tension is never resolved. The call is never properly responded to. To my mind, the reason for this phenomenon is to be found in Derrida's account of justice, which carries forward that of Lévinas. For Derrida, laws, norms, and other types of regulation try to approximate the idea of justice, but will never manage to do more than that (Derrida 1989–1990). Justice will always be something other than the result of the application of certain laws. The call for justice will never be exhausted in any concrete norm. Justice will always remain other. Otherwise, it would no longer be justice, but law: a norm with a concrete formulation.

Moreover, in the same manner as in the juridical, political and linguistic domains, it seems to me that *Geltung ohne Bedeutung* is not only observable in some concrete ethical calls, but *at the very opening up of the ethical domain*. *Geltung ohne Bedeutung* is the very structure of the first ethical call, the call that opens up the rest of the calls. It is the very opening

[22] Santner 2001, p. 39.
[23] Santner 2001, p. 32.
[24] Ibid., p 32.
[25] Santner 2001, p. 39.

up of the ethical domain; it opens up the possibility of the ethical. Or, put differently: at the beginning there is a pure address, a pure call — an impulse, a tendency, a movement that goes nowhere in particular, but that asks the subject to mobilise himself or herself.

In short, this surplus of validity over meaning at the ethical level is always in force, since it constitutes the very beginning of the ethical domain. This is why it *haunts* us all the time, to use Santner's word. However, in some circumstances, such as in trauma, it becomes especially apparent. The logic of *Geltung ohne Bedeutung* is also felt especially acutely in the Kantian categorical imperative. For Roberto Esposito, 'the categorical imperative does not prescribe anything but this dutifulness — no content beyond the formal obligation of obedience'.[26]

What do the different forms acquired by *Geltung ohne Bedeutung* in the juridical, political, linguistic and ethical fields have in common? First, in all these domains, there are certain experiences in which this logic is particularly felt. At the juridical and political levels, the state of exception. At the linguistic level, the zero phoneme, for example. And, at the ethical level, the experience of trauma.

Second, and more importantly, *Geltung ohne Bedeutung* is the logic that one finds at the opening up of a field. In my view, *Geltung ohne Bedeutung* is the very *condition of possibility* of each of these fields. Agamben does not speak explicitly of 'conditions of possibility', but it is worth putting it in these terms because this is why it haunts all experience in each of these fields.

SECTION 4. Distinguishing between the Normal and the Pathological

One of the thorniest topics discussed by philosophers of medicine is the distinction between the normal and the pathological. This distinction is of the utmost importance because it allows the territory of the medical to be delimited: the medical refers to the identification, exploration and treatment of the pathological. Therefore, in order to establish where the medical field opens up, one needs to first define exactly what pathology is.

French philosopher and physician Georges Canguilhem (1966) famously discussed several different ways of distinguishing between these two states. In the 1960's, he reviewed the work of a number of physicians and theorists of medicine to explore and compare the ways in which they distinguished between the normal and the pathological. These were François Joseph-Victor Broussais (1772–1838), Claude Bernard (1813–1878), Marie François Xavier Bichat (1771–1802), and Auguste Comte (1779–1857), among others. To forge his own view on the topic, Canguilhem emphasised

[26] Esposito 2013, p. 34.

the need to distinguish between the abnormal, which refers to that which is statistically less common and is simply a descriptive notion, and the anomalous, which is a normative concept and means that something is pathological. For him, what makes a certain phenomenon anomalous is not the fact that it is abnormal. That was the criterion used by some physicians, but it was definitely not Canguilhem's view. Put differently, Canguilhem opposed the view according to which the normal is the statistically most prevalent and the pathological is comprised of the least prevalent states. As Tiles recalls, Canguilhem 'rejects the equation of the pathological with the abnormal' and, in this way, he 'clearly rejected Bernard's definition of physiology as the science of normal functioning'.[27]

On the other hand, Canguilhem also rejected the ontological view of disease — that is, he did not consider that there was a natural, objective criterion to distinguish the normal from the pathological. In this sense, Canguilhem may be taken to be criticising naturalism — which we shall later examine — *avant la lettre*.

The originality of Canguilhem's thought was to conceive as normal those states in which the organism fights against the obstacles to its development and manages to prevent these obstacles from weakening life.[28] In other words, for him, the normal state is that in which life fights against the multiple dangers that threaten it and is not diminished by them.[29] This means that the notions of 'normal' and 'pathological' depend, to some extent, on context — the same living being might manage to survive in some environments, and would therefore be considered 'normal', while it might not manage to survive in other environments, in which it would therefore be considered 'pathological'. In other words, being in a 'normal' state has to do with having the capacity to adapt oneself to the environment, which might be a changing one.

Canguilhem's work was highly influential, especially among continental philosophers. When, some years later, the English-speaking world saw the emergence of the dispute between naturalism and normativism, Canguilhem was neglected by many of the participants in this debate, although he had clearly anticipated many of the points of normativism.

In the English-speaking academic world, the discussion set two standpoints in opposition with one another: the naturalists versus the normativists. For the naturalists, disease exists in nature, science discovers it, classifies it and explores it. For normativists, by contrast, disease is value-laden, which means that each geographical and historical context has a

[27] Tiles 1993, p. 739.
[28] Canguilhem 1966, p. 102.
[29] Canguilhem 1966, p. 103.

different account of disease, one that reflects and reproduces the values of the society in question. Normativism, then, is a form of socio-constructivism.

These two schools of thought not only differ in their opinions regarding the nature of disease, but also in what makes a certain stage pathological. In his biostatistical theory (BST), the best-known naturalist, Christopher Boorse, holds that 'normal' traits are those that contribute to the survival and reproduction of human beings, i.e., what is known as 'biological fitness'. On such an account, pathology includes alterations from normal functioning — the dysfunctions that, moreover, are statistically the least prevalent traits. Pathology, then, is understood as a deviation from what is statistically the most common (Boorse 1974; Boorse 1977). In the words of the most influential theorist of this school of thought: dysfunction 'occurs when functional efficiency falls some distance below the population mean'.[30] And this is the criterion to establish what pathology is. Other naturalists define dysfunction differently. Such is the case of Jerome Wakefield (1992), for whom dysfunction takes place when an organism does not manage to perform its natural function as established by *natural selection*. It is also the case for Schwartz (2017), who considers that statistical frequency cannot be the determinant criterion because some diseases are very common; he argues, instead, that there is disease when a biological alteration gives rise to *negative consequences*. And this is also the case with Daniel Hausman (2012), who complements Boorse by arguing that what distinguishes the normal from the pathological is 'whether the condition contributes to the functioning of some directly organised system within the organism, where that system directly or indirectly typically promotes fitness'.[31] Matthewson and Griffiths[32] also hold that organisms can go awry from a purely biological point of view, in particular, in four different ways, and although '[t]hese failures of biological normativity do not necessarily constitute disease states in and of themselves [...] they can be deployed as part of an account of disease'.[33] Although these authors each conceive 'dysfunction' in slightly different ways, they all share Boorse's idea according to which the boundary between normality and pathology can be set by turning to objective biomarkers that indicate whether the organism is behaving as it *ought to.*

Normativists[34] have criticised several aspects of naturalism. For example, normativists argue that being statistically uncommon does not turn a trait into a pathology, such as in the case of homosexuality. Moreover, they hold that healthy states include far more than mere functions that contribute

[30] Boorse 1977, p. 589.
[31] Hausman, 2012, p. 520.
[32] Matthewson and Griffiths, 2017, p. 447.
[33] Matthewson and Griffiths, 2017, p. 449.
[34] Such as Engelhardt (1976), Margolis (1976) and Sedgewick (1982).

to biological fitness. And, what is more, normativists maintain that biological fitness is not an objective state, but a projection of human values.

For normativism, the way to distinguish between the normal and the pathological requires paying attention to whether we *desire* that state — in which case it is considered 'normal' — or whether we do not desire it — in which case it is considered 'pathological'. And, since desires are different in each society, the normal and the pathological are understood differently in each socio-cultural context.

The dispute between naturalism and normativism has multiple ramifications. For example, some theorists have developed hybrid positions[35] that try to complement a normativist approach with some elements of naturalism. However, they have been criticised because they fall into the same errors as those that plague naturalism. The exploration of the ramifications of the dispute between naturalism and normativism is not the object of the present paper; what concerns us here is that when one looks for a criterion to distinguish the normal from the pathological, that is, a single criterion to establish what disease is, one finds a multiplicity of criteria, many of which exclude others, as is the case with the aforementioned dispute. One finds, in short, that there is no consensus. In fact, one finds that any 'attempt to define disease will fail, because disease entities do not actually have anything in common other than being called "disease"'.[36]

Hofmann asserts this in the context of a broad review of the conflicting theoretical frameworks that try to define disease. I agree with him, although, in my view, he fails to acknowledge one key point: *all the definitions of disease share one idea — the belief that there is a difference between normality and pathology*. Put differently, if one explores all of the definitions of pathology, one does indeed find a common core, a common denominator. All definitions of pathology rest upon the same foundation: the belief in the existence of a difference between normality and pathology. Or, more precisely, a belief in the possibility of distinguishing between the normal and the pathological. Concretely, at the beginning of every chain of arguments to justify one or another definition of pathology, one finds the *possibility* of distinguishing between both states at the moment that is immediately prior to specifying what this difference consists of.

My point is that this common ground shared by all definitions of pathology encompasses the logic of the *Geltung ohne Bedeutung:* it is what opens up the difference between the normal and the pathological without yet establishing what each consists of. It is pure potentiality. In other words, *it merely prescribes that there is a difference between the normal and the pathological, but not what this difference actually is*. In other words, at the foundational moment of the medical, one finds a stage that creates the

[35] I.e., Stempsey (1999) and Ereshefsky (2009).
[36] Hofmann 2001, p. 219.

division between the pathological and the non-pathological, between the medical and the non-medical.

Therefore, at the very beginning of the foundation of the medical one finds — logically — the meta-medical. And, just as occurs with the meta-political, meta-juridical, meta-linguistic, and meta-ethical foundations examined above, the meta-medical is simultaneously founded and de-founded by *Geltung ohne Bedeutung*. *Geltung ohne Bedeutung* founds the medical as long as it provides a ground for a definition of pathology to be developed. And it de-founds it as long as it does not provide a solid ground for a univocal and once and for all definition to be developed. It founds by de-founding. *Geltung ohne Bedeutung* is, by nature, a destabilising foundation.

Although Agamben does not address the phenomenon of *Geltung ohne Bedeutung* à propos the medical dimension, his work does address in many of its aspects the health of the population. In many respects, Agamben's work is indebted to Foucault's reflections on biopolitics: on the government, administration and management of the population's lives. For Agamben, when the law remains in force but is somehow suspended, the sovereign can attain an immediate relation to the bare life of the human being — for Agamben, the *zōē*, the mere *fact* of living, as opposed to *bios*, the *form* of living.[37] This is precisely Agamben's point at the end of his *Homo Sacer: Sovereign Power and Bare Life* (1995). He exemplifies it with the controversial case in the 1970's and 1980's of Karen Quinlan, a girl who was comatose and whose organs were maintained in a functional state by life-support technology, the removal of which was resisted by the authorities for many years despite her parents' wishes.[38] In my view, Agamben, following Foucault and also Schmitt, conceives the sovereign, whether a person or an institution, as the only entity that has the power to turn a state of *Geltung ohne Bedeutung* into a state of *Geltung* with a very concrete and particular *Bedeutung*. In other words, sovereignty has to do with mastering a state of mere *Geltung ohne Bedeutung* — of pure potentiality — and with surpassing such a state in order to make concrete decisions with regard to what is pathological and what is not, and what deserves to live and what does not, a discussion made manifest in the paradigmatic controversy over Karen Quinlan.

Tellingly, the state of exception of which Agamben speaks in several of his books is often declared *precisely* because of sanitary emergencies, such as plagues. The covid-19 pandemic is a paradigmatic example of this phenomenon, upon which Agamben has made some well-known declarations.[39] Within a state of exception, citizens become treated purely as

[37] Agamben 1995, p. 9.
[38] Agamben 1995, p. 104.
[39] Agamben (2020).

medicalised subjects, as bare life in need of management by the state, with a view to one thing only: 'saving lives', especially lives 'worthy of being lived'. Agamben did not explicitly mention the *Geltung ohne Bedeutung* in this context, but it could be stated that his view of this concept underlies his views on the role of sovereign power during the pandemic: the *Geltung ohne Bedeutung* is the moment immediately prior to the decision with regard to where to mark the border between health and pathology, which is a distinction that, in turn, is needed in order to decide which lives are healthy enough to deserve living. During the pandemic, sovereign power jumped from the state of pure potentiality proper to *Geltung ohne Bedeutung* to a state of *Geltung* with a very concrete and particular *Bedeutung* — that is, with a concrete number of norms and regulations with respect to what individuals could do and should not do, and with respect to which lives deserved special care and which did not.

Conclusions

In this paper, I hope to have contributed to deepening the understanding of the expression *Geltung ohne Bedeutung*. The expression was firstly used by Scholem to refer to a single phenomenon: the status of the law in Kafka's work. More than sixty years later, Agamben revived the notion and, in a number of texts, expanded its meaning for different fields: the juridical, the political, and the linguistic. With this paper, I hope to have shown that the logic of *Geltung ohne Bedeutung* is at work in the foundational moments of these different fields — and also within the ethical field. In sum, I have argued that the logic of *Geltung ohne Bedeutung* traverses the entirety of the juridical, political, linguistic and ethical domains from their very beginning. Put differently, it constitutes the condition for the possibility of each of these fields. As I developed in footnote 20, it remains to be explored how much the logic of *Geltung ohne Bedeutung* owes to Husserl's digression on the dialectic between genesis and structure, and to Derrida's (1990) reading of Husserl, which has been very influential for a whole generation of continental philosophers, among whom Agamben occupies a prominent place.

Furthermore, I have insisted that the logic of *Geltung ohne Bedeutung* is not only at work in the foundational moment, but is also felt throughout the domains that it opens up. The reason is that the logic of *Geltung ohne Bedeutung* constantly *haunts* our experience in all of these fields. In other words, I have argued that we are *exposed* to this surplus of validity over meaning not only at the constituent moment of the field, but also in all of its instantiations in concrete phenomena — i.e., at the juridical level, in the state of exception, and at the linguistic level, in the floating signifier, along with the ethical demand without content.

I also hope to have contributed to further expanding the usefulness of the notion by showing the role it might play in another field: the medical. I have argued that *it is precisely the logic of* Geltung ohne Bedeutung*, validity without significance, that lies at the heart of any attempt to define disease and which makes it impossible for disease to be defined once and for all.* That is, I maintain the idea that it is because of this *Geltung ohne Bedeutung* that lies at the core of any definition of disease, that the fight between normativism and naturalism — as between any other views on disease — will never be definitively solved in favour of the one or the other. *Geltung ohne Bedeutung* operates at the foundational moment of the field, that is, at the meta-medical moment, but it is also felt throughout the medical field — for example, in discussing the suitableness of certain definitions of what pathology is. Although it does not fall within the goal of this paper, a point that deserves further exploration is how the logic of the *Geltung ohne Bedeutung* should be judged or evaluated. For Scholem — as for any other reader of Kafka — the law in Kafka's work is something that is suffocating. And this is the case for Agamben in terms of phenomena such as the state of exception. Actually, Agamben maintains without hesitation that the force-of-~~law~~ is a suffocating state that needs to be switched off and overcome. In fact, he makes several efforts to propose a strategy to *interrupt* the force of law.[40] By contrast, other theorists, such as Derrida, do not criticise this state, but merely maintain that it can be used to describe the way in which the foundational moment works, insisting that traditional Western philosophy has failed to notice it.

And how should the implications of *Geltung ohne Bedeutung* for the medical field be judged or evaluated? If any definition of normality and pathology is rooted in or stems from a *Geltung ohne Bedeutung* then these definitions rest upon a destabilising foundation. This fact certainly has far-reaching implications for the medical field that cannot be fully developed in this paper but only suggested: the boundary between the normal and the pathological could always be drawn otherwise, somewhere else. This idea has been intensively debated à propos mental diseases,[41] but if we take the idea to its ultimate logical consequences, it should also be applied to the biomedical field in general. In a few words, the criteria that establish who has a given disease and who does not have it should not be understood as objective and immovable, but as always open to revision, and not only because of biomedicine's new discoveries. That is, the line that divides the normal from the pathological should be regarded, to a certain extent, as arbitrary, as some philosophers of medicine argue à propos hypertension and some neoplasms (e.g. cervical, oesophageal, breast, prostate).[42] This has

[40] Agamben 1999, pp. 170–71.
[41] Rose 2006.
[42] Rogers and Walker 2017, p. 11.

a wide range of consequences, ranging from merely medical issues — i.e., who needs to receive treatment and who does not — to economic issues — e.g., who deserves economic aid — and existential issues — i.e., who will be stigmatised or relieved due to having received a certain diagnostic label.

Finally, it must be said that the logic of *Geltung ohne Bedeutung* might also have implications for other fields beyond the juridical, the political, the linguistic, the ethical, and the medical that remain to be explored — such as the foundations of the criteria for beauty.

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The Archaeologist and the Historian: Dialogue with Giorgio Agamben

Patrick Boucheron

Translated by Matthew Collins[1]

[1] Original text: Boucheron, P. (2017/1–2), 'L'archéologue et l'historien. Dialogue avec Giorgio Agamben', *Critique*, 836–37, pp. 164–71. Available at https://doi.org/10.3917/criti.836.0164 (accessed 13th August 2024). This conversation between Patrick Boucheron and Giorgio Agamben took place in French. Its translation into English for the Journal of Italian Philosophy was funded by the Research Group in Critical Theory and Practice at the University of Newcastle upon Tyne.

Where the interview touches upon technical terms which have their own history in Agamben's *œuvre*, I have consulted the original Italian text, as well as its English and French translations.

I have translated *exiger* and *exigence* as 'to demand' and 'demand'. This is in keeping with Adam Kotsko's translation of *The Use of Bodies* (Stanford University Press, 2015) and Lorenzo Chiesa's translations of *The Fire and the Tale* (Stanford University Press, 2015), *What is Philosophy?* (Stanford University Press, 2017) and *The Adventure* (MIT Press, 2018), in which *esigere* and *esigenza* are rendered in the same fashion. The reader should keep in mind that the French *exiger* and *exigence* can, like the Italian *esigere* and *esigenza,* coincide with 'to require' or 'to necessitate', and 'requirement' or 'necessity'.

I have translated *puissance* as 'potency'. *Puissance* is the word generally preferred by Agamben's French translators to denote Agamben's *potenza*, a term for which most English translators prefer the term 'potentiality'. This English word does not adequately convey the meaning of *puissance*. For this reason, I have drawn from Chiesa's translation of *potenza* as 'potency' in *The Adventure* and used the same term here for *puissance*. That French translators have tended to translate *potenza* as *puissance* further indicates that the use of 'potentiality' to translate Agamben's work into English may be inappropriate.

In Agamben's work, the technical term *désœuvrement* finds its equivalent in Italian in the term *inoperosità.* As this latter is generally translated into English as 'inoperativity', I use the same term to translate *désœuvrement.*

In their general usage, I translate *langue* and *langage* as 'language', while noting the particular instance in brackets. In the context of its deployment in this dialogue, I have translated *parole* in its general usage as 'speech'. Where they are used in a technical, Saussurean sense, I follow Agamben in leaving the terms *langue* and *parole* untranslated.

Quotations have been rendered in conformity with existing English translations as much as possible (whilst also referring to the original texts). A notable exception to this is the term *surgissement*, which has been translated in Foucault's work as 'emergence' and 'arising'. These words do not, in my view, adequately convey the conflictual, de-spatialised and energetic activity which is at stake for both Agamben and Foucault, for which I prefer the term 'surging'.

I have not interrupted the dialogue with the inclusion of bibliographical references.

Preface

The œuvres of Giorgio Agamben and Patrick Boucheron have unfolded at quite a distance from one another. What do the Italian philosopher and French historian have in common? Perhaps precisely what seems to separate them: the language [*langue*] and languages [*langues*], French and Italian, that they share. Not only this, but also the field of mediaeval and Renaissance Italy, which both prefer to survey, although not exclusively. Of particular note is the importance that they accord to writing and to the diversity of its regimes in the exercise of thought. There is also a conviction shared by both which encapsulates the Foucauldian term 'archaeology', according to which it is necessary to interrogate the traditions of history if one wishes to forge concepts to parse the present. Archaeology, for Agamben and Boucheron, is inseparable from political concerns.

Critique took the initiative to propose that they enter into a dialogue which was undertaken throughout the Autumn of 2016. This interview, by way of questions and replies, took place with neither protocol, nor pre-established programme, nor assigned end. It has been discontinued or perhaps suspended only by the completion of this special issue. It is not the conclusion, but the fermata.

* * *

Patrick Boucheron: In the prefatory note to *The Use of Bodies,* you explain how this book completes and does not complete the great undertaking of the *Homo Sacer* project. You say that such research, 'like every work of poetry and thought, cannot be concluded, but only abandoned (and perhaps continued by others)'. We must speak of abandonment, especially in its political implications. But first of all, let us focus on what you imply as a possibility. Once you form such a lofty (by which I mean supremely poetic) idea of the act of thinking, what can you expect from 'others' to inspire, to accompany and to continue your oeuvre?

Giorgio Agamben: All psychological implications, which would be misplaced, should be removed from your question. I say this because I have often been reproached for a certain pessimism — or what amounts to the same thing, an excessive optimism. It is no more about hoping than its opposite because if we despair of others — as nowadays we are quite permitted to — we also despair of ourselves and thus lapse once more into psychology.

We should firstly specify who the 'others' are. They are certainly not the future generations. Rather, I conceive of them in the future anterior, which is to say as a past in the future or a future in the past. They are, to return to your question, those who will have become possible, as soon as the archaeological work of thought will have been abandoned and left incomplete. This future past is the only present

that we can reach, if it is true — as it is true — that all history is always contemporary history. In that sense, the others are already there, they are always in the process of occurring, even if they are not there and perhaps never will be.

To put it another way, the 'others' do not fall under the jurisdiction of a necessity — they are of the order of what I call a demand. They are what thought demands, independently of their factual existence. Demand is for me the philosophical category *par excellence.* It is a demand of this kind that Averroes must have had in mind when he said that the human species demands that there always be a philosopher who would allow the human species to be united with the sole separate intellect.

PB: Averroes indeed says that one philosopher alone can suffice, that there will always be one philosopher in the world. But at the same time, Averroes situates thought outside, that is to say outside the interiority of the subject. It is of little importance, then, who thinks or who knows. What matters is that we think and we know — and relative to the human species all is already known. Is this the demand of philosophy such as you conceive of it? But in this case, how can it sustain such a radically anti-heroic form of life? In other words, in what manner does your philosophy accommodate the sovereignty of the proper name?

GA: I believe that the prevailing opinion which defines Averroism through the separation between individuals and thought should be reversed. It seems rather that Averroes' real problem consists in reuniting what he has separated, which is to say what he calls the *copulatio,* the private union between *hic homo* [each man] and the separate intellect. The solution that he gives is that what makes the *copulatio* possible are the phantasms which are found in the individual which is to say the imagination. I fully share this idea. What makes thought possible is the imagination and the imagination is what is most proper to each man. In other words, thought does not really belong to the individual, but through his phantasms he can unite with it, marking something like a signature there — on condition that the phantasms vanish immediately in the act of thought.

PB: Let us return to demand, which for Averroes makes the subject the sufficient and insufficient place of thought. What repercussions can it have upon our form of life? I'm thinking of the manner in which, still in *The Use of Bodies,* you comment on what Guy Debord said of the 'clandestine character of private life'. It accompanies us like a stowaway, which is to say in a separated and inseparable manner, and yet you say it is perhaps in this 'homonymous, promiscuous, shadowy presence' that the secret of politics resides.

GA: It is in one of his first films that Guy evokes 'this clandestinity of private life regarding which we possess nothing but pitiful documents'. It is this excessively private, clandestine life that Guy, just like the entire political tradition of the West, did not manage to overcome. And yet the idea of 'constructed situations' implies

that it was possible to find something like what he calls 'the North-West passage of the geography of real life'. And if in his films as in his books Guy always comes back to his biography, to the faces of friends and to the places in which he has dwelt, it is, I believe, because he sensed obscurely that it was precisely here that the mystery of politics was hidden, the mystery upon which all biography and all politics could only founder. The authentic political element insists in the clandestinity of private life, but if one tries to grasp it, it only leaves the dull, incommunicable quotidian in our hands. This was the political signification of this clandestinity — which Aristotle had at the same time included and excluded from the city — that I have first and foremost tried to interrogate. I too was searching in my own way for the North-West passage in the geography of real life.

PB: It would be fitting here if we could speak of another passage, the one which leads from one inquiry to another. How do you work? Is it always one book which refers to another or do you allow yourself to be taken in by a film, a work, or a conversation? Do you know how your ideas come to you, and why you suddenly plunge into this or that library — here patristic literature, there Franciscan rules?

GA: In each of the books that I have written or that I have abandoned, there is always an unsaid which demands that it be taken up again and developed, just as in every life there is something unlived which demands not so much to be experienced as to not be forgotten. Although often I am not aware of it, it is this I believe which obliges me, as you say, to plunge into — or rather to lose myself in — a particular investigation or a particular corpus. It is therefore from the past that ideas come, and it as such that archaeological inquiry is always doubled by another more private and secret archaeology.

PB: What does this other 'more private and secret' archaeology have to do with asceticism? If the politics of inoperativity aims at this deposition or this destitution which you seem to advocate, does the potency radicalised in the 'potency not to' do something other than carve out a small, contemplative enclosure in which we work to render ourselves ungovernable?

In other words, one is tempted ask if you have lost all political hope in instituted capacities to assure us of a desirable, collective life, once the constantly revived impulse of instituting energy has been slowed down or weakened? I am thinking, obviously, but not exclusively, of democracy.

GA: You touch here on a question — that of the relation between institution and destitution in every society — which falls under the jurisdiction of the very constitution of human culture. Language [*langage*] is a good example. It is something which is essentially double, divided as linguists say, between a spontaneous act of individual discourse (Saussure's *parole*) and a very complex institution which is called *langue.* Unlike *parole,* the latter is not some sort of immediacy, but an institution in the proper sense of the word, constituted through

a work of analysis and reflection that is hundreds of years old. Yet every genuine act of language [*langage*] results from a dialectic between these two inseparable and heterogeneous poles. If the instituted side becomes exorbitant, we will have stereotyped phrases and inert communication.

Similarly, I believe every human society results from a dialectic between an institutional pole and a pole which out of convenience one can call destituent or non-instituted, while specifying that the instituted pole does not necessarily coincide with the institutions of the state. If the dialectic between the two poles remains alive, society will be viable. If, on the contrary, as is happening today in post-industrial democracies, the instituted pole is intensified and technologised to the point of stifling the other, political life becomes impossible.

You perceive correctly that it is not about conserving a small contemplative enclosure, but, on the contrary, about making political life possible. The contemplation of which you speak would in this sense be political activity *par excellence.*

PB: There is a contrast, in your *œuvre,* between short, incisive works (often born of lectures or seminars) and books structured like treatises. What sense do you have of this two-fold regime of writing? And in the case of *Homo Sacer,* what do you anticipate from the assembly in a single volume of different books whose order of publication does not correspond to the complex numbering which was undoubtedly put together after the fact? Is this merely an arrangement, or a way to generate other surprises, to set out on the 'adventure' in another way (to take up the title of a short book of yours recently translated into French)?

GA: It is important to specify that these volumes have not been assembled retroactively: they unfolded according to a conception — or, if you like, an 'adventure' — which was present from the start. As for the double regime of my writing, I believe that there is something there which is consubstantial with philosophy. The history of philosophical 'form' — or of philosophy as a literary genre — has yet to be carried out. The case of Plato is in this sense exemplary. By the time he chooses dialogue as a philosophical form (drawing inspiration from the mimes of Sophron, an altogether minor prose style), Plato had behind him the tradition of the presocratic 'physiologists', who, like Parmenides, wrote poems in which the author did not pose the problem of form and spoke directly in the first person with the shifter 'I'. It is against this that Socrates in the *Phaedo* explains that one could not speak simply of nature, but that it was necessary above all 'to search in discourses, in *logoi*, for the truth of beings'. As Kojève said, philosophy is that discourse, which, all the while speaking of something, must also speak of the fact that it is speaking. It is because of this that dialogue became for Plato an extremely complicated form, in which often someone relates a conversation which had formerly taken place, such that the dialogic form is doubled by an internal narration which interrupts it and subtracts it from all theatrical fiction. Hence also the false legend according to which alongside exoteric dialogues reserved for the

non-initiated there would have been esoteric writings in the academy reserved for students. On the contrary, I believe that the exoteric and the esoteric, discourse on things and discourse on language [*langage*], ceaselessly intersect and diverge in philosophical speech.

PB: Regarding this philosophical speech, I return to the republication of *Homo Sacer* in a single volume, which permits it to be experienced wholly beginning from the index of names. That of Émile Benveniste, for example, affords a singular reading experience. One realises how much etymological reflection (or reverie) often serves as a springboard for your argumentation — it is also the case, for example, in 'What is a Command?' Is the *archē* of words [*mots*] at the same time a beginning and a commandment?

GA: Since my first encounter with it at the end of the sixties, Benveniste's œuvre has never ceased to accompany me. What struck me especially then is the moment Benveniste becomes more and more conscious of the insufficiency of Saussurean semiology and radicalises the Saussurean opposition between *langue* and *parole* as a fracture between the semiotic and the semantic which cannot be sutured. Human language [*langage*] is divided, as we have seen, into two inseparable, and at the same time, incommunicable planes, and it is this rupture that in the last years of his life Benveniste sought to overcome without succeeding. There resides in this work an inescapable statement on which I have never ceased to reflect: 'The world of the sign is closed. From the sign to the sentence there is no transition, neither by syntagmatisation nor otherwise. A hiatus separates them'. Philosophy has been for me the effort which consists in overcoming this division, of recovering a voice and a material for *langue*.

PB: Historians of the texts that you enlist in your philosophical inquiry (notably patristic literature in *The Kingdom and the Glory*, liturgical sources in *Opus Dei* and monastic rules in *The Highest Poverty)* are often fascinated — and occasionally angered — by your capacity to pierce the stratum of accumulated interpretations in the scholarly literature to go straight to the source. How do you identify it? Why do you always wish, at some point, to be alone with it? Do you think that the work of research can emerge from the same mystery as literature, such as you magnificently evoke it in *The Fire and the Tale?*

GA: Here you touch upon an absolutely decisive point, which concerns the signification that the work of the philologist has for me. The title of the major work of a great Italian philologist, Giorgio Pasquali, is instructive in this sense: *The History of Tradition and the Critique of the Text.* Only the critical understanding [*connaissance*] of the tradition that has been transmitted to us grants us access to the text we wish to read, but this is almost never original; it is only what we can reach by reassembling the history of this tradition against the grain. Hence the political lesson of philology for me. What it shows us is that we receive our

culture — as we do, for that matter, our language [*langue*] — without exception by way of a historical tradition which is always already more or less consciously modified and corrupted. The original is not what philology calls the archetype: unlike this latter, it is not situated in the past but takes place in the present, in the moment when the philologist confronts tradition in hand-to-hand combat which is necessarily political and philosophical at the same time. And it is here that we find what I would like to call, with Michel Foucault, the moment of surging, which does not coincide exactly with the source that tradition has passed down to us. And it is at this point that the archaeologist parts ways with the historian, with whom he had up to this point shared a path and a method without wavering.

The God of Men and the God of Women
A Dialogue between Emanuele Severino and Luisa Muraro

Andrea Righi

Abstract

This essay maps the uncharted imbrication between the philosophy of Emanuele Severino and the work of a feminist branch of the Thought of Sexual Difference, particularly as outlined in the reflection of Luisa Muraro. In a comparative manner, I activate a series of linkages between concepts such as the structural impasse of the real and the unorthodox implications of the theory of salvation as they emerge in selected works by both authors. Interrogating transcendence as a decisive tenet of the patriarchal symbolic order, I finally illustrate how these concepts are instrumental in dismantling the nihilistic discourse of modernity.

Philosopher Emanuele Severino (1929–2020) was genuinely interested in the development of the Thought of Sexual Difference, particularly the work of Luisa Muraro, whom he personally knew — they were part of the same cohort of young philosophers gravitating around the Neo-Scholastic school led by Gustavo Bontadini in 1960s Milan. Although Severino expressed an interest in Muraro, his writings contain no direct engagement with feminism. By contrast, Muraro references Severino's work several times, as do other feminist theorists like Adriana Cavarero.[1] In this essay, I would like to bring together these two areas of thought. Naturally, I understand the enormity of the task, especially the challenge of synthesising Severino's philosophy or even approaching the plurality of voices that constitute the Thought of Sexual Difference, not to mention the difficulty of comparing two such distant ways of thinking.[2] More modestly, I propose to establish a dialogue between Severino and Muraro concentrating solely on the transcendent status of the divine. In examining this theological category, I am interested in exposing the internal contradiction of transcendence — a deadlock or abyss that both authors capture and productively use in their philosophy. A working definition of transcendence is in order.

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[1] I would like to thank Ida Dominjianni for providing this information. See Luisa Muraro, *The Symbolic Order of the Mother*, 26–27; Cavarero, *In Spite of Plato*, 124 n.8. Muraro also worked on Severino in an unfinished and unpublished essay from 1980, entitled 'Intorno a un giocatore di dadi. Nietzsche, Fachinelli, Mach, Severino'.

[2] On the Thought of Sexual difference see Casarino and Righi, eds., *Another Mother*; Bono and Kemp eds., *Italian Feminist Thought;* Parati and West eds., *Italian Feminist Theory and Practice;* Cicogna and de Lauretis eds., *Sexual Difference.* For Severino see, Alessandro Carrera 'Dalla Gioia Alla Gloria', 'La pagina della strega', 'Severino vs. Western Nihilism'.

Transcendence is a domain that claims to constitute reality from the outside without being limited by any other cause. From a religious perspective, a divine substance is transcendent because it causes and guarantees the existence of reality, that is, it occupies the position of that which is uncreated and causeless. This symbolic system is one with patriarchy. In the sequence Father-King-God, each entity functions as a founding principle, a singular exception ensuring that the field is coherent by marking or *othering* a portion of those who populate it (the woman, the slave, the homosexual, the migrant, to mention but a few).[3] Operating outside the field of created reality, this symbolic substance is one, perfect, and infinite; but insofar as it presides over the corruptible and finite domain of reality it also engages in a contractual system (elsewhere I have called it pactional) through the Father-son lineage, which offers salvation or damnation to humanity.[4]

Severino paid a hefty price for outlining the aporias of this model, appearing like a novel Galileo before the Holy Office in 1970 and consequently losing his post as professor of Moral Philosophy at the Catholic University in Milan. What is overlooked in his view, however, is the sexed dimension of his argument. On the one hand, the symbolic law and logics of patriarchy are, in fact, comparable to what he calls the folly of the West, or the path of the night, a nihilistic discourse that grew out of Greek thought. On the other hand, Severino's depiction of God is better understood through the lens of Muraro's work on the symbolic dimension of the Mother. In this essay, I am interested in activating a union of purpose between Severino and Muraro that is instrumental in dismantling transcendence and its patriarchal tenets. I begin by discussing Severino's philosophy, particularly his understanding of the concept of totality, nihilism as the structure of Western civilisation, and the oracular announcement of its twilight through the idea of Glory. In the second part of the essay, I demonstrate how these concepts can be further reworked by considering Muraro's discussion of the God of women.

How Does Totality Totalise Itself? The Truth of Contradiction C

To shed light on Severino's theory I suggest we begin from the question of how to portray a transcendent totality correctly. What does the totality of everything that exists (and will ever exist) look like? By setting a visual limit, any picture ultimately betrays the entirety of such a domain. Any representation conveys a *partial* depiction, thus precluding the possibility of portraying the infiniteness — or *im-partiality* — of totality. In other words, representations are conditioned and cannot express the unconditional essence of a true totality. Western thought, however, conceives of truth by rooting it in a similar aspiration to completeness. Truth is comprehensive, it is the whole.

Because totality is the pre-requisite for truth, an abyss is broken open between totality itself and the finite dimension of the world. Severino, for his part,

[3] See Righi, *The Other Side of the Digital*, 27-47.

[4] See Righi, 'The Pactional Model of Salvation and its Undoing in St. Catherine of Siena'.

welcomes this asymmetry, using it as a tool to interpret reality. He calls it *contradiction C,* a double-edged structural paradox.[5] On the one hand, because Being must manifest itself through partial images, its totality is not accessible. On the other hand, these images cannot be understood unless they partake of a plurality of relations, that is, a totality. Severino illustrates the contradiction as follows: 'any being that appears, appears included in the totality of Being, but this totality only appears formally: the concrete fullness of Being remains concealed. The eternal appearing of the truth of Being is the finite appearing of the infinite'. In short, to the extent that a totality always appears as a partiality, this 'totality and every determination of Being appear as contradiction'.[6] *Contradiction C* illustrates a perplexing characteristic of the whole: as observed, because totality expresses itself via individual parts, each part appears only against the backdrop of this totality, or rather each part is what it is precisely because of the relations it entertains with the whole. In an awkward reversal, totality is always too little, while partialities are always too much. The whole promises something it cannot deliver. Totality is in *debt*, Severino observes, because it does not return the plenitude that it possesses. It promises entirety but keeps offering its parts. Here the logic of an infinite *debt* imposes itself structurally. The impossibility of exhibiting the entirety of the whole produces constant movement: one payment demands another in an infinite succession. *Contradiction C* is the internal mechanism that fuels the continuous manifestation of an infinite series.

The endless movement of Being is not a particularly novel concept. You don't need a philosopher to declare that reality is endlessly becoming. Yet, it should be noted that *contradiction C* enables Severino to justify *movement* from the point of view of the plenitude of Being, a significant contribution to any critique of transcendence. Consider that, as it contains every possible configuration, Being must be exhaustive. Hence it cannot change into something different, it must be motionless and, thus, eternal. Positing totality, in fact, entails that the temporality of a complete totality is eternity. This is why modern thought must do away with a consistent definition of totality by affirming that reality is open-ended. Or that the truth of the world is its becoming. Reality is in flux and by transforming it, humanity forges its future — i.e., that which does not exist. Totality is always in the making, while the past is lost in the recesses of time and cannot be changed. Yet, this model is beset by a problem. It presupposes at least two points which are external to the manifold of reality: a beginning (the past) and an end (the future). Reality (I will also refer to it as the Real or *immanence*) seems to be enveloped in some type of non-Being: the *nothing* before a certain reality appears and the nothing that this reality turns into when it ends. Immanence is limited by areas of absolute negativity that *transcend* its plane. The fullness of Being is thus circumscribed by a vacuum. To the extent that an exteriority protrudes, the reality of a new transcendence takes

[5] See Severino 'La contraddisione C', https://youtu.be/7a1vhpBWBqw, accessed 27th May 2022.
[6] Severino, *The Essence of Nihilism*, 231.

hold as well. Although it is a nihilistic form of transcendence, the manifold of reality seems to be conditioned by it. Since some form of emptiness precedes and follows reality, one must conclude that nothingness serves as its foundation. This is what Severino calls the nihilism (or folly) of the West, or the path of the night, as it pervades every domain of human life, including theology, philosophy, and technology.[7]

Severino's famous solution to this logical problem is to turn to eternalism. He disputes the becoming of Being by claiming that things do not come from and turn into nothingness. Things do not begin and end; they simply perdure as instants outside time. In short, Severino reverses the dominant theological assumption regarding time: eternity does not belong to divine transcendence but to earthly immanence. Obviously, this everlastingness is not empirical, since the instants of reality are singularly outside of time and are thus eternal.[8] This claim to eternity also applies to the accepted belief that Being is circumscribed by nothingness. When stating that Being turns into not-being, one seems to be affirming the concrete content of the annihilation of Being. But this is illogical. Even when we negate Being, we are affirming some form of its determination because the negation relies on Being itself. Giulio Goggi summarises this point as follows: 'the negation of the being itself of Being is founded on what it negates, that is, it negates that without which the negation could not be as such, so that it is a way of saying that includes the declaration of its own non-existence'.[9] To simplify: by negating the dimension of existence (Being), not-being announces its own fallacy.

Salvation in Severino

In demonstrating the fallacy of the folly of modern thought, I illustrated how Severino posits that reality is not created and destroyed by the passage of time. Let us reconsider this claim by looking at the difference between what we normally consider to be *appearances* and truth, an argument that while recapitulating the main points of *contradiction C* will also introduce us to the solutions proposed by Severino: Appearing and Glory.[10] In Western Thought, truth is the opposite of semblance. Truth is that kernel of solid reality concealed behind exterior manifestations, namely, appearances. At best, they are distorted images of reality — they are, once again, partialities. The classic example is the straight stick appearing bent in water, an optical illusion that proves the fallibility of perceptions and thus the higher perfection of ideas according to Platonism. However, in Greek thought sight is also a criterion for knowledge. Bearing witness to truth requires us to perceive it. Truth is associated with a form of clear and all-encompassing vision. As

[7] See Righi 'Eternity as Relationality'.

[8] As Carrera points out, eternity 'does not mean that the empirical you and I are immortal in time [...] but that each moment, every slice of reality, is' (Carrera, 'Severino vs. Western Nihilism', 46).

[9] Goggi, 'Golden Implication', 46.

[10] See Severino 'L'apparire', https://youtu.be/H6s_PTnyv_k, accessed 27th May 2022.

the reader may have anticipated, the dilemma between appearances and truth follows the movement of *contradiction C*. On one side, a comprehensive vision of totality falls prey to the broken promise of completeness previously mentioned — that is to say, the scopic wholeness offers itself through partial views. On the other, appearances make sense only because they are integral to the totality of Being. This hiatus demonstrates that an image reveals not only its content but also its relatedness to the scene on which it appears. Severino calls this visual embeddedness *Appearing*. Appearing is a transcendental template because when something emerges, the relationships with all other things, from which it differs and to which it is connected, also emerge. Consider the case of a red chair. Its appearance is possible because it is part of an aggregate of visual, material, and cultural elements, that is to say, because it occupies a location in space that is different from other objects, because it reflects light that falls into that part of the spectrum which in English is called 'red', because it has a place in a cultural continuum that assigns to it a set of physical and symbolic functions, etc. In short, along with the specific image, the structure of *Appearing* also appears, thereby enabling a scopic horizon.[11] This insurmountable perspective should be emptied of any anthropocentric connotations. Its brilliance does not require a human spectator — one can think of it as a gaze emptied of any intentionality. Appearing is thus an immanent scene.

Let us return to Severino's claim that Being is eternal because things cannot come from and turn into nothing, and look at the case of things that do not yet exist. Consider the example of a new essay on Kim Stanley Robinson's novel *The Ministry for the Future* that I plan to write. This text does not *appear* to exist yet. Severino would ask: what does 'not appear' mean here? The fact that the writing 'does not appear' does not mean that we summon nothingness but rather that the unknown emerges in its many alternative forms. Immediately, as I write this sentence, clues about metaphors and narrative patterns begin to take shape. In Severino's terminology, the future essay appears in a certain way, which is different from the tangibility of, say, this current essay. Perhaps, the essay on Stanley Robinson appears as an opportunity, a duty, a solicitation, or a plan — in other words it is not nothing. Similarly, the past is not annihilated. Through recollection, or inquiry, or simply autonomously, the past reappears. Naturally, as it manifests

[11] Severino writes that 'the Appearing that appears is the very appearing of all the determinations that appear, and in this sense is not "among" them, but envelops or embraces them, positing itself therefore not as a simple part of the content that appears, but rather as the very horizon of that content' (*The Essence of Nihilism*, 258). Carrera offers a pointed illustration of the interrelated infinity of appearing by writing that 'Severino's Being would be a synchronic picture of the totality of appearances that appears in the moment the picture is taken, plus the picture itself, whoever or whatever is taking the picture and whoever is looking at it. Possibly, it would be something akin to the synchronic vision of Rome that appeared to Freud in *Civilisation and its Discontents* [...], plus Freud himself writing the book in his studio, plus us reading the book, plus the whole universe that surrounds us while we are reading the book' ('Every Child is a Severino Scholar', 65).

itself in its particularity, the memory of an event is not the whole of that event. However, anything that appears must do so through a partial image, while that very partiality must also be tied to the totality of Being. Past and future are traces of this plurality: the idea of my future essay is not the final writing, rather it points to it.

However, our posture with respect to reality is discontinuous. 'All that lives must die, passing through nature to eternity', Queen Gertrude tells Hamlet as she encourages him to accept the king's death. Severino tells us that the world does not turn into nothingness, to be saved by God. Every state of the world is eternal. Instead of becoming, we have an indefinite variation in the configurations of beings. Variation, unlike movement, implies that something is coming forth or catching up with its horizon, thereby skirting any intentionality in the reconstruction of the perception of reality. Western thought, in turn, isolates each fact by severing the umbilical cord between the reality that emerges and its vaster interconnectedness with totality. Focusing on seizing and dominating reality, Western reason pulverises the necessary belonging of each individual being to the multiplicity of the continuum. The consequences of this logic are significant even for those who believe in the afterlife, since the doctrine of creation contaminates Being with nihilism. Through the genesis of the universe, in fact, God becomes the orchestrator of becoming, presiding over the metamorphosis of reality from nothing into something, thus immersing himself in the depths of non-Being. The result is that God guarantees permanence in the afterlife through the machinations of his theological economy, a kind of celestial book-keeping that tracks merits and demerits.[12] Severino writes that this discourse 'assumes that the individual can decide his own destiny independently of the direction taken by the history of peoples [...]. The individual is saved even if the world [...] goes to perdition. He has to live the few good years of his life as best he can [...] then death definitively settles accounts with the world'.[13] The oppression and sacrifice of other people is part of this logic, one that is based on transcendence as a final point of destination.

Severino invites us to recognise the fallacy of this thought and discover a different truth by way of the concept of Glory. Avoiding religious overtones, we should concentrate on the visual dimension of this category. Glory entails a form of exposition or immanent scene that is outside time. In Severino's terminology, Glory refers to *contradiction C*. As he observes, 'the whole is the infinite appearing of eternal beings': these beings are, however, finite and thus contradict the concrete nature of totality. Hence, 'the totality of the eternal Being constitutes itself as the eternal removal of the totality of the contradiction of appearing'.[14] Destiny is the succession of each stage in which something comes forth that unfolds and thus incessantly removes individual limitations by revealing an expanse of relations. Here, we should be careful not to impress a type of chronological progression upon

[12] Severino, *The Essence of Nihilism*, 159.
[13] Severino, *The Essence of Nihilism*, 161.
[14] Severino, *La Gloria*, 28 (from here on in, all translations from the Italian are mine).

this unfolding — recall that Being is immutable in its instantaneity. The removal of the *contradiction C*, Severino notes, 'is not a future state that does not yet exist. It is rather an eternal being, a path that has been already (and forever) laid out'.[15] Glory is the integral unfolding of plurality, radiating in its fullness.

It is important to emphasise that Glory is not the paradisiac salvation nor the horrific still frame of Hell. This immanent scene stages the continual display of beauty and unspeakable misery. To understand this category, consider the case of pain. Severino defines pain as a contradiction: in other words, pain emerges because someone's health is negated. In order to be overcome, pain must come fully into its own, that is, it must become fully visible, precisely as the negation of well-being. It is only the concrete spectacle of pain that enables its removal, i.e., health.[16] Pain disrupts the smooth flow of life, and conversely, we truly understand the essence of health only when suffering emerges. Hence, the full manifestation of pain allows us to envisage the possibility of (hopefully) healing. Put differently, something may be overcome only insofar as it emerges in its entirety. This example gives us a clearer understanding of what Glory is: a scene where negation (not having health) is removed by the intensification of each content (pain) forming a totality (a healing that needs the full manifestation of pain). Here we also see how these logical relations form a network of connections that elude our chronological ordering of reality. These multiplicities exist beyond the implacable arrow of time. Finally, they seem to be independent of relations of cause and effect. From a medical standpoint, in fact, it would be absurd to explain pain as the cause of physical health. Yet, we do need suffering in order to understand well-being.

The Guardians of Phylogenesis

I have examined how the depersonalised and abstract structure of Appearing gestures toward a form of eternity, Glory, that excludes annihilation, in other words, *death* as non-being. In so doing, Severino levies a critique of Western reason, which severs the continuity of Being to reduce, dispossess, and instrumentalise reality. He also demystifies any form of soteriology, given that salvation is not the mysterious decision of the Highest Being but a matter of the appearing of the full truth of *contradiction C* and the receding of nihilism — an eclipsing that, however, does not require its complete erasure.[17]

In the second part of the essay, I want to re-interpret *contradiction C* as a marker of sexual difference, or better yet, develop the implications of Severino's concept in terms of sexual difference. This shift in perspective will be crucial for grappling with the truth of *contradiction C* as a structural impasse. Let us begin with Luce Irigaray's observation that women have no God, while man 'is able to exist because God helps him to define his gender [*genre*], helps him orient his finiteness

[15] Severino, *La Gloria*, 28

[16] See Severino, *La Gloria*, 52-53

[17] See Marco Risadelli, 'Verità e Salvezza dell'ente in Martin Heidegger e Emanuele Severino', PhD thesis, Università della Calabria, 2014

by reference to infinity'.[18] To put this in Severino's terms, men solve the problem of infinity by engaging in a nihilistic discourse structured around a contractual model of salvation, which isolates the plural dimension of totality. Women engage this ontological dimension differently because of their experience as an oppressed group. Irigaray reflects on what happens to women before a mirror, when 'we look at ourselves [...] to please someone, rarely to interrogate the state of our body or our spirit, rarely for ourselves'.[19] The mirror plays a vital role as it represents the creation of a constructed (female) counterpart. Luisa Muraro observes that 'a woman thinks herself insofar as she is thought by an *other'*, referring to the male-dominated framework that regulates the complex interplay of visual and symbolic interactions between a woman, desire, and her reflection.[20] This split places women in a challenging yet distinctly singular position. In a dialectical twist, Muraro demonstrates how they occupy a space that is ontologically more aligned with the structure of totality. To the extent that the woman subjectivises herself via a selfhood constructed by men, she experiences herself in a contradiction homologous to *contradiction C*.

Just as the chain of finite elements both mirrors and exists as distinct from the whole, women inhabit a symbolic dimension that permits them to exist through a constructed entity other than themselves, one that it is also impossible to fully totalise. As mentioned, this field is not encompassable, because it lacks an object which would delimit and thus constitute that structure from the outside. Similarly, it is not circumscribable, because if nothingness lies beyond its borders, this very externality would once again validate nihilism. The unconditionality of totality is caused by its inherent structural paradox. Totality is non-all, it contradicts itself because of the infinite-finite knot.[21] Let me use a personal anecdote to clarify the functioning of the logic of the non-all. My daughter is bilingual but, having been raised in the United States, her dominant language is English. When speaking Italian, she frequently uses *'con senza',* a lexical calque for the preposition 'without', which is correctly translated as *'senza'*. 'Without' is one of those metaphysical particles that releases the expanse of nothingness. Interpreted as *'con senza',* 'without' does not declare the non-Being of an object; rather, it attests to the existential condition of being with lack (*senza*), for as Alenka Zupančič writes, 'without something actually means with the lack of something'.[22] Far from being logical claptrap, 'without' illustrates the structure of totality as non-all. We could

[18] Irigaray, 'Divine Women', 61

[19] Irigaray, 'Divine Women', 65

[20] Muraro, *Le Amiche di Dio 36*

[21] The psychoanalytic undertones of this illustration of the structure of *contradiction C* are deliberate. Alenka Zupančič writes that the real of the symbolic is 'biased by its constitutive negativity, this structure is always more or less than what it is, that is to say, more or less than the sum of its elements', *What IS Sex?,* 24. See Righi, *The Other Side of the Digital*, chapter 8. This oscillation reflects Muraro's thought: see below.

[22] Zupančič, *What IS Sex?,* 48.

summarise it as follows: totality is a space that is unconditioned because lack is integral to its multiplicity as its inherent contradiction.

However, women did not simply live irreflexively through this ontological position; this crucial difference propels us beyond Severino's argument. One may argue that if with Severino we achieve the greatest epistemological clarity — what he calls, using a Parmenidean expression, the path of the day — through the lens of sexual difference one sees how women have walked along that path. They beat the path of the day by carrying out what Muraro calls a 'kind of symbolic division of labour'.[23] We know the man's symbolic work well: he makes history through the modification of life; he creates and destroys because he believes that he comes from and returns to nothingness. Male work follows Severino's path of the night. Irigaray writes ironically that Man is the self-appointed guardian of ontogenesis — i.e., he commands the making of the individual, in short, his social and political history. Women, instead, 'are still and always guardians of phylogenesis', i.e., they cultivate the development and stratification of life in general.[24] They thus toil in the infinite dimension of life and have created knowledges and practices of resistance out of that experience — in sum, another history.

Muraro's investigations into early modern women mystics, like Margherita Porete (1250–1310), provides us with some clues as to the nature of this repressed history, one that bears witness to a relation to totality that accords with the logic of the non-all. It would take too much space to describe Muraro's incursions into early modern mysticism in detail; I will focus only on the conclusions she draws from the theology of these famous heretics, particularly Porete's doctrine of the annihilation of individual will.[25] Although few original writings have come down to us, Muraro argues that the teachings of women mystics point to a relation with God that does not rely on that god's being treated as male. In fact, they re-work the image of God by informing it with a different distribution, one marked by unconditional totality. Envisioning a feminine God that exists through its contradictions is something only those who have experienced the structural rift between being and thought (between an infinite multitude and its appearing through its parts) can achieve.[26] For Muraro, expressing this condition involves conducting the symbolic work of 'holding the world, the realm of words, and the world of things in themselves in relation with one another'.[27] The significance of this symbolic work for our social and philosophical order should not be underestimated. In Western thought, the unity between the subject and the world has varied across time. As observed, we have moved from a relation guaranteed by the oneness of the highest Being to that of the mobilising force of men's power.

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[23] Muraro, *Le Amiche di Dio,* 35.

[24] Irigaray, 'Divine Women', 66.

[25] Porete was a French mystic and writer who belonged to the Beguine movement and was burned at the stake as a heretic in 1310.

[26] Muraro *Le Amiche di Dio*, 37.

[27] Muraro *Le Amiche di Dio*, 35.

Therein, the will to power of the subject founds itself on the belief that insofar as one can act on one's environment, the world is disposable, the implication being that the only reality that exists is *subjectivised*. What is not subjectivised is nothing, as is, for instance, the non-being of the future. In contrast to this subjectivist tendency, the thought of Sexual Difference maintains that the world of things, matter, exists independently of the human mind. The real is the being that persists and exists beyond (and despite) the mediating capacity of language. For Muraro, there is an 'abyssal distance' between reality and the symbolic. Again, this lack or gap is not a very large space that one day some AI will be able to compute. It is a structural separation that is, in fact, abyssal because it exists as an impossibility. 'It simply means that it cannot be filled', as Muraro glosses the matter.[28] To use Lorenzo Chiesa's words, the real is 'the *meaningless* from which meaning qua deficit of meaning originates'.[29] Thus, the real insists within the symbolic without being immediately signifiable.

The abyss is unbridgeable not only because of the rift between mind and matter; as mentioned, this deficit is proper to the symbolic dimension as well. The symbolic order, language, science, or the circle of mediation, as Muraro calls it, 'is imperfect, because it does not make the immediate coincide perfectly with the mediate'.[30] It bears repeating that this leftover is not a nothing, an emptiness that has ceased to exist or that will come into being once human capacities improve. In this sense, Chiesa emphasises the challenge that the symbolic faces when it comes to treating this deficit — the difficulty, in other words, of conveying 'the incompleteness of language [what Muraro calls 'mediation'] without immediately giving it a meaning, and thus transforming it into an *apparent* completeness'.[31] I attempted to elucidate this point with the example of the *'con senza'*, the without as being with lack. In this sense, Muraro's and Severino's strategies to respect and nourish incompleteness somehow converge. Severino employs para-philosophical formulas (Glory, Appearing, the path of the day etc.), in short, a style based on 'the *literal* element that resists signification'.[32] Muraro values the language of women mystics because it occupies a space that is non-all. Let us look at the significance of the symbolic work exemplified by a mystic like Porete.

The reality of this abyss is both *less* and *more* than nothing. Just as in the case of *contradiction C*, the formula 'less than nothing' should not be translated into quantitative terms: in other words, it is not a negative number, or a higher degree of non-being. Rather, it indicates the situation in which we have 'the real and no symbolic'.[33] We have a reality that does not signify itself. This is the paradoxical situation of incompleteness par excellence, and yet, feminism turns it

[28] Muraro, *The Symbolic Order of the Mother*, 93.
[29] Chiesa, *The Not-Two*, 85.
[30] Muraro, *The Symbolic Order of the Mother*, 93.
[31] Chiesa, *The Not-Two*, 85.
[32] Chiesa, *The Not-Two*, 85. See also Carrera, 'Dalla gioia alla gloria', 90.
[33] Muraro, *The Symbolic Order of the Mother*, 95.

into a rich experience. Muraro offers two personal examples. The first case points to her response to a remark made during a seminar of the Diotima community. A member concluded that in accordance with the Western subjectivist tendency, a reality that does not produce meaning ultimately does not exist. Muraro reasons that this is not true for a woman; on the contrary, 'for a woman, a reality that does not signify itself is both more and less than nothing'.[34] *Less* here entails the disvalue described by Irigaray: the fact of being imagined by an *other* via the imposition of a preconceived, mute ideality, a negation that does not allow a woman to signify herself. Muraro argues that the woman feels 'doomed', or condemned to this state of affairs.[35] The recognition of this infernal situation, however, opens the way to an understanding of the fact that the real is *more* than nothing — indeed, it is much more than that. This supplement refers to the circumstance of a 'child [*creatura*] who is separated from the mother and cannot find the originary common place she or he had with her'. In this case, access to the symbolic dimension, or speaking, is 'a way of finding again the point of view the child used to share with the mother'.[36] From this standpoint, the real is everything: because of its muteness, it indirectly calls for the circle of mediation to begin its labour. It is the mother (or whoever occupies her place) who performs the necessary symbolic work that signifies the real by inducting the child into the world of language. Similarly, recognising the symbolic function of the mother is also the first step that women need to take in order to begin signifying themselves, as this reality 'becomes a source of knowledge [about herself of the world] from her own point of view'.[37] This point of view is sustainable only if the role of the maternal continuum emerges. This is a basic fact, a minimal one in fact, but essential for at least two reasons. First, it diffuses the subjectivist logic of Western thought, which is prone to either discarding or filling up the structural emptiness of the real via its self-propelled agency or will to power. Second, the maternal continuum provides a form of embedded relatedness that solves the paradoxical question about birth as coming into being, or the coming out of nothingness of a subject (or organism for that matter). In this respect, having the mother (and the grandmother) in lieu of nothingness resolves a great many paradoxes or, more to the point, birth as a structural perspective removes the paradox of nihilism and its need for transcendence. Lastly, in its profound simplicity, this shift meets the challenges of the logical problems we have been discussing. As observed, *contradiction C* forces totality to be indebted to itself. Properly understood, this is an inexhaustible debt of signification that produces richness. Language, science, and the circle of mediation are constantly seeking to speak this real whilst failing to comprehend it fully.[38] This discrepancy, Muraro states, is a symbolic cut that divides 'every fibre and cell of [our] organism',

[34] Muraro, *Le Amiche di Dio*, 37.
[35] Muraro, *Le Amiche di Dio*, 38.
[36] Muraro, *The Symbolic Order of the Mother*, 95.
[37] Muraro, *Le Amiche di Dio*, 38.
[38] Muraro, *The Symbolic Order of the Mother*, 95.

concluding that there is no 'escape. Except for the fact that we know it, and we explain it'. Again, this experience and its elucidation makes all the difference. As she underscores, 'I began this symbolic operation of *explaining* the regime of mediation by saying that I neither brought myself into the world nor did I teach myself to speak. This led me to find once again the originary relationship with the mother'.[39] This unassuming but radical act of dispossession dismantled centuries of narratives centred on the heroic endeavours of the self-made male individual.

The affirmation of a principle of self-dispossession and the necessity of dependency are precisely the novelties that Muraro extrapolates from Margherita Porete. Here we move from a model of salvation based on what Muraro calls the 'feelings the son has towards the Father' to one where the 'relationship with God indeed bears the marks of a female relationship with the Mother'.[40] In her treatise written in the vernacular French, *The Mirror of Simple Souls*, Porete recalls Peter's saying, 'it is hard for the righteous to be saved' (Peter 4:18). A virtuous life is no guarantee of salvation; on the contrary, Muraro notes, 'the more virtuous a person is, the more s/he feels her/his shortcomings'.[41] Naturally, the flawed life of the mortal is no match for the perfection of the highest Being. The radical dissymmetry between finite and infinite shames the finite, which feels in debt. Even more damning is the notion that the will to do good work is incriminating if it is an act of obedience, or a task undertaken out of fear of divine punishment.[42] Muraro thus points to Porete's heretical notion of 'the annihilated soul', a solution that bears a remarkable similarity to what Arthur Schopenhauer, more than five centuries later, would call non-will, *noluntas*, wherein subjective will encounters the possibility of relinquishing itself due to the attainment of a higher understanding of the whole.[43] Muraro writes that,

> Margherita discovers that the human will for good has a limit beyond which it can attain perfection, but only by freely ceasing to be, by removing itself, so to speak, thus becoming a place of non-will where the perfect freedom of love (God) can occur. She calls this passage the death of the Spirit.[44]

The death of the Spirit calls into question once again the abyss Muraro mentioned. Consider it against the backdrop of the issue of debt. The ethics of the will for good works can either turn into a form of self-interest, aimed at ensuring salvation, or lead to a sense of eternal guilt. It is virtue itself that exposes the flaws and inadequacies in one's efforts, thereby compelling the individual to feel perpetually

[39] Muraro, *The Symbolic Order of the Mother*, 96.
[40] Muraro, *Le amiche di Dio*, 50.
[41] Muraro, *Lingua Materna*, 112.
[42] See Muraro, *Le amiche di Dio*, 58.
[43] See Arthur Schopenhauer, *The World as Will and Idea*, 127.
[44] Muraro, *Lingua Materna*, 91.

indebted. Hence the need for the self-removal of subjective will. It is a liberatory movement that, Muraro writes, 'causes the place of virtuous operation to be taken by divine action, of the active God, whom Margherita calls a worker'.[45] God is not the lord, the highest being, or the immobile unity of the one; rather, God is manual labour, such as the work of builders engaged in constructing the monasteries of Porete's time. The death of the Spirit plays itself out along the lines of the *'con senza'* logic of *contradiction C*, where the impasse becomes the engine that fuels the appearing of the interrelated multiplicity Being. It is a debt that does not produce guilt; it is a good debt. It is the excess that keeps on bringing forward the manifold of totality.

In sum, Muraro offers a political pathway for the emergent form of *contradiction C*. As a wholeness that is indebted to itself because it cannot return to its full wholeness, the Severinian Being lacks completion and is metaphorically less than nothing. Simultaneously, it is also more because of the continuous appearing of new configurations of being. This totality, I argued, is marked by sexual difference, it has the same symbolic organisation. From an ontological point of view, the symbolic order signifies a totality that remains stubbornly real. While the path of the night teaches us that power will simply subjugate it, the path of the day embodies the point of view of the maternal continuum. It is not idyllic; it is not one of full plenitude. It knows the oscillations of *contradiction C*, but it turns them into immanent loving relations. Muraro concludes that the God of men is transcendent, it follows a series of mediations, an economic model of punishments and rewards, which condemns the will to do good work to a perpetual guilt and despair. In contrast, the God of women is 'superabundant', like a river that breaks its banks.[46] The politics that may ensue from such a different form of theology, from such models and experiences that have cropped up sporadically in history, should be the centre of a different future.

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New Humanism and Historical Humanism: On Two Recent Books by Michele Ciliberto and Massimo Cacciari[1]

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Abstract

The need for a new humanism is strongly felt in present-day Italian and European culture. This need gives rise to the question: what is the relationship between this new humanism and historical humanism?

A few years ago, one of the most esteemed Italian historians of philosophy, Michele Ciliberto, posed this question in his book *Il nuovo Umanesimo* (2017). This book presents a rather gloomy image of Italian humanism as an age of great uncertainty, of transformation and crisis, and above all as an age characterised by an anguished questioning as to the human being and its destiny. Massimo Cacciari's book *La mente inquieta* (2019), which is connected to Ciliberto's *Il nuovo umanesimo* in many ways, presents a similar image of Italian humanism.

In this essay, I will examine the common features of these books and then evaluate their meaning for present-day attempts to give life to a new humanism.

1. *Michele Ciliberto's Ethical-Political Proposal*

The need for a new humanism is strongly felt in present-day Italian and European culture. Presently, it is perhaps easier to find expressions of this need in the fields of religion and politics than it is to find them in the specific field of philosophy. In the field of religion, one notices the frequency with which the most recent popes have spoken about the need for a new humanism,[2] whereas in the field of politics one might remember that in 2018 the present-day president of the Republic of France, Emmanuel Macron, addressed the United Nations Organisation about the

[1] This paper is an extended version of my talk at the 2023 annual meeting of SIP – the Society for Italian Philosophy. I thank the Co-Directors of SIP, Silvia Benso and Antonio Calcagno, for the invitation.

[2] A search for the phrase 'new humanism' on the web site of the Vatican can make us aware of the increased frequency of its use by popes and by the highest Catholic hierarchy from the Pastoral Constitution, *Gaudium et Spes* (https://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html) and Paul VI's address to the last meeting of the Second Vatican Council (https://www.vatican.va/content/paul-vi/en/speeches/1965/documents/hf_p-vi_spe_19651207_epilogo-concilio.html), both of December 1965, to the present; Benedict XVI was probably the pope who employed this term the most frequently, but also John Paul II and Francis have often used it.

responsibility to build a *nouvel humanisme contemporain;*[3] with reference to Italy, Giuseppe Conte, former Prime Minister, has also expressed the need for a new humanism in some of his speeches.[4]

This need for a new humanism, both from the field of religion and from the field of politics, obviously challenges philosophy or at least inspires many philosophical questions. One such question asks: what is the relationship between this new humanism and historical humanism?

This is the fundamental question that one of the most esteemed Italian historians of philosophy, Michele Ciliberto, posed a few years ago in his book *Il nuovo Umanesimo* (The New Humanism),[5] a book that calls into question both the meaning of the 'new humanism' and the reasons why the culture of humanism is of vital relevance today.

Ciliberto's book is divided into two parts: a broad introduction (about a third of the book) and an anthology of writings by authors belonging to historical humanism: Leon Battista Alberti, Giovanni Pico della Mirandola, Niccolò Machiavelli, Gerolamo Cardano, Michel de Montaigne, Tommaso Campanella, Paolo Sarpi, Lorenzo Valla, Pietro Pomponazzi, Erasmus of Rotterdam, Martin Luther, Giordano Bruno, Francesco Pucci, Marsilio Ficino, Filarete, Girolamo Savonarola, Francesco Guicciardini and Filippo Strozzi. This anthology aims to illustrate and corroborate the theses that the author proposes in the introduction, which is therefore the most important part of the book.

Ciliberto states that historical humanism and its thinking have a vital relevance to our time; therefore, his stance might look similar to many others which preach the necessity of a new humanism. However, if we follow the way in which Ciliberto treats many of the features of historical humanism (those features which, according to him, are the most significant for the relevance of humanistic thought in present-day culture), we can understand the originality of his stance. According to Ciliberto, humanism is relevant to today's culture and world because it consists in a reflection on the human being and its destiny, and because questions about the human condition become particularly sharp and urgent in periods of crisis and transformation, as in our time or the time of humanism. Today, according to Ciliberto, we are experiencing an epochal change: the once familiar structures of the world seem to be collapsing, and yet we are not able to see what might replace them.[6] For this reason, we are once again called to question the human condition

[3] The text of the speech can be read on the website of the Presidency of the Republic of France: https://www.elysee.fr/emmanuel-macron/2018/09/26/discours-du-president-de-la-republique-emmanuel-macron-a-la-73e-assemblee-generale-des-nations-unies.

[4] See for example p. 13 of the official transcript of Giuseppe Conte's speech to the Senate of the Italian Republic of 10th August 2019 (https://www.senato.it/service/PDF/PDFServer/BGT/1123287.pdf).

[5] Michele Ciliberto, *Il nuovo Umanesimo* (Bari-Roma: Laterza, 2017).

[6] Ibid., IX.

and human destiny, as did the humanists who faced the crisis of Italy (and then, with the Reformation, the crisis of religious unity in Europe).

As we can clearly see, for Ciliberto the renewal of humanism is not an *answer* to the evils of our time; rather, it marks the start or the resumption of a complex questioning in a situation of crisis and transformation. Thus, the aim of this renewed humanistic thinking would not be to confront this crisis or this transformation head on, but to understand it, to look for the best way to live in it and also — in accordance with a typical feature of humanism, namely, the strong connection between theory and praxis — to take advantage of this moment of transformation and enact true reform.

At the heart of this perspective on the relation between historical humanism and the present time of crisis and transformation rests a fundamental distinction: on the one side is humanism, as the common patrimony or the shared horizon of thought for the most important thinkers of the age, and on the other, what Ciliberto calls 'humanistic ideology', an ideology which, according to him, irreversibly belongs to the past. This ideology consists in a strong assertion or even celebration of the dignity of the human being, of its freedom and its abilities.

As one can easily see, in the debates about the need for a new humanism the discussion centres precisely on the need to reassert the absolute dignity of the human being and on the urgency to protect this dignity against the dehumanising features of the contemporary age. Therefore, the focus of these debates is precisely what Ciliberto calls 'humanistic ideology'.

Certainly, this assertion of human dignity is nothing extraneous to the culture of the age of humanism; on the contrary, it is famously one of its important aspects — the *Oratio de hominis dignitate* by Pico della Mirandola is typically considered to be the work which best represents the spirit of the age. Obviously, Ciliberto does not deny that the assertion of human dignity is an important aspect of historical humanism and its thinking; nonetheless, he draws attention to other topics addressed by the authors of the age of humanism, thus showing that the celebration of human dignity is neither the central topic to which the other topics serve as corollaries, nor the most widely shared topic among Pico's contemporaries.

The most typical view of humanism, according to Ciliberto, stems from a historiography that, starting from the Enlightenment, intended to present humanism as the origin of modernity.[7] This intention resulted in a view of humanism that is at best partial, if not distorted. This view emerges when many important aspects of that age's culture are blotted out: not only aspects like the interest that many of the authors had in magic or astrology (these aspects, clearly, are the aspects which cannot be resumed today, so Ciliberto himself does not devote a great deal of attention to them), but all of the topics of humanistic thought and culture that are dramatic or tragic, like the fragility of the human being at the mercy of unpredictable events, the difficulty of recognising in these events the

[7] Ibid., 45–47.

presence of a just God, the need to use deception in political life (and often also in private life), the reflection on an age of crisis, and so on.

Ciliberto considers all of these topics, offering a picture of humanism that is clearly gloomier than the one with which we are familiar; we might indeed have the impression that this presentation lacks the usual bright and serene sides of humanism. Ciliberto himself admits that in order to present a view of humanism that differs so much from the familiar one, it must be presented in the most radical way, even running the risk of opposing the typically one-sided view with its extreme and similarly one-sided opposite.[8]

From this perspective, the feature that appears as the primary characteristic of the protagonists of humanism is a tension between disenchantment and utopia: on one side, the acknowledgment both of the historical crisis and of the constitutive limits of the human being, and on the other side, the constant attempt to seek ways to overcome the crisis (taking the painful events of the age as an opportunity for a true *renovatio mundi*, a renewal of the world) and to transcend the limits of the human being. This tension between disenchantment and utopia, according to Ciliberto, is what gives the culture of humanism its vital relevance in the present situation of crisis and transformation. In this situation, to deny the crisis, or to surrender to it, would be impotent.

Clearly, at the end of this short presentation of Ciliberto's book, one might think that its primary goal belongs to historical research and consists in a correction of the typical view of humanism by a richer and more historically correct one. On the contrary, Ciliberto consciously enters the debate over the need for a new humanism; he indeed states explicitly at the end of the foreword of the book that the aim of this work is to make an ethical-political proposal,[9] that is, to resume, in the present-day situation, the typical reflections that humanism entertains about the human condition and human destiny, including the tension between disenchantment and utopia and the link between theory and the praxis of reform. The specific feature of Ciliberto's proposal, in this debate, is that he advocates a resumption of humanistic thought in its historical richness, without excluding the disenchantment through which the great thinkers of the age of humanism examined the fragility and weakness of the human condition when it is confronted with unpredictable events. Thus, Ciliberto does not support the resumption of a humanistic ideology which, according to him, belongs irreversibly to the past.

In Ciliberto's book, therefore, historical research and an ethical-political proposal appear to be closely intertwined: the historical presentation of the dramatic aspects of humanism not only overcomes the stereotypically reductive view presented by humanistic ideology, but also makes the ethical-political proposal richer and more complex than the simple reassertion of human dignity and the need to safeguard it.

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[8] Ibid., XI–XII.

[9] Ibid., XII.

2. *Massimo Cacciari's Tragic Humanism*

Two years after the publication of Ciliberto's *Il nuovo Umanesimo*, a book by Massimo Cacciari appeared with the title *La mente inquieta. Saggio sull'Umanesimo* (The Restless Mind: An Essay on Humanism).[10] The two books are closely linked: (1) Cacciari's essay mentions Ciliberto's book,[11] along with many other books by Ciliberto; (2) Ciliberto mentions Cacciari as one of the friends with whom he discussed the topics of his book;[12] (3) a first version of Cacciari's essay had previously been published as an introductory essay, with the title 'Ripensare l'umanesimo' (Rethinking Humanism), in an anthology of writings from the age of humanism entitled *Umanisti italiani. Pensiero e destino* (Italian Humanists: Thought and Destiny), edited by Raphael Ebgi in 2016;[13] in the acknowledgments Ebgi mentions Ciliberto as a scholar whose advice was useful for the book's realisation;[14] moreover, in *Il nuovo umanesimo* Ciliberto states that Ebgi's anthology is among the recent books contributing to a renewed view of humanism.[15]

Beyond these mutual textual references, the primary feature shared by Ciliberto's and Cacciari's books regards their view of the age of humanism as an age of crisis, transformation, and uncertainty, characterised by the awareness that the ancient order of the world is ending and by the need to establish a different

[10] Massimo Cacciari, *La mente inquieta. Saggio sull'Umanesimo* (Torino: Einaudi, 2019).
[11] Ibid., 32 (fn. 5).
[12] Ciliberto, *Il nuovo umanesimo*, XII.
[13] Raphael Ebgi, *Umanisti italiani* (Torino: Einaudi, 2016). The anthology was reprinted in 2022 in paperback by the same publisher; however, Cacciari's essay is not included and has been replaced with an introduction by Raphael Ebgi, which did not appear in the first edition of the book. The last pages of this new introduction are devoted to a short review of books about humanism which had been published since the first edition of *Umanisti italiani;* here both Cacciari's *La mente inquieta* and Ciliberto's *Il nuovo umanesimo* are mentioned and briefly presented (see p. XXII of the 2022 edition).
[14] Ebgi, *Umanisti italiani* (2016 edition), CIV or Ebgi, *Umanisti italiani* (2022 edition), XXVI.
[15] Ciliberto, *Il nuovo umanesimo*, 49 (fn. 56). As a consequence of the publishing history of these books, it is clear that, if we followed a chronological order, Cacciari's essay (in its first version, with respect to which the changes introduced in the 2019 book are nonetheless minimal, and affect almost exclusively the footnotes) and Ebgi's anthology should be presented before Ciliberto's book. My aim, however, is not to follow a chronological order to show the development of a certain image of historical humanism, but to reflect on the role and the relevance that the knowledge of historical humanism in its multiple facets can have for present-day debates about the need for a new humanism. For this reason, Ciliberto's book, which expressly asks this question (which is not explicitly present in Cacciari's essay), has to be my point of departure.

order.[16] Consequently, Cacciari depicts (as does Ciliberto) a humanism that is clearly gloomier than the more typical depictions — which is to say, the views centred on the faith in beauty and the confidence in the creative abilities of the human being.[17]

A central topic in Cacciari's book, besides the view of humanism as an age of crisis and transformation, is the *philosophical* relevance of humanism and its authors. Cacciari takes issue with the many interpretations that recognise humanism's fundamental relevance to the history of art and literature, and perhaps also to the history of philology, but deny its relevance to philosophy and to its history. Cacciari deals with this topic above all in the first of the book's five chapters. Here Cacciari states that, despite the fundamental studies by Eugenio Garin, Cesare Vasoli, and their 'schools', a certain mistrust towards humanism persists on the part of contemporary philosophy.[18] He examines a number of interpretations of humanism which provide negative or belittling evaluations of this historical period's cultural products and their philosophical relevance. Among the authors of such interpretations, Cacciari mentions philosophers like Giovanni Gentile and Ernst Cassirer, or historians of the culture of humanism like Paul Oskar Kristeller and Ernst Robert Curtius; however, he gives the most attention to Ulrich von Wilamowitz-Moellendorf, according to whom humanists have relevance neither for philosophy nor (except, maybe, Lorenzo Valla) for philology.[19] Cacciari pays particular attention to this judgement for two reasons: the first is that this negative judgement concerning both humanistic philosophy and humanistic philology can be read as a confirmation of the strong relationship that, according to Cacciari, links philosophy and philology in humanistic thought — thus, Wilamowitz's denial of the philosophical relevance of humanism implies a denial of its relevance to philology and vice versa. The second reason, which is perhaps more important for Cacciari's book as a whole, and is certainly more important for my reflections in this essay, is that mentioning this judgement gives Cacciari the opportunity to introduce a reflection about the relationship between humanism and German *Humanismus* (of which Wilamowitz is one of the main representatives), which from the 19th Century

[16] In his insightful article 'Crisi e renovatio: pensare l'umanesimo oggi' (Crisis and *Renovatio:* Thinking Humanism Today) (*Pandora Rivista*, 30th August 2019, https://www.pandorarivista.it/articoli/pensare-umanesimo-oggi/), Gio Maria Tessarollo also points out some differences, above all regarding chronology. As we have already seen at the beginning of this essay, Ciliberto's anthology includes many texts by authors from the entire 16th Century, and even the beginning of the 17th (like Paolo Sarpi or Tommaso Campanella), or by non-Italian authors (like Michel de Montaigne, Erasmus of Rotterdam, and Martin Luther), whereas Cacciari's book is more strictly devoted to the Italian context of the 14th and especially 15th Centuries up through the first two or three decades of the 16th.

[17] For some examples of these more usual views of humanism, see Cacciari, *La mente inquieta*, 5–7 (and above all the quotation from Ulrich von Wilamowitz-Moellendorf's *Geschichte der Philologie* at p. 6).

[18] Cacciari, *La mente inquieta*, 3.

[19] Ibid., 6–7.

to the end of the Weimar Republic advocated the return to an education founded on the classic authors of Greek culture as an antidote to the evils of modernity, and above all to modern individualism. Cacciari argues that one of the roots of contemporary philosophy's misunderstanding of the relevance of humanism for philosophy is the projection (which according to Cacciari appears, for example, in Thomas Mann and Martin Heidegger) of the features of this *Humanismus* on humanism. Cacciari states that 'the conservative spirit, the essentially anti-tragic view of life, the ideal of an all-encompassing harmonic *paideia*, which constitute the soul and the longing of *Humanismus*'[20] are projected onto humanism. Consequently, all criticisms of German *Humanismus* have been regarded as decisive arguments against humanism, and even the historical failure of *Humanismus* during the age of world wars and fascisms has been seen as a failure of humanism itself. Cacciari, on the contrary, advocates a clear awareness of the distance between humanism, with its restlessness and its tragic view of the human condition, and German *Humanismus*. This awareness allies with the recognition of the authentic philosophical relevance of humanistic thought.

Although Cacciari aims to overcome the more usual views of humanism, he takes into consideration the features of that age's culture which are most relevant in the traditional or didactic presentations of humanism, and points out that even these features imply an authentic philosophical reflection: (1) the new interest of humanists in language, and above all in Latin, accompanied by a flourishing of studies on the culture, literature, architecture and figurative arts of ancient times and by a renewal of the arts, which is nourished by these studies on ancient times, would be impossible without a philosophy of language; (2) the assertion of human dignity and of the creative abilities of the human being implies a philosophical anthropology. Cacciari in fact devotes the second and third chapters of the book to the humanistic philosophy of language, and the fourth and fifth to humanistic philosophical anthropology.

As concerns the humanistic philosophy of language in connection with the problems of philology, Cacciari's reflections primarily highlight the fact that the *renovatio* which humanists continually advocate is also a *renovatio* of antiquity; however, we have to understand this *renovatio* of antiquity as an endeavour whose goal is not to bring antiquity back to life, but to awaken present times through a recourse to antiquity.[21] Humanism, indeed, fights the mere imitation of ancient works and instead uses the literature, architecture, art, and even the politics of antiquity as a model (or as a collection of *exempla*) to give voice to contemporary times, to their dramas and to their needs. The great appreciation which humanists have for Latin does not serve the imitation of classic authors; the Latin of classic authors, on the contrary, is taken as the model of an expressive power and a rigour which can renew the use of Latin in the age in which humanists live, but can also

[20] Ibid., 13.
[21] Ibid., 15.

be transferred into the vernacular. For this reason, Cacciari devotes the second chapter of the book mainly to Dante's search for a *vulgare illustre* (an 'illustrious vernacular', for which Latin has to be a model), and to the relevance that Dante's reflections on language had for humanism. In connection with this topic, Cacciari emphasises the relevance of poetry for the foundation of a language: illustrious vernacular can arise only in poetry: thus, the reflections on language are indissolubly linked to those on art.

The topics of the third chapter are more varied: with reference to different authors of humanism and to several particular topics, Cacciari continues to reflect on how humanism viewed antiquity as a relevant model for the present day or as a means for its awakening. Among these particular topics, the most notable theme concerns the way in which humanistic philology is enlightened by the awareness or by the discovery that every single word of every single language contains and reveals the history of entire eras.[22] This philology, therefore, 'has in itself the germ, and more than the germ, of any future hermeneutics'.[23] Considerations of this kind show the fundamental philosophical relevance of the philology of humanism.

The last two chapters, as we have already seen, are devoted to humanistic philosophical anthropology. Here Cacciari distinguishes two currents in humanistic thought: the main representatives of the first, which has its roots in Petrarch, are Leon Battista Alberti, Lorenzo Valla, and Niccolò Machiavelli. The core of their anthropology, to which the fourth chapter is devoted, is that nature requires everything to be always in motion,[24] and this restlessness is above all a feature of the human being, of its life and of its mind (this is the reason why Cacciari entitles his book, *La mente inquieta*, using a phrase which he takes from the poem *De rerum natura* by Lucretius, whose work was so important for humanistic culture).[25] No stability, no rest can be given to human beings. And while Petrarch claims that one can overcome this human condition through religion, conversion, charity, and divine Grace, the opportunity to stem this restlessness through religion fades in the more secular view of the aforementioned authors of the 15th and the beginning of the 16th centuries. Their answer to the restlessness or to the misery that is a part of human nature can only be to accept this human condition, to bear it, and even to embrace it, making the best out of it in light of the awareness that this instability, while certainly destructive, is also the root of all the works of the arts and the sciences.

The second current, to which the last chapter is devoted, is Florentine Neoplatonism, represented primarily by Marsilio Ficino and Pico della Mirandola. Cacciari aims to show that this current's view of the human condition, as expressed for example in Pico's famous *Oratio de hominis dignitate*, is not so distant — as it might appear at first sight — from the other current's view. As is well known,

[22] Ibid., 44.
[23] Ibid., 35.
[24] Ibid., 57.
[25] Ibid., 60.

according to the *Oratio,* the human being has no essence of its own and can become whatever it wants or chooses to be. This, as Cacciari shows, clearly implies the danger of dispersion, of a vacuous and restless passing from one state to another. However, this current distinguishes itself from the former by its conviction that from this human condition of restlessness it is possible to ascend toward the divine and true peace. From this follows the need to determine which doctrine truly points out the way for this ascent. This need, in the context of humanism, implies a reflection on the possibility of a reconciliation between the philosophical positions that shaped the culture of the age: is it possible to find an agreement between the doctrines of Plato and Aristotle? And are these doctrines compatible with Christian revelation? The most radical answer to these questions, but perhaps also the most consistent with the anthropology of this current, is that each era, each culture, each language and therefore each doctrine gives voice only to one among the infinite possibilities of the human being.[26] It therefore seems that it is not possible to find peace and a remedy for dispersion in a single doctrine, and that the only way is to know them all and compare them; for this reason, in this chapter, Cacciari emphasises the relevance of Pico's *Conclusiones nongentae*, a work in which this comparison is actually carried out. Cacciari's gloss is that here we have a way of thinking peace as the unity of a multiplicity, not as a unity which cancels multiplicity.

3. *Conclusions*

We can now draw some conclusions from the comparison of these two books. The first conclusion is that these books, which are — as we have seen — so strictly connected, give us two presentations of the culture and philosophy of humanism: these not only differ from more traditional presentations but are, in a certain way, both similar to each other and also complementary. Ciliberto proposes his view of humanism in a radical way, even running the risk of confronting the typically one-sided view with its extreme and similarly one-sided opposite. Cacciari's presentation, on the contrary, reveals how the aspects of humanistic culture generally considered to be the primary ones in all the traditional and didactic presentations of this age can be re-integrated into the overall view which Cacciari shares with Ciliberto: the humanistic passion for antiquity and for the problems of language and philology can be fully understood only in relation to the humanistic longing for reform, a *renovatio;* even the celebration of human dignity in Pico's *Oratio* has a tragic side and is not lacking in disenchantment.

The second conclusion concerns the different aims which Cacciari and Ciliberto have in their presentations of humanism: Ciliberto's aim is not merely to give a new presentation of humanism, but to make an ethical-political proposal for

[26] Ibid., 80.

the present. Cacciari, on the other hand, makes no such statement in his book: his explicit aim is just historical reconstruction and interpretation. Nonetheless, we can say that whatever the aim of his work may be, his reflections can clearly be integrated into Ciliberto's ethical-political proposal: his reconstruction of the main aspects of humanistic culture can contribute to that restoration of a correct view of historical humanism which, according to Ciliberto, is necessary for a new humanism; moreover, the main reason why Cacciari's book can be read in light of present-day questions and Ciliberto's ethical-political proposal is his sharp opposition to the way in which the features of German *Humanismus*, with its anti-tragic view of life and its ideal of an all-encompassing harmonic *paideia*, have been projected onto humanism. This is a specific example of the irreducibility of humanism to humanistic ideology, to use Ciliberto's terminology. German *Humanismus* is indeed a paradigmatic embodiment of the humanistic ideology, perhaps the embodiment which, more than any other, is at the root of the typical views of humanism which are rejected both by Cacciari and by Ciliberto. Thus, Cacciari's reflections on the relation between humanism and German *Humanismus* are, beyond their expressed intentions, a significant contribution to the distinction between humanistic ideology and humanism not only from the point of view of historical reconstruction and interpretation, but also in view of a possible new humanism.

A third and perhaps more important conclusion concerns Ciliberto's ethical-political proposal, or better, how his reflections on the need for a new humanism might be relevant today to those who, under the banner of a 'new humanism', advocate a radical reassertion of human dignity and its safeguard against the dehumanising practices of our times, but do not share Ciliberto's conviction that this reassertion is ideological and thus belongs irreversibly to the past. In this regard, one may suspect that Ciliberto's proposal is completely heterogeneous to those endeavours and does not really concern them; as such, Ciliberto's book could not actually intervene in contemporary debates about a new humanism and would remain outside them.

Certainly, Ciliberto advocates for an understanding of humanism that differs from the one typically found in debates about new humanism; however, the claim that his stance could not actually intervene in these debates is superficial. Ciliberto's book indeed shows us that any longing for a new humanism must confront the historical richness of humanism in all its aspects. Ciliberto's presentation of humanistic thought as a thought which develops in a context of crisis and as a reflection on this crisis, and which is characterised by a tension between disenchantment and utopia, should urge people who advocate a renewed recognition of human dignity not to embrace an exclusively positive view of the human being: an attitude consonant with the reduction of historical humanism to its caricature. People who advocate a radical reassertion of human dignity and its safeguard should not forget that reflecting on the human condition implies a reflection on the limits of the human being, on its dark sides, on the mystery of

evil; they should also not forget that it is simply not enough to take a stand against the crises and the transformations that we face and currently live through (the crises that make a new humanism appear necessary); one must try to understand the causes and the roots of these crises and transformations. Ciliberto and Cacciari offer the reader a number of suggestions as to how we might take up that task.

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Critical Considerations on *Syncategorematica*[1]

Enzo Melandri

Translated by Alexander Ferguson

In his latest book, where he exemplifies how statistical analysis may be applied to lexical surveys, Rosiello shows at a certain point that to increase the resolution of the analysis, it is necessary to divide the words in the chosen sample into two broad classes. In one, we place all those words that have an independent meaning, roughly speaking: nouns, adjectives, verbs and adverbs; in the other, we place those words that do not mean anything in themselves, and whose only purpose is to connect up the other words in the phrase: articles, prepositions, pronouns, conjunctions and interjections.[2] Using the terminology of the Brentano School, the terms of the first class are called 'categorematic' or 'autosemantic'; the others are called 'syncategorematic' or 'synsemantic'.[3] This differentiation is very important, since approximately half of the terms we use in discourse are synsemantic; that is, they do not have an independent meaning. Regardless of all statistical considerations, when it comes to the lexical study of semantics, it is clear that only the autosemantic words matter; for syntax, it is instead the synsemantic particles.[4]

I believe there is little doubt as to the utility of this distinction, at least in its first approximation. Rosiello's analysis already gives proof of this. Instead, it is at the level of epistemo-gnoseological theory that perplexity over the diairesis 'semantic/synsemantic' tends to grow, ultimately becoming prohibitive, if the latter is interpreted as a dichotomy. In reality, it may be interpreted in many ways. It probably makes no difference at the level of the statistical analysis of a certain lexical sample whether the distinction is understood in one way or another, as long as consistency is maintained: the procedure itself means that any resulting errors tend to balance each other out. Thus we do not dispute the distinction's practical utility in the specific case for which it has been proposed: first of all, because it appears undeniable, but additionally, because it is not within our competence to do so. The

[1] Translator's Note: The present text is an English translation of an essay published by Enzo Melandri in 1966: 'Considerazioni critiche sui syncategorematica', in Lingua e Stile, I, 1966, 2, pp. 107–15.

[2] L. Rosiello, *Struttura uso e funzioni della lingua*, Firenze, Vallecchi 1965, pp. 129–30.

[3] F. Brentano, *Die Lehre von richtigen Urteil*, Nach den Vorlesungen über Logik mit Benützung anderer Manuskripte aus dem Nachlass, Herausg. V. Franziska Mayer-Hillebrand, Bern, 1956, § 16, pp. 35–38; also in *Psychologie vom empirischen Standpunkt*, II ('Von der Klassifikation der psychischen Phänomene'), ed. O. Krause, Leipzig, 1925, and III ('Von sinnlichen u. noetischen Bewusstsein'), idem., also *Versuch über die Erkenntnis*, ed. A. Kastil, Leipzig, 1925, passim.

[4] L. Rosiello, *op. cit.*, p. 131.

disagreement relates to certain questions of principle. In this sense, it is philosophical.

As we know, the distinction is ancient,[5] or rather, to use De Mauro's word, archaic.[6] Brentano reclaims the diairesis *categorematica/syncategorematica* from the mediaeval terministae: William of Sherwood, William of Ockham, Jean Buridan, Albert of Saxony; from here one reaches back to Boethius, and from Boethius to the Stoics and to Aristotle. According to Hoffman, one ends up all the way back in prehistory: the difference between the unity of sense that belongs to the λόγος — the proposition as a synsemantic system — and the multiplicity of the ἔπεα — names as extra-linguistic referents — is present in Heraclitus just as much as it is in Parmenides.[7] It is just that their ways of understanding it are mirror images of one another. Heraclitus founds semantics on the name; Parmenides founds it on the proposition. Thus for Heraclitus, the λόγος must also have the ability to unify things that are incompatible with one another, while in Parmenides the presupposition of the identity of the λόγος leads to the depreciation of empirical referents: the meaning of the ἔπεα becomes convention and mere opinion. If we disregard mere historical contingencies, the entire issue is clear from the beginning: the theme and the problem, with the two possible solutions: nominalism and realism. Another tradition derives from Port-Royal logic. In the meaning of a term, one may distinguish 'extension' and 'intension' (or 'comprehension'). The extension depends on the reference, the intension on the system of signs. J. S. Mill prefers to speak of 'denotation' and 'connotation'. At the limit, a (proper) name only has a denotation; the opposite holds in the case of conjunctions. Analogously, Frege distinguishes between *Bedeutung* (denotation, reference) and *Sinn* (connotation, configuration). Even in mathematical logic, the division of signs into 'descriptive' and 'logical' is fundamental. The meaning of logical signs is exclusively defined by logical calculus.[8] The variables of the calculus become descriptive when they are treated as names by means of their interpretation (or application).[9]

It is clear that the distinction presupposes the theory of *langage-nomenclature* or *calque de la réalité*, to borrow the terms of linguists,[10] or rather of *Abbildung der Wirklichkeit*, in the terms of philosophers of language.[11] The principal inconvenience of this approach is that it leads to the overvaluing of language's referential function. This temptation is so strong (perhaps because it is connected to the hegemony of our visual sense of perception) that it ends up overpowering all critical scruples. For example, one cannot understand how the

[5] *Ibid.*, p. 130.
[6] T. De Mauro, *Introduzione alla semantica*, Bari, 1966, passim.
[7] E. Hoffmann, *Die Sprache u. die archaische Logik*, Tübingen, 1925, I ('Logos und Epos'), pp. 1–14.
[8] Cf. R. Carnap, *Introduction to Symbolic Logic and its Applications*, New York, 1958, part I.
[9] *Ibid.*, part II.
[10] A. Martinet, *Eléments de linguistique générale*, Paris, 1960
[11] L. Wittgenstein, *Tractatus Logico-Philosophicus*, London, 1955 (1922), 2.1–3.23.

statistical analysis of lexical semantics, namely, the study of the referential function of language, can provide the basis for determining language's poetic function.[12] In theory, the two functions ought to be autonomous.[13] If they are, neither of them may count as the foundation for the other. One may object that in linguistics autosemantic words do not just include names (in the logical sense of denotative signs), but everything in speech that may assume an emotive, connotative, emphatic or poetic (and not just referential) function; moreover, even one and the same name (in the linguistic sense of signifier) may assume different meanings according to the different functions for which it is employed. However, the first objection, if accepted, makes it impossible to distinguish the semantic parts of discourse from the synsemantic parts of discourse; and the second dismantles statistical lexical analysis. A question, for example, is the expression of a desire, an invitation to respond, a call to attention, or a Socratic exercise; it can even be an assertion, if it is 'rhetorical'. If each falls under semantics, then it is unclear which autosemantic words would provide for their expression. Secondly, statistical lexical analysis can only make sense of the *signifiers*. Semantics is left out.

Perhaps the distinction 'semantic/synsemantic' can be saved, if we understand it in a relative sense: not as a dichotomy with an excluded middle, but rather as a dipolarity between two extremes enclosing all intermediate cases. Plato seems to understand it in this way, when, between the descriptive species of ideas (so to speak) and the logical species ('all-pervasive', διά πάντων διεληλυθία),[14] he inserts a third mediating one.[15] Aristotle puts the matter more clearly. The autosemantic words are ὄνομα and ῥῆμα. Names are those words that can have a meaning even when they are taken by themselves, independently of the phrase in which they are embedded.[16] Verbs are like names, but they also 'co-signify' (προσσημαίνει) time and a certain connection (σύνθεσίν τινα).[17] This property (like the declination of names, after all) has a synsemantic character. The non-signifying parts of speech are the σύνδεσμος and the εἶναι ἢ μὴ εἶναι. The conjunction is obviously φωνὴ ἄσημος.[18] The copula expresses the pure synsemantics of the verb in an abstract way. In itself, it has no autonomous signification, οὐδὲ γὰρ τὸ εἶναι ἢ μὴ εἶναι σημεῖόν ἐστι τοῦ πράγματος, but it co-signifies a connection that cannot be comprehended without its terms, προσσημαίνει δὲ σύνθεσίν τινα, ἣν ἄνευ τῶν συγκειμένων οὐκ ἔστι νοῆσαι.[19] In the Middle Ages there were long debates over the question of the *transcendentalia* (substantial attributes, namely, those that necessarily belong to all

[12] L. Rosiello, *op. cit.*, *iv*.
[13] *Ibid.*, *iii*.
[14] *Soph.*, 255 $e^{3–4}$
[15] *Ibid.*, 254 b^{7}–c^{1}
[16] *De int.*, *ii*, 16a^{19}–b^{3}; *Poet.*, *xx*, 1456b^{20}–1457a^{30}.
[17] *De int.*, *iii*, 16$b^{6–25}$; *Poet.*, *xx*, 1457$a^{14–18}$.
[18] *Poet.*, *xx*, 1456b^{28}–1457a^{8}.
[19] *De int.*, *iii*, 16$b^{22–23}$; 16$b^{24–25}$.

entities, no matter what they are), which were understood in either a univocal, equivocal, or analogical sense. The question is originally connected to the semantics of the *nomina divina*, but gradually broke away from it to reveal a strictly logical nucleus.

Despite its ancient origins, nominalism has always managed to pass as the party of the *logica modernorum*. It undoubtedly has the advantage of great conceptual economy. On the one hand, there are names, whose meaning is given by their empirical referents: things according to the physicalist interpretation; sensations according to the phenomenalist interpretation. On the other hand, there is the connective system, whose sense is revealed by the analysis of language or mind. 'If we take in our hand any volume', says Hume, 'let us ask, "Does it contain any abstract reasoning concerning quantity or number?" No. "Does it contain any experimental reasoning concerning matter of fact or existence?" No. Commit it then to the flames: for it can contain nothing but sophistry and illusion'.[20] In itself, the conclusion appears obvious. However, it depends on a premise that grants other, less acceptable consequences. In this regard, the most interesting is the one that Quine criticises as a 'dogma' of empiricism, namely, the theory that all propositions may be divided into two broad classes: analytic and synthetic. To verify the first, one only requires pen and paper, since their sense is purely logical; for the others, which concern truths of fact, one must resort to extra-linguistic reference. The 'dogma' consists in postulating a complete disjunction between the two classes, that is, in conceiving the distinction 'analytic/synthetic' as a dichotomy.[21] The parallelism between this conception and the one with which we are occupied is clear. The first refers to the logic of propositions; the second refers to the logic of terms (predicates). It is interesting to note in this regard that in the 1920s Carnap, after having reclaimed from Russell and Frege the distinction between the two fundamental types of intra-propositional signs — *Eigennamen* (proper names) and *ungesättigte Zeichen* (incomplete symbols), namely predicates — warns that this distinction must be understood in a non-absolute, comparative sense.[22] Thus, even modern logic confirms for us that the distinction 'semantic/synsemantic' ought not to be intended as a dichotomy.

Some important consequences derive from this. The first is that nominalism ends up being unsustainable. In fact, it requires the complete disjunction of analytic and synthetic propositions, as well as the disjunction of the correlative synsemantic and semantic terms. Modern logic authorises this conclusion. Indeed, closer inspection shows that it does not only exclude realism, but nominalism too. One

[20] D. Hume, Enq., xii, end.

[21] W. V. O. Quine, 'Two Dogmas of Empiricism' in *From a Logical Point of View* in *Nine Logico-Philosophical Essays*, Cambridge, Mass., 1961 (1953), pp. 20–46.

[22] R. Carnap, *Der logische Aufbau der Welt*, Hamburg, 1961 (1928), § 27: 'Es sei jedoch bemerkt, dass diese Unterscheidung im Grunde keine logisch scharfe Unterscheidung is [...]. Vielleicht ist der hier gemachte Unterschied nu rein gradueller u. daher die Wahl der Grenzlinie im gewissem Grade Willkürlich' (p. 35).

should keep Russell's criticism of Frege's Platonism in mind; but one should not forget that Frege is the founder of modern logic by means of the critique of that form of nominalism called 'psychologism'.

Another important consequence, strictly connected with the first, derives from the fact that nominalism (in the mediaeval sense) requires the theory of the 'univocity of being': namely (recalling Aristotle's analysis of the copula) the theory of the univocity of the synsemantic system, or, the thesis of the unity of language and the ideal language *[lingua]*. We refer to the common thread that runs from Lully to the early Wittgenstein. If one refutes nominalism, one must also refute the theory of the univocity of being. Moreover, if the conclusion is correct, the only thing to do is to turn to the other two theories. The theory of the 'equivocity of being' corresponds to Platonic realism. In reality, it was not proposed by Plato, but rather by Plotinus: he conceived the transcendentals as μέγιστα γένη in a descriptive sense.[23] This means that every synsemantic system constitutes a species of *haecceitas*, an individual incomparable with any other. What is normally called the 'reification' of universals has its origins in their entification as individuals. From here derives their infinite proliferation and the reciprocal incommunicability of different systems. There remains the doctrine of the *analogia entis*. It is easy to imagine the possible difficulties faced by this theory. In regards to our problem, it leads to a type of language in which, as the semantic reference varies, the synsemantic system also varies (although less so). In other terms, it is a matter of combining two presuppositions that appear irreconcilable in an all-or-nothing logic: the plurality of languages and their interaction and communicability.[24]

Apart from this, there are more concrete considerations that recommend we relativise the distinction between the semantic and the synsemantic, and which relate to the logical schematism of language. In logic manuals, adjectives are treated as substances. 'Socrates is human' always signifies 'Socrates is a human' in the sense of an individual belonging to a class. But, 'having a property' is not the same thing as 'being the element of a class'. In fact, properties admit intensive degrees, which the alternative case does not grant. In other words, adjectives admit comparatives, nouns do not. In noun predication, every classification has a corresponding complement with which it forms a complete disjunction. For example, there is a contradiction between 'Argo is a dog' and 'Argo is not a dog' (that is, 'Argo is a non-dog'): one of the propositions must be true and the other false, regardless of what Argo is. One may do the same with adjectives. For example, '*a* is white' and '*a* is not white' (*a* is non-white). However, the formula is already slightly forced, since the pair are no longer perfectly symmetrical. The first member means '*a* has whiteness'; the second means '*a* is not a white thing'. This becomes clearer if we order the adjectives as pairs of contraries, rather than as contradictory pairs. In fact, every adjective admits a contrary; names do not, except for nouns formed from

[23] *Enn.*, VI, 1–3, specifically for the discussion dedicated to *Soph.* see VI, 2, viii[35–48].

[24] This is not the place for an exhaustive discussion of the problem; therefore, I am limited to referring to a work on the theory of analogy (in the sense indicated) that I hope to publish soon.

adjectives. Thus we have '*a* is white' and '*a* is black'. Here, the relationship is between contraries and not contradictory pairs: in fact, the two propositions may both be false. If, however, one of the two is true, then the other must be false. The opposition of contraries is not elicited by ἀπόφασις, but by στέρησις. In every pair of contraries, one term may be conceived as the privation of the other. But there is more to it: the concept of privation, in the Aristotelian sense, is subject to gradations, so it can account for comparatives. If we establish a linear ordering between two opposite extremes, for example, maxima of 'hot' and 'cold', then we get a logical model that is not only able to explain comparatives, but also adjectives of all degrees. To sum up, one may say that, in terms of their logical schematism, adjectives are distinguished from nouns by the fact that they admit at least two dimensions of symmetry: not only classificatory contradiction according to the excluded middle ('white/not-white'), but also dipolar contrariety ('white/black') and comparative subcontrariety ('more (or less) white/more (or less) black') according to a principle of included middle.[25]

In conclusion, are these characteristics semantic or synsemantic? Given that they lend themselves to logical representation, one might consider them synsemantic. But this is not a good argument. One must not forget, in our case, that if the logical schematism inherent in the use of nouns may be used to individuate 'primary qualities' (the objects of the *Anschauung*, according to Kant), the schematism of the adjective, in the sense expounded above, holds equally well with regard to 'secondary qualities' (the degrees of *Empfindungen*, also according to Kant).[26] Things either are or are not according to a principle of rigid bivalence; but the sensations that we have of them are or are not in varying transition. In perception, according to Kant, we combine two enantiomorphic schematisms: the discontinuity of intuition and the continuity of sensation.[27] This is also true, one might add, for abstract thought: mathematics combines the noun sense of cardinal numbers, whole and positive, with the adjectival sense of the ordered series of real numbers. Analogous considerations can be made regarding verbs and the link between their schematism and the dynamic or 'tertiary qualities': the sense of time, causality, and so on.[28] But the point already seems clear enough.

It is common to identify logic with metalanguage. But to talk about logic in linguistic terms is just as metaphorical, no more, no less, than talking about it in psychological terms as was done in the past. Logic is essentially the theory of inference. Problems of meaning are logically relevant only insofar as they may be reduced to problems of inference. Inference is nothing besides a particular case of calculus. To execute a calculus one may use various materials: fingers, pebbles, the imagination, the voice, signs on a wall or on paper, diagrams, tables, the keys of a

[25] This entire question is picked up with a certain degree of freedom by B. Snell, *Der Aufbau der Sprache,* Hamburg, 1952².

[26] *Kr. D. r. Vern.*, Table of Principles of the Pure Understanding: B 197 s.

[27] *Ibid.*, spec. B 207–218.

[28] *Ibid.*, Analogies of Experience: B 218–65.

computer, a slide rule, etc. The concept of calculus is extra-linguistic. I can also execute it using linguistic means: but then language is only the extrinsic vehicle of its realisation. The critique of nominalism demands a radical repression of the tendency to commit the fallacy of *suppositio materialis*, which inheres in every conception of logic as *scientia sermocinalis [analysis of language]*, whether ancient or modern. 'The word "man" contains four letters' is a metalinguistic proposition, but it is not logical. And it is clear that the specific difference (if one objects that not all metalinguistic propositions are logical) demands for its definition an extra-linguistic criterion: namely, that of calculus. If this is valid, the concept of calculus cannot be identified with the concept of a synsemantic system. Rather, this represents the vehicle by which a calculus can receive a semantic application. To use an analogy that is perhaps not entirely amiss:[29] the concept of a calculus is *structural*, but to this extent (unlike linguistics), it is generic; that is, it is deprived of a paradigmatic specification of correlated units (of types of variables). This ought to explain the infinite metalinguistic regression encountered when one tries to define what a calculus is. The concept of application (or interpretation) is instead *systematic*, insofar as it realises the structure's potentials in the various phenomena of syntagmatic combination. On the basis of this model, synsemantic terms would define the 'system' rather than the 'structure'. In Aristotelian terms, what is here called 'systematic' would be related to every passage from the potential to the actual, to the extent that it is explicable in a functional manner. In this way, the referential (semantic) function would come to depend on the metalinguistic (synsemantic) function, and on all other functions, according to a much stricter interrelation than happens in the usual representational theories. If in fact the problems of meaning and sense, that is, semantic and synsemantic problems, are to be explained in a functional and not a structural manner, then for this reason alone the spectre of representationalism is exorcised. The latter presupposes the isomorphism between the structures of two different realities: language and reality, or language and thought. But if the correlation is between structure and functions, that is, between a potentiality and its actualities, then isomorphism is inconceivable in principle.

This thought lends itself to many apparently brash generalisations. Ethnology, sociology, the historical sciences, the theory of evolution, cybernetics, neurology, the theory of psycho-physical isomorphism, economics, and who knows what else are all in some way affected. Here we confine ourselves to pointing out that the rejection of both realism and nominalism by the science of language, which emerges from the preceding considerations, must necessarily result in a vigorous revival of what in other eras was called 'conceptualism', namely (to use the philosophical jargon), the theory of the *'analogia entis'*. Characteristic of this theory is the distinction between two levels of language and correspondingly two levels of reality: that of the phenomenal or observable and that of the noumenal or model; furthermore, it recognises that the fit between the two levels is not mediated by

[29] For the terminology used here, cf. L. Rosiello, *op. cit.*, *ii*, esp. pp. 34–35.

logical reason, but only by analogical reason. Nor would it go amiss to observe that analogy, morphologically speaking, consists in 'that resemblance of structures which depends upon similarity of function, as in the wings of insects and birds'.[30]

[30] Ch. Darwin, *Orig. Of Spec.*, Glossary; analogy is opposed to homology, which is the resemblance of anatomical structure independently of function, 'as in the case of the arm of a man, the foreleg of a quadruped, and the wings of a bird'. Cf. also Arist., *Hist. An.*, II, *i*, 497*b*$^{32–34}$.

Michel Foucault: The Epistemology of the Human Sciences

Enzo Melandri[1]

Translated by Alexander Ferguson

Premise — It certainly cannot be said that modern epistemology presents us with an entirely satisfactory picture of science. If on the one hand it appears reassuring, on the other, a minimum of reflection shows that it is also self-stultifying. Two factors enter into the constitution of a science: words and things. The first factor is linguistic. It defines the formal objects of the science, its pure semantics or, synonymously, its formal ontology. The second factor is independent of the first, and therefore extra-linguistic. Its concern is to determine which things pertain to scientific objectification in the concrete. A science can only be so-called if it has a material ontology that corresponds to its formal ontology. The trouble lies in the definition of this correspondence. No matter how hard one tries, it is not possible to reduce it to formulas. Even if one succeeds, it would become another linguistic fact and would not account for the other factor. Therefore, the relationship between words and things is governed (if at all) by an essentially metaphorical use. The problem of the relationship between form and content (or between language and reality) is a source of scandal for modern semantics.

Only superficially does Foucault's recent book[2] appear to deal with semantics in the sense spoken of above. True, indirectly he does offer a contribution in this regard. But Foucault's purpose is different. As the subtitle indicates, he aims to define the epistemology of the human sciences (psychology, sociology, ethnology, hermeneutics, history) and to locate their profound epistemic aim in the eccentric position that they assume with regard to all the other sciences. The book's final thesis relates to the critique of anthropology, which to a greater or lesser degree is tacitly presupposed by every human science. Of great interest is the reinterpretation of the Nietzschean thesis of the 'death of God' and the complementary advent of the *Übermensch*, made plain as an imminent threat to culture and modern civilisation. From an epistemological point of view, it is clear that the object 'man' only has a meaning if it can be individuated in the context of a formal ontology, of a pure semantics, or, in more analytical terms, of a frame of reference defined implicitly by the interrelations between all of the human sciences. Beyond such a conceptual scheme, man remains a brute and meaningless fact, or

[1] Translator's Note: what follows is a translation of an essay originally written in Italian by Enzo Melandri in 1967 and published as 'Michel Foucault: l'epistemologia delle scienze umane', Lingua e Stile, Vol. 2, no. 1 (April 1967): pp.75–96.

[2] M. Foucault, *Les mots et les choses. Une archéologie des sciences humaines*, « Bibliothèque des sciences humaines », Paris, Gallimard, 1966, p. 400.

he becomes something else, something inhuman: animal, god, or superman, it makes no difference. Now, the human sciences cannot be founded on man as such, because it is up to them to determine his conditions of objective possibility. Nor, on the other hand, can they infer their criteria of objectification from other sciences, because then 'man' would not exist as a human fact.

Within the current epistemological framework, the human sciences are capable of finding neither a foundation (or even at the very least an autonomous position) nor a coherent semantic expression. The anthropology that they presuppose has as its basis a concept derived from nineteenth century biology, economics, and historical philology. This species of man, born at the beginning of the last century, is threatened with extinction. With the crisis of eighteenth century anthropology, 'man' seems destined to disappear, just as astral influences failed to outlive astrology. In the absence of any such infrastructure, the semantics of 'man' and consequently its ontological status would be reduced to a condition similar to that of horoscopes today.

Bringing this crisis into focus means at the same time rediscovering the meaning of the human sciences. Foucault's analysis points us towards the initial conditions, the conceptual archaisms that made the objectification of human experience possible. We will begin by straightaway talking about method, about the presuppositions inherent in the type of reading that the author invites us to engage in. It will then be necessary to summarise the principal exegetical theses, reformulated with a view to a second reading. At this point, on condition that the reader is already familiar with the book, we shall conclude with some points of discussion.

1. SEMIOLOGY— Foucault's study is essentially semiological. Semiology deals with the modality of the use of signs. The concept is intended in a very broad way; it is not only linguistic, but also behavioural, not only theoretical, but also practical: it includes everything that functions as a vehicle of a 'mediated' — that is, symbolic and therefore vicarious — experience of the world. The concepts of sign, symbol and symptom do not need any explanation. A more difficult problem concerns the determination of their mediating function, i.e. their modality, or better, *modalities* of use. These functions or modalities are the dynamic factors of semantics and are thus responsible for the image of the world that we produce through science, art and everyday praxis.

Thus the underlying approach is of a neo-Humboldtian kind, in a sense that can encompass Cassirer, Weisgerber and the so-called 'Sapir-Whorf Hypothesis'. As is well known, the hypothesis has given rise to a series of objections, above all methodological ones, which may be grouped under the common charge of unverifiability: in short, the hypothesis rests on a fallacy of *petitio principii*. However, this objection to Foucault does not seem altogether to hit its mark. In the first place, his analysis is always concrete; it is precisely his utterly scrupulous adherence to his object that constitutes one of the hurdles to giving his analysis a second reading in a theoretical key. The 'transcendental' regression therefore

depends on the exemplary character of the empirical datum, and not vice versa: one has the impression that the texts themselves, and not their interpretation, recommend *a posteriori* the hermeneutic *a priori* according to which they are read. The *petitio principii*, if there is one, is therefore phenomenological rather than transcendental, and thus difficult to rebut. Secondly, the framework that Foucault presents is pluralistic. The modalities of the use of signs are diachronically diverse, in the sense that there are various semiological eras. But they are synchronically diverse too, since the more archaic functions are also preserved in new structures. In general, circular arguments stand in the service of some unexpressed monistic requirement, and serve to invalidate exceptions to the rule. Instead, Foucault makes the pathology of signs the most important criterion for understanding how they function. The exception, not the rule, thus becomes the key for understanding semiological norms.

2. ARCHAEOLOGY — The analysis of the presuppositions that regulate a certain modality of the use of signs constitutes what Foucault calls 'archaeology'. The term was already used by Husserl in this special sense to indicate the *archai* (the *Mütter*, the Goethian memory, that presides over the phenomenological constitution of experience) and, in a very similar manner, by Ricoeur in his recent work on Freud and interpretation. Archaeology must respond to the following problem. In any work of interpretation, the task is to make the 'codes' of a culture or civilisation explicit: namely, the underlying matrices, for the most part unconscious, that regulate its language, schemes of imagination, myths, ritual behaviours, basic institutions, technical practices, exchange of goods, values and so on. To this end, one usually resorts to a scientific or philosophical theory, it does not matter which, that is extraneous to its referent. The theory must explain why a certain culture or civilisation has those particular codes rather than others; or vice versa, why a particular system of codes gives rise to that corresponding culture or civilisation. Well, such an explanation presupposes the use of an ulterior, second-order code, to which is attributed a mysterious 'explanatory' power, whether this is by virtue of a metaphysical decree or the result of an arrogance steeped in meta-historical misunderstandings is unclear.

Archaeological research proposes to reverse the procedure, or better, to make the explication of the phenomenon in question immanent to its description. For this reason, it can be compared to phenomenology, and in general, to those methods of understanding which aim at the paradigmatic, the exemplary, and the ideal type in Weber's sense; and which, consequently, do not allow for differences in meta-theoretical levels, since they identify the transcendent with the concrete and reduce it to a first order code. Alternatively, one may also think of Freud's metapsychology, especially as presented by Ricoeur. After all, Foucault attributes considerable importance to psychoanalysis in the context of the human sciences. Either way, it is clear that the object of archaeology must be situated halfway between the conscious and the unconscious, between the known and the unknown, in the so-called twilight zone of the semi-conscious. Thus, we cannot identify it with

Jung's 'archetypes', since these make up an integral part of the codes to be explained. But nor can it be identified with Lévi-Strauss's 'deep structures', since these, being unconscious, require an interpretative 'model', i.e. an extrinsic code of objectification.

The investigation proves to have a structural character, above all in its diachronic aspect. The development of semiology appears to be essentially discontinuous, syncopated in time by a genuine periodisation. Between one structure and another, there is no imperceptible transition or gradual evolution, but rather an unexpected catastrophe and at the same time palingenesis through the *bricolage* of the resulting fragments. Archaeological analysis highlights two great breaks or interruptions. The first concludes the Renaissance and inaugurates, with the Baroque and the new science, the age that Foucault calls 'classical'. It runs from the first half of the seventeenth century to the beginnings of the nineteenth century. At this point the second break falls; it marks the beginning of the 'modern' age that is still with us today. Consequently, there are three ages of semiology.

3. HERMENEUTICS — The *terminus a quo* is provided by the Renaissance, with which the archaic age ends. In this regard, it is not clear whether Foucault considers ancient and mediaeval culture to be homogenous with Renaissance culture, or whether he simply thinks that they merge into it. This uncertainty makes it impossible to assess precisely his concept of the archaic age, which, as it is, appears more apt for expressing an ideal-typical contrast than for describing a historical reality. At any rate, the criterion is clear. Archaic semiology strictly depends on a triadic theory of signs, on the basis of which semantics is entirely swallowed up by hermeneutics, and for this reason constantly threatens to short-circuit tautologically.

In the triadic theory of signs one must distinguish (I) the sign understood as 'signifier'; (II) that which the sign designates, namely the 'signified'; and (III) the designation taken as such, that is, the operation of 'conjunction' between the two. So far, the doctrine appears identical to that of the Stoics. Except that, taking our cue from the use of allegory, designation is interpreted as that character or 'signature' that makes it possible to perceive something as the sign of some designated item. The signature is therefore a second order sign, namely, the sign of the conjunction between a (first order) sign and what it designates. It consists in the 'resemblance' between the two terms of the relation. It is possible to distinguish four species of resemblance and therefore four species of signature: (a) *convenientia*, which is the visible link exhibited by signs or between things, each within its own sphere; (b) *aemulatio*, which is the mimetic relation by which a sign becomes a signature of the exemplar that it signifies, whether visible or invisible; (c) *analogia*, which is the proportion according to which the invisible signifieds evoke one another in the act of understanding; and (d) *sympathia* and *antipathia*, which are the principal motors of the hermeneutic dynamic. As Foucault says, if by 'semiology' one understands the individuation of signatures and by 'hermeneutics' their decipherment, then it seems clear that until the end of the sixteenth century

semiology falls within hermeneutics, since there is nothing that does not carry a signature. Consequently, everything assumes the character of a motif, a cipher or a hieroglyph; even when every positive interpretation appears barred, hermeneutics descries the meaning of an enigma.

The system is founded on the infinite repetition of similarities. Magic and knowledge, *divinatio* and *eruditio,* things read and things seen, all stand on the same level. Snakes, according to the naturalist Aldrovandi, are not only big and small, poisonous and harmless, etc., but also objects of heraldic consideration, of amusing anecdotes, of ominous predictions and of verbal prevarication. For ancient semiology, in other words, language is itself an integral part of the ontology of nature and stands on the same level. The semantics of similarity, once dissolved into hermeneutics, takes the *suppositio materialis* as its archaeological modality.

4. THE BAROQUE — Beginning from the seventeenth century, semiology is identified with the theory of representation and therefore distinguished from hermeneutics. Even before the arrival of the new science, thought ceased to move in the medium of resemblances. Francis Bacon's critique of the *idola* and Descartes's critique of *ressemblance* have in common their rejection of the ancient 'homo-semanticism'. Previously, every resemblance enclosed a meaning; now, each becomes instead the signature of an illusion. Illusion, therefore, defines, in its conscious unreality, the purely poetic space of language. Art exploits to its own advantage the knowledge that the senses and their allusions are misleading, turning it to poetic use. This is the period when metaphors, comparisons and allegories proliferate, but always alongside the full cultural awareness of their imaginary value, as is made clear by the thematic 'chimera of resemblance' that reappears in every work of art: the *trompe'l'oeil*, the play on words, the *quid pro quo*, the play-within-the-play, the dream and the sleep of reason.

Language no longer has its own way of being. If one excludes the imagination, it is identified purely with its representative function and reduced to what Foucault calls 'discourse'. Resemblances are excluded from discourse, since they are illusory, confusing or irrelevant. What matters are the identities and differences of the things denoted. Resemblances must therefore retreat into the subjective sphere and give themselves up to a poetics of illusion. This is how *littérature* arises. It addresses the obscure side of discourse and has continued to do so right up to the present day, providing a countervailing radical alternative, the only one able to express the non-representative function of language. From now on, literature has the task of conserving what Foucault calls the *être vif du langage*, its original hermeneutic power. At the margins of legitimate projective systems, or in the cracks between them, there is always a space that is not only free for the poetic use of language, but also for a different form of knowledge. To reserve this game a margin of freedom for does not so much mean to safeguard the rights of the archaic in a new context, but rather to justify their contradictory function, according to which the *logos* of resemblances may appear as 'vain' as it does 'fundamental'. In this way, rhetoric can be presented entirely naturally as the organ

par excellence of the philosophy of literature. In the age of discursive representation, only rhetoric can help us to comprehend those functions of language that the logic of the system expunges as a brute, irrational and subjective fact. Although Foucault mentions Vico only in passing, his observations on rhetoric ought to spur a reconsideration of the Vico's thought.

5. DON QUIXOTE — Moments of crisis exhibit a more acute awareness of background antagonisms, which, even though they remain unresolved, can subsequently appear to have been overcome. For Foucault, *Don Quijote* is the paradigm of the first crisis. By disassociating poetry and prose, illusion and discourse, the book describes the inverse of the world of hermeneutics. Resemblances mislead, since reality remains extraneous to poetry in a sort of ironic alterity. The meaning of the critique is unmistakable: in univocal prose representation, sheep are not armies, serf girls are not gentle handmaidens and hovels are not castles.

If instead one takes the point of view of rhetoric, one must agree with Unamuno: the critique becomes ambivalent and turns into a disguised apology. Unlike the ancient heroes, Don Quixote cannot be satisfied with living the epic; he must relive it, for it no longer exists as it once did. Don Quixote has to retrace the journey, but in the opposite direction: rather than living it as a hero and leaving the mythic celebration of his accomplishments to the poets, he must fulfil the likeness by means of a conscious philopoetic activity whose mythic content is absent. In the second part of the story, Don Quixote becomes aware of this fact: he meets the readers of the book he has lived, and they recognise him as the hero of the fiction. The contrast between reality and the imagination can be tragic or ridiculous, according to one's point of view; what is certain is that in itself it is dramatically real.

For Foucault, *Don Quijote* is the first modern work of art. For the first time, modern art avails itself of a language that decisively breaks its ancient kinship with things. The novel relies solely on the resources of discourse for its foundation. The non-representative functions of language do not appear except as conscious literary fictions, alienated from the reality that lies beneath the garb — or better, the uniforms — of rhetorical figures. The hero of the story must pose therefore as a 'madman' in order to fulfil with impunity language's poetic, archaic, and homo-semantic way of being. The poet, conversely, in order to rationalise his use of language, must ironically take up a position contrary to it, and, by using the figure of 'allegory' in an inverted way, perform the role of the moralist. From Cervantes to Artaud, with the complicity of irony, folly and poetry, two complementary opposites are formed.

6. REPRESENTATION — The 'classical' age establishes the primacy of representation. The Port-Royal *Logique* inaugurates it by reducing the previous ternary system of signs to a binary one. With this innovation, the plane of signs and the plane of signifiers become entirely heterogeneous. The connection between the two is no longer mediated by resemblance, but by a rigid system of identities and differences. The separation of language and things, instead of compromising their

relationship, is what allows discourse to be at least partially isomorphic to reality, in the same way that the separation of the mind from the body facilitates the concept of a psycho-physical parallelism. There is a double isomorphism. On the one hand, language represents thought just as thought represents itself in reflection. On the other hand, thought reflects reality, and so, to the extent that the former is reduced to 'discourse' governed by an internal principle of order, language is made capable of representing it. The system of identities and differences is thus logical and ontological at the same time. The fact that this is presupposed but not justified by the semiology of representation, accounts for what Gadamer calls the *Sprachlosigkeit des neuzeitlichen Denkens*, namely, the notable absence of a true and proper problem of language throughout the entirety of the classical age. Only quite late in the nineteenth century, with the logical-linguistic crisis of representationalism, will the question of sense, meaning, and reference reconstitute a ternary theory of semiosis, this time without the issue of homosemantic short-circuiting.

In the classical theory of discourse or language-representation, the criterion of resemblance is replaced by one of comparison. A comparison admits of only two forms: I) 'measurement', which holds in the quantitative realm; and II) 'order', which holds in the qualitative one. The concept of measurement presupposes that of order, which is more primitive. Every order, in turn, requires a preliminary 'analysis', which isolates the elements of discourse as absolute proper names. Order and measure are therefore the two fundamental categories that comparison requires in order to establish, on the basis of its elements, a calculus of identities and differences. In this way, the acknowledged arbitrariness of the sign, that is the institutional character of its signification, becomes the best guarantee of the representative function of language. By reducing every discourse to a calculus, whether qualitative or quantitative, and interpreting its signs as names of elements, the theory of representation ensures that every science can appear to be a *langue bien faite*.

The most perfect kind of representation is the Cartesian representation of order and measure; it covers size and constitutes a *mathesis universalis*. It presupposes that analysis is able to individuate elements of nature which are utterly simple and from which algebra can then produce a calculus of connections. From this point of view, it makes no difference whether the elements are real or fictional, atoms or infinitesimals, or all of them together. The most conspicuous result of the *mathesis* is the foundation of rational mechanics and, therefore, of modern physics and all that directly or indirectly depends on it.

But there is also non-quantitative comparison. The very rigour of the *mathesis* ensures the opening, beyond any mechanics, of the *espaces d'empiricité*, which could not have existed during the Renaissance; nor can they exist any longer in our own day. They are the realm of the empirical-descriptive sciences. Here, the analysis is not able to isolate elements, since every representation is complex at the outset. However, discourse will be no less objective if its calculus is reduced to a

syllogistics interpreted as a *taxinomia* or general science of ordered classification. In the non-measurable realm, taxonomies offer rational criteria according to which the discrete, observable characteristics by which the fundamental continuity of nature is articulated can be ordered according to identities and differences.

Both *mathesis* and *taxinomia* enter, with equal right, into the 'general science of order', whose semiological philosophy is representationalism. Foucault illustrates its paradigm with reference to Velasquez's *Las meninas*. In the painting, one observes the reverse side of the painting itself while Velasquez works. He paints two figures, who are not directly visible; his gaze indicates that they occupy exactly the perspectival position of the person observing the painting. In the foreground, next to Velasquez, appear the *meninas:* the companions of the infant Margherita, who, together with governors, servants, courtiers, jesters and dwarves, have come to visit her illustrious parents. The parents are Philipp IV and Queen Marianna; they are glimpsed only fleetingly in the reflection of a mirror in the background. Thus the 'mirror' reproduces all at once the painted figures, their gaze, the perspective of those looking at the painting, and the point of view of Velasquez as the author of the painting: the mirror is the whole painting and yet only one of its parts. Velasquez expresses the paradox of representation in an iconic manner. It is the same paradox as the one that is found at the end of the classical age in the discourse on *idéologie*, in which language-representation reduplicates itself to account for its own representative function.

7. GRAMMAR — The task of the *grammaire générale* in the Port-Royal *Logique* is to justify the logic of representation. In a *langue universelle*, understood as a Cartesian *mathesis*, the problem is resolved with the mathematical analysis of space. But the question is more complex for *taxinomia*. To explain the representative function of language when it is employed as a *discours universel*, the analysis must take into account four fundamental categories that cannot be reduced further. In the first place is (I) the 'proposition', which requires an autonomous theory of verbs. The logic of representation holds that every verb can be translated into the form of a copula and a nominal predicate. Thus, a theory of the verb 'to be' will be sufficient. Now in a taxonomical system, the copula and its negative complement tell us whether or not an individual belongs to a class, whether or not one class belongs to another class, and if it does, whether it does so partially or entirely: in short, according to a syllogistic calculus, we have a network of identities and differences. The analysis of the copula leads to the definition of the internal structure of the proposition, namely, the theory of (II) the 'articulation' of the elements which are represented by the proposition. But the verb 'to be' also performs another function in the proposition, a modal one. The 'normal' modality in representation is the assertive one: being expresses a timeless presence. More precisely, it asserts that normalised discourse and the reality it is used to represent coincide at at least one point, where semantics and ontology are identified with one another. If an assertion is true, this is equivalent to saying that the state of things described exists. The articulation of the proposition guarantees that each state of

things has a corresponding name. But at this point it becomes necessary to distinguish between the two different senses to which the semantics of names is subject: a) the extensional and denotative, and b) the intensional, connotative or global. To the extensional sense corresponds the theory of (III) 'designation', which must establish proper names as well as the conditions under which a name, understood as a general term, becomes 'common', that is, is substituted for a collection of proper names. Conversely, to the intensional sense corresponds the theory of (IV) 'derivation', which must also account for the shifts in meaning that certain terms are subject to, especially when they appear as adjectives or as nouns formed from adjectives. It is obvious that the four categories are only distinguished *sub specie rationis;* materially they are always combined.

The system exhibits its most telling anomalies in the theory of derivation, from which follow the symptoms of a representational pathology. The theory of designation cannot resolve every problem of meaning, since it must limit itself to analysing the denotative parts of discourse: names and demonstrative pronouns. For the analysis of the non-denotative parts, the theory of the derivation of words must intervene, which in the last analysis refers to 'rhetorical figures' and to their formative (but not representative) function. The anomalies of derivation cannot be explained, therefore, except by means of a theory of metaphor. This is articulated according to the three fundamental schemes of 'synecdoche', 'metonymy', and 'catachresis' whose formalism is extraneous to the system of representation. In this way, rhetoric, having been expelled from *mathesis* and *taximonia*, is reintroduced into science in a clandestine fashion and with grammar's complicity.

8. NATURAL HISTORY — The first grand fulfilment of a science of order occurs with natural history, namely, with the taxonomy of living beings according to strictly morphological criteria. Morphologism explains why botany appears more scientific at this point in time than zoology does. With respect to form, plants lie halfway, so to speak, between crystals, whose form is reproduced from their internal structure, and animals, whose form is a function of environmental adaptation and has nothing to do with their structure.

Morphology grants a difference between 'system' (Linnaeus) and 'method' (Buffon). Method proceeds by differences and disregards identities; one tries to define the whole framework inductively beginning from the former. The more general the methodical classification becomes, the more uncertain it is. System is the mirror image of method, and it begins by establishing the more relevant identities in advance. Systematic classification offers a clearer framework, but thereby makes the role of empirical research secondary. Although they follow different procedures, system and method are complementary with respect to the theory of representation. The systematic principle responds to the problem of the articulation of taxonomic propositions; the methodical principle responds to the problem of their denotative and connotative reference.

Anomalies emerge here too. They are symptoms of a taxonomical pathology. From a methodological point of view, fossils and teratological forms

resist classification. The proposed hypothesis of 'transformism' ought to justify taxonomy's exceptions, but ends up threatening its presuppositions. *Idéologie* performs an analogous function with regard to the theory of representation. New discoveries come along, and throw pre-established systems into crisis. In both cases, the meaning of so-called 'technical' terms must necessarily be altered and used metaphorically. But, the semantics of metaphor is not susceptible to morphological treatment: thus, synecdoche, metonymy, and catachresis represent a rhetorical threat at the very heart of taxonomy.

9. THE ANALYSIS OF WEALTH — In the archaic age money serves a threefold function. It is at once (I) a measure of the value of the exchange of goods; (II) a substitute for a good's intrinsic value or use; and (III) a 'precious' good in itself that has its own price. One need not underline the strict parallel with the homosemantic idea, or the fact that the resulting system dissolves the trinity of functions into an undifferentiated unity.

With mercantilism the system becomes binary. Money is no longer a sign (a sign without a signature) representing wealth. On the contrary, wealth is defined as anything that is susceptible to monetary representation. Paradoxically, absolute monetarism requires that money be excluded from the circle of goods. Silver or gold have no intrinsic value in themselves; they are only precious because they serve as money. The value of money only depends on its representative function. The incorruptibility of metal guarantees the constancy of this function in time, but it does not constitute the value of what it represents any more than a name does with respect to what it designates. The mercantile system is therefore established on the value of the exchange of goods and on the postulate that it can always be represented and measured by means of money. Thus, there is no wealth that cannot be 'monetised', since it can only receive a value and enter into circulation on this condition.

As for the system's anomalies, one does not have to look far and wide to find them. Humanity has always known that the purchasing power of money varies with time, that it depreciates, and not only nominally. For this reason, money can also be considered a good in itself. The question becomes particularly significant in the eighteenth century. If money can once again become a good, the articulation of exchange ought to be founded on a less unpredictable, more natural constant, one that is independent of the vagaries of the moment. The physiocrats identify it with the annual income of agricultural production. However, in this way, the analysis of wealth comes to depend on its mode of production, whose proceeds are thought to be constant. It is enough to vary this factor for monetary valuation to become incongruent (and not just nominally) with the representation of wealth. Physiocracy is the chrematistic homology of ideology.

Secondary and tertiary activities, the transformation and exchange of products constitute another exception. If one does not accept the physiocratic hypothesis, these activities appear to create wealth. This is the point of view of the Utilitarians, according to whom the value of goods is founded on the articulation

of exchange. But monetary designation is equivocal in this way too, because it comes to depend on what derives from it. In a nutshell, the utilitarian conception ends up falling into the rhetoric of consumption.

10. HISTORY — The classical theory of representation enters a crisis thanks to the problem of the 'genesis' of complex notions. The problem emerges at the very core of the system, and constantly forces a regression from statics to dynamics. The object of knowledge exceeds the order of identities and differences, since its form is nothing but a provisional state of equilibrium, or better, the result of a subterranean parallelogram of forces. The determination of traits, to be objective, demands knowledge of the process of metamorphosis. Forms are explained by their history, not by the shape that they periodically assume. The general science of order, whose ideology must justify projective systems, is replaced by particular (epistemological) and general (philosophical) 'critique', namely, the 'genetic-transcendental' analysis of the production of knowledge. In this way, the *nouvelles empiricités* surpass taxonomic tables: comparative and historical philology replace general grammar; 'biology', which is no longer morphological, but at once anatomical and physiological, replaces natural history; and 'political economy', examining the production of goods, replaces the analysis of wealth.

In contrast with the previous semiological leap, this new one demands an archaeology of what one might call *poiesis*. Even if we take poetry in its strict sense, as Foucault suggests, we may consider the classical age as ending with the work of de Sade, interpreted as the mirror image of *Don Quijote*. While Cervantes carefully feels his way forward, Sade appears to be engaged in a rear-guard action. Threatening and prophetic, the modern age declares itself with the turbulence of its repressed dynamic. Sade attempts to oppose it with a poetics of the repression of unconscious impulses in order to neutralise its subversive potential and ultimately to rationalise it conclusively by means of the rigid succession of the *scenes*. The recklessness of desire is subordinated to the rules of representation, and it ends by exhausting itself in a crescendo of excess. Blanchot defines this as the 'stoicism' of the libertine. *Juliette*, which is desire fixed in representation, corresponds to the Don Quixote of the first part of the book; *Justine* corresponds to the Quixote of the book's second part. By feeding the resurgence of desire with her reluctance, in reality, Justine, with her perverse innocence, compromises the representative recuperation of the threatened order. Thus in the end she must be *foudroyée* [struck by lightning], just as Don Quixote must recognise his own *locura* [madness].

The crisis of representationalism opens the 'modern' age with a new notion of 'history' obtained by metaphorical derivation: no longer is it an investigation into *naturalis historia*, nor research into *pedigree* or into the adjudication of *causae* or original responsibility, instead it concerns the genetic analysis of the dynamics of events. The metaphysical, or better, 'ideological' problem of the foundation of representation is reduced to a merely formal question. In its place, the essential problem is given by the appearance of 'man' in his double aspect: as the foundation

of the 'analytic of finitude' with which the new empiricities (work, life, and language) inaugurate modern knowledge, and as the origin of a redoubling whose nature is no longer that of representation. Grammar does not hold the secret of representative logic, since it is only a secondary manifestation of a hidden communicative power. The same holds for the morphology of living beings in relation to biological impulses and the value of things with respect to the power of work.

11. WORK — Political economy is born when Adam Smith recognises 'work' as the principle of chrematistics. It is only on the basis of the work necessary to produce goods that a natural and constant measure of their exchange value can be established. However, this presupposes that the quantity of work necessary to produce something is equal to the quantity of work that can be acquired through exchange. Therefore, every good represents a certain quantity of work, and all work represents a good. Work is at the once the activity of production and an exchangeable good. Rather than being called dynamic, Smith's system ought to be called kinematic: it presents the aforementioned defects in another form.

Ricardo's analysis intervenes at this point. Ricardo distinguishes two aspects of work, the static one that reduces work to a good, and the dynamic one that makes it a creative activity. Only in the latter sense, as productive potential, does work become the source of wealth. The analysis demonstrates that the quantity of work is not a measure of value, since it varies according to the forms of production. Progress in the latter is directly proportional to the division of labour and technological progress. For Ricardo, two constants alone allow for the evaluation of the economic dynamic. The first is given by (I) the 'real salary' of the worker, as it may not descend below the minimum level indispensable for survival. The other is given by (II) the maximum cost of production of subsistence goods. The 'grain' of the least fertile terrain, and therefore the least remunerative, determines the cost of grain in general, even of that which does not require very much work. The difference between the maximum and the minimum costs of production, divided by the cost of work (granted that this remains at its minimum), thus defines the maximum profit. Now, in a market economy, profit must tend towards a maximum level or otherwise it is reduced to zero. The law of the accumulation of capital therefore determines the functioning of the economy. The profit margin measures its degree of rationality.

With the genesis of wealth, the history of civil and economic development becomes comprehensible. Based on the concept of profit, two different interpretations are possible according to whether or not the dynamic is regulated by an internal equilibrium. For Ricardo, history has a homeostatic and self-regulating course. Demographic stability, the division of labour and optimal technology define the point at which it halts. Marx, however, diagnoses a species of Parkinsonism. Rather than equilibrium, the capitalistic rationalisation of the forms of production produce the paralysis of motor activity and, ultimately, a catastrophic reaction. In this case, the revolutionary *millennium* constitutes history's conclusion.

From a structural point of view, the difference between the two interpretations is immaterial. Both make use of an 'analytic of finitude'. If there did not exist something like a minimum salary and a maximum cost in absolute terms, that is, a defined interval on the measure of man and his environment, it would not be possible to determine either the laws of economic development or the material dynamic of history. Since it is founded on finitude, history has a beginning and an end. History is nothing but the expression of a finite mode of being.

12. LIFE — With the foundation of physiology and of comparative anatomy accomplished by Cuvier, taxonomy loses its original morphological connotation. The criterion of classification is given by the concept of the 'organ', in which structure and function are intimately correlated and form an indissoluble totality. This leads to the *decalage* of morphology into the plurality of relations of which it is an expression; they include the 'coexistence' of the whole's parts, their internal 'hierarchy' and their 'dependence' with respect to a global, organising scheme. Thus zoology takes its revenge on botany. Animal forms become the living confutation of morphology, precisely because they are independent with respect to their internal structures. A dolphin is a fish if you examine its form; only physiology and anatomical structure tell us that it is a mammal.

Cuvier has gone down in history as the theorist of the 'fixity' of species, in opposition to Lamarck's transformism. But the two conceptions do not lie on the same level and, therefore, do not constitute genuine alternatives. Cuvier's idea of fixity depends on the fact that, given a taxonomy founded on homologies and analogies and not on exterior morphology, species cannot present themselves in any other way than as stable structural arrangements. Transformism holds instead in the realm of classical morphology; in this context, no biological law prohibits one from conceiving metamorphosis as a continuous transition from one species to another. Thus, one comes to understand that Cuvier's conception does not contradict Darwin's, but rather represents its necessary predecessor. Evolutionism is antithetical to fixism, but not to the biological structuralism that it expresses; it would be better to say that evolutionism is the diachronic integration of fixism.

What we call 'biology' begins by conceiving the phenomenon of life structurally. The discovery of life's laws of organisation and development mean that man, as a living being, must recognise his finitude. This has a double meaning, as something delimited in the present by the invariance of the species, and as something inserted into the course of a biological history — evolution — whose temporary destination he constitutes. In order to take place, evolution requires natural selection and small variations. To enter into the evolutionary mechanism, life had to invent death. In the biological time of the individual, birth, growth, maturity, senility and death are intrinsic parts of life, not accidents requiring a separate explanation. The death of the individual is what allows the species to be reborn rejuvenated and therefore, to change. Finitude and historicity coincide even at the level of biology.

13. LANGUAGE — The linguistics revolution that leads from grammar to modern 'philology' begins with Friedrich Schlegel. Subsequently, Grimm and even more so Bopp bring it to completion. Comparative linguistics demonstrates that the analysis of the structure of a language cannot be derived from the normative criterion of grammar, nor from the logical criteria of meaning or etymological derivation. It demands a new approach to linguistic facts, one that isolates their particular nature and gives them an autonomous treatment. It represents the revenge of spoken, idiomatic language over literary, conventional, and written usage. The point of departure is constituted by phonetics: above all, linguistics studies sounds, not as acoustic or phonological facts, but rather in so far as they are phonetically distinct and articulated according to certain elementary patterns; from here, there follows the study of the variations that these constants undergo in the formation of words, or in any case of plurisyllabic units; and finally, of the laws of transformation that explain their history.

With the emancipation of language from its representative function, what might be called the physiology of language becomes better understood. It cannot be founded on the semantics of ideology, nor on the syntax of mirroring; rather, it requires constant reference to the subject using it and to the various functions for which it is employed. In this way, to understand the expressive function of language, one need no longer contrast it with the representative function: it already manifests the intent and feeling of the speaker perhaps better than any other function.

Nevertheless, the historicity of language has a finite character. Even if they are closely related, there is not a transition between one language and another, but rather discontinuity. A language is like a biological species in Cuvier's sense. Evolution is always internal to a given language and, even then, it does not occur at random or as a function of new requirements, but rather it follows fixed laws; moreover, it also exhibits a beginning and an end. There is no need to emphasise the parallels. It is more interesting to note that if we grant that the evolution of a language depends on its diachronic structure, then the historical recovery of the hermeneutic dimension of linguistic experience becomes possible. Linguistics is also therefore the foundation of 'philology' in the modern sense of the term, according to which it functions as an art of exegesis, that is, of the synchronic and diachronic analysis of texts. In this case, finitude manifests itself in the fact that a historical document is not intelligible save by reference to a closed system of exegesis.

14. THE HUMAN SCIENCES — The *nouvelles empiricités* of work, life and language define, by a qualitative leap, the 'modern' semiological age. To do it justice, the general epistemological framework must be reconsidered from top to bottom. The usual dual scheme of *decoupage*, both analytic and synthetic, formal and factual, linguistic and real, etc. no longer holds. Foucault proposes a three-dimensional scheme, the *trièdre des savoirs*.

A trihedral angle is formed by three faces. (I) On the first face, we place the physical-mathematical sciences, which conserve the original project of a *mathesis*

universalis and therefore, in essence, the semiology of the classical age. (II) On the second face lie the new empiricities: once the *impasse* of the general science of order has been overcome, these sciences establish themselves as biology, political economy and linguistic philology based on autonomous principles of a structural, but non-formal character; mathematics may be applied to these sciences, but only extrinsically. (III) The third is represented by philosophical reflection: it remains autonomous with respect to (I), because it must mediate between formalisation and its opposite: interpretation understood in its strict sense; and with respect to (II), because it revives by transcendental regression the problems of death, alienation and symbolic form.

But, this reformulated picture, no matter how much better organised it is, still excludes the human sciences. They are founded on an implicit anthropology whose object is defined jointly with the new empiricities (II). Nevertheless, philosophical reflection (III) does not permit this identification; on the contrary, it shows that the human sciences cannot perform their function save insofar as they contest — against biology, political economy and linguistic philology — the right to decide upon the form of objectification with which man, to become self-aware, must necessarily alienate himself. If this is true, then the development of the human sciences cannot take place save at the expense of the anthropology that — in the absence of an adequate critique — we have been led to believe in by the new empiricities.

What is the function of the human sciences? In general, it is the destruction of the sclerotic ontology of 'man', which constitutes what Bachelard would call their *obstacle épistémologique*. In particular, then, the function in question is different for each science. For example, Foucault says that 'literature' would be the contestation of philology, just as 'myth' is, according to its psychoanalytic interpretation, with respect to history. Therefore, the study of literature and myth faces the difficult task of demystifying a scientific obstacle (philological and historical) on the one hand and confronting it with a new rationalisation on the other. All differences considered, the same dialectical relationship holds between psychology, above all psychoanalysis, and neurological physiology; between 'sociology', in its new ideological horizon (in the modern sense), and political economy; and between 'ethnology', in its search for an independent structural organisation, and the above-mentioned anthropology.

Due to their peculiar state, by which they constitute epistemic modes *à rebours*, the human sciences do not sit comfortably on any of the faces of the trihedron, or rather, they end up inhering in all of them. In virtue of this all-pervasive property, the human sciences become the *lieu épistémique* of the empirical-transcendental redoubling that belongs to the culture of our time. And it is for this reason that the tendency towards 'psychologism', towards 'sociologism' or, in general, towards 'anthropologism' appears again and again, despite its critiques: it represents the philosophy implicit in their use. This highlights the importance of the human sciences, or rather, their irreplaceability; but at the same

time it also highlights the danger inherent in their aporetic situation. This danger, as stated, lies in the tendency towards philosophical regression, more metaphysical than critical, which manifests itself in modern anthropological ideologies.

The task of the human sciences, for Foucault, consists in making explicit, in a new form of objectification, what remained latent in the analysis of finitude and in the philosophy of its corresponding historicism within the sciences of biological, economic and symbolic 'man'. The problem lies in the form of objectification; Foucault proposes three models for its analysis: (a) psychological, defined by the pair 'function-norm'; (b) sociological, i.e. 'conflict-rule'; and (c) semiological, i.e. 'meaning-system'. The examination of these models, whose formal characteristics remain in any case obscure, would lead us a long way off. Though we flag them as a most important theme of discussion, it suffices to observe that they provide Foucault with what is perhaps the most challenging topic of his work. These models mediate between the conscious and the unconscious and thus establish the premises for a new archaeology. With their use, that disagreeable impression of fluidity, imprecision and limited methodological responsibility that the uninitiated inevitably receive when they enter into contact with the human sciences is revealed to be a superficial reaction. Considered more critically, the phenomenon is no longer misleading: instead of remaining hidden, it manifests the positivity of *savoir* concealed within the dialectic of the human sciences. What the models must make explicit is the dialectic's underlying structure.

CONCLUSIONS — Just as he reaches the apex of his argument, Foucault leaves us in the lurch: he fails to reach a conclusion; or at least he does not indicate how we are to do so. In any case, one thing is certain: the difficulties in which he leaves us are less troublesome than those in which he himself lands. In the first place is the thesis, *unzeitgemäss*, but in no way anachronistic, of the 'end of man'. Then there are many misunderstandings, perhaps external and banal, but no less irritating, that he succumbs to due to the heterodox nature of the language of his critique. One does not need to be a prophet to anticipate the results. In fact, it is clear that Foucault, waiting for a more mature account, entrusts his work's fortunes to the dialectic of predictable misunderstandings of the present. There is a subtle calculus here, but also a moral lesson. If we did not fear the *rire philosophique* with which Foucault promises to welcome the mental reservations of professional *gauches*, by now inveterately *gauchies*, perhaps we would hazard some criticisms. Instead, we prefer to anticipate some misunderstandings that, at least on a first reading, appear not only possible, but also the least illegitimate and the most plausible.

I) Foucault's framework does not contain his own position. The philosophy by which he establishes the trihedron of knowledges is not the same as the one by which he asserts the subversive function of the human sciences. The justification of the latter would require a fourth age of semiology. But this, for now, is in the 'future'. Consequently, it cannot give a structural foundation to knowledge, but only anticipate it dialectically. In other words, we have Sartre's objection. The success

of *Les mots et les choses* in France (and perhaps elsewhere) is worrisome. The book is objectively difficult, and does not lend itself to the inclinations of a 'well-informed' culture. However, Sartre believes he has identified the reason for this in the book's fundamentally structuralist character; by justifying an antihistorical attitude, this character meets the need for *disengagement* felt by the new generation, who desire nothing else than to insert themselves into the neo-capitalist system with a clear conscience. It is easy to counter Sartre's argument; but it would be a mistake to take it in an exclusively moralistic key.

It is clear that there are historicisms and historicisms. Even Foucault's archaeology wants to be a historicism of a kind. The critique one may direct at him is not that structuralism excludes an understanding of history, but that the species of historicism he proposes, whether strictly structuralist or not, is presupposed by his archaeology, but not justified. Among historians of the structuralist tendency and those of the organicist tendency, Spengler and Toynbee have at least attempted to give a historical justification for their own philosophy of history. Foucault owes us this much; after all, it is true that his archaeology ultimately requires a dialectical justification.

II) Foucault's framework is not exhaustive. There are at least three broad lacunae: law, music and modern physics.

a) Despite the 'function-norm' model, the study of norms certainly does not belong to psychology. In light of the peculiar character that legal interpretation evinces, it is even less relevant to the physical-mathematical sciences. Perhaps law is connected with the philology of prescriptive language, but Foucault does not address it. Moreover, law has a certain relationship to biology and economics, and in the other direction to psychology and sociology. Is it one of the human sciences perhaps? But then, what subversive function does it perform with regard to the rationalisations that already obtain? It is clear that law belongs neither inside nor outside the trihedron.

b) Regarding the history of art, with some legitimate reservations concerning its results, one can readily understand how Foucault's archaeology could encompass the figurative arts. But what about music? If it is true that any variation in semiological modalities changes the entire system, and even man's mode of being, should one not legitimately expect the archaeology to account for the development of music too? Here, our doubts appear well founded. Foucault's diachronic account contains no qualitative jump corresponding to the passage from monophony to polyphony, fundamental to the history of music. Then again, perhaps the music of the classical age is melodrama and *Wort-Ton-Drama* its Sadean *reductio ad absurdum*. If we accept this scheme, we no longer know where to locate the semiologies of counterpoint and sonata form.

c) Insofar as it is relegated to the lowest face of the trihedron, mathematical physics basically remains at the classical level of semiology and not the modern one. But this can at most account for the kinematics of Galileo and Descartes, not for Newton's dynamics, much less the energetics of the last century. Modern

physics, or if one prefers, 'classical' physics (from Newton to Einstein) is founded on a type of explication that, as Carnot's 'cycle' demonstrates, is genetic and not morphological; in other words, it does not enter into the representative *tableau* of the *mathesis*, but requires a proper analysis of finitude. Would we then say that it reveals the historical character of physical nature? The point of crisis, which corresponds to the innovations introduced by Cuvier, Ricardo and Bopp, could be Boltzmann's interpretation of the second law of thermodynamics. But then physics too becomes one of the new empiricities, and this fails to correspond to Foucault's framework. This example could be backed up by others.

III) Foucault's framework is the result of the application of a certain method, but it does not posses a proper metalanguage. That his analysis presupposes a method is beyond doubt. Archaeology is founded on Heidegger's, and more specifically Binswanger's, *Daseinsanalytik*. As stated in the preface to *Histoire de la folie*, it is a question of expressing the precategorical, namely, that moment in which reason and madness, or what is the same thing, language and metalanguage remain strictly correlated. Foucault's method is both rigorous and ironic. He pushes the teachings of phenomenology to their extreme consequences and precisely for this reason refuses to provide them with a theory. The transcendental cannot be abstracted from the empirical data, since this would imply a meta-theoretical regression, but it is co-signified by means of the context of the analysis itself. In its specifics, this method produces a rather irritating proliferation of metaphors. But this is precisely where the irony lies. With his abuse of language, Foucault wants to demonstrate that the meta-linguistic reduplication of neo-positivistic theorising is equally metaphorical. In the end, this metaphorical character remains the same for both, the difference being that Foucault's method does not try to conceal it.

We remain convinced, however, that in view of the book's economy and the requirements of the reader, it would have been better to use a certain meta-linguistic apparatus, and then to criticise its scientific pretensions at the end. The result would have been the same and the critique perhaps more effective. In any case, Foucault's method should be appreciated for its intrinsic, demystifying power, whatever reservations one may have about it. In the wake of Bachelard and Merleau-Ponty, it again offers to continental philosophy a naked language devoid of pseudoscientific clothes and authoritarian pretences, which in the Anglo-Saxon cultural sphere is represented by *Analytical Philosophy* [English in the original]. From an external point of view, it is clear that the style of analytic philosophy lies at the antipode of French phenomenology. But, if one manages to disregard this, one sees that they have in common a much more important assumption: the rejection of a meta-language or, what amounts to the same thing, they reduce their respective problems to a paradigmatic matrix, at once concrete and transcendental, that has the function of giving form, rule and norm to its contents. The foundation of everything is *metonymy*.

Is the Use of Analogy in Law Logically Correct?*

Enzo Melandri

Translated by Alexander Ferguson

Summary: 1. The concept of analogy. — 2. Analogical judgement. — 3. Analogical arguments. — 4. Induction and analogy. — 5. Logic and analogy. — 6. The structural contradiction. — 7. Analogy in law. — 8. The moral of the story. —9. Conclusion.

A concept of analogy does not exist — if by concept one means, as one usually does, a genus inclusive of all of its species. Indeed, there is no genus 'analogy' whose species allow themselves to be defined *per differentium*. Rather than a genus, we are dealing with a 'family of concepts', in the mathematical sense of the expression: from the point of view of ordinary logic, this is equivalent to saying that, with respect to their genus, these different concepts (or species) are only extrinsically alike. To set the question straight, we should above all distinguish analogical concepts, judgements, and arguments. They are not the same thing.

An 'analogical concept' (not to be confused with the aforementioned 'concept of analogy') is so named when its meaning cannot be defined in a univocal manner, but nor can it be considered an equivocal notion; in this respect, modern epistemology prefers to talk about 'open concepts' (for example, 'mass',

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*This text is intended for the *Studi in memoria di Angelo Gualandi*.

Note — In itself, the line of reasoning of what follows is very simple. Since, however, it must be corroborated by many specifying or collateral remarks, it may not be entirely clear. Therefore, it seemed to me opportune to delineate the scheme in advance.

The use of analogy cannot in general be justified logically. That which holds in general must also hold for law. (Proposition A) — On the other hand, the use of analogy in law is indispensable. (Proposition B) — In the conjunction of A and B there is hidden a contradiction. (Proposition C) — A and B serve as premises, C as the conclusion.

The conclusion lends itself to two different evaluations, one negative and one positive. We choose the second. It is known that from a contradiction one may logically deduce anything. We therefore deduce, in a perfectly Kelsenian manner, the logical possibility of an anti-formalistic conception of law.

For the record, this is a thesis that the writer has derived from discussions with Angiolino Gualandi.

[*Translator's Note:* The present text is an English translation of an article written by Enzo Melandri and published under the title 'È logicamente corretto l'uso dell'analogia nel diritto?' in the Rivista Trimestrale di Diritto e Procedura Civile, XXII, 1968, pp. 1–23.

A copy of the essay appeared with the same title in *Studi in memoria di Angelo Gualandi*, 2 vols., II, Urbino, Argalìa, 1969, pp. 109–32.

Sections 7–9 of the essay were then reproduced with modifications and additions in §§ 103–104, ch. XIV, Part II of Melandri's *La linea e il circolo. Studi logico-filosofico sull'analogia*, Bologna, Il Mulino (Collezione di testi e di studi. Filosofia), 1968.]

'simultaneity', 'distance', etc.): namely notions that are only definable in an implicit way, with respect to a particular gnoseological system, and that therefore may be perfected and redefined as knowledge progresses. But there is a much simpler example that is just as significant: all analogical concepts are metaphors, even if not all metaphors are analogical concepts.

Aristotle defines metaphor in terms of the improper use of a name, that is, a transfer of meaning. The transfer can be from genus to species, from species to genus, from species to species, or — by analogy (κατ'ἀναλογίαν).[1] We are interested in the final case. The example that Aristotle gives of the translation *per analogiam* is that one may call a cup a 'shield of Dionysus' and reciprocally a shield a 'cup of Ares'.[2] This inevitably prompts a recourse to the proportional analogy, 'the cup is to Dionysus as the shield is to Ares' and to the consequences that derive from it. And this, in turn, is equivalent to saying that analogical metaphors — taken as such: that is, not those that exchange a part for a whole or vice versa (synecdoche), nor those that exchange a cause for an effect or vice versa (metonymy), but rather those that exchange a part for a part (catachresis), on the basis of a certain analogy — depend on the plausibility of a certain proportional relation: *'a* is to *b* as *c* is to *d'*. The question, it must be admitted, no longer relates to a 'concept' (a definition in terms of *genus et differentium specificum*), but it relates to a 'judgement'. It is a matter of establishing what reasons we have for believing in the truth or validity of a certain proportional relation.

2. To make an analogical metaphor explicit, it is necessary to resort to similarity. Homer says that Agamemnon is a bull. This should be understood as a comparison: the excellence of Agamemnon among the Achaeans is similar to that which a bull exhibits, under certain conditions, among oxen.[3] But every similarity is founded on a proportional relation: 'a/b = c/d'. In Aristotle's example, 'the cup is to Dionysus as the shield is to Ares'. Although it is expressed in comparative and not quantitative terms, the relation may be reduced equally well to a mathematical formula: 'c/D = s/A' (where c = cup, D = Dionysus, s = shield, and A = Ares). From the formula, one obtains 'c/s = D/A' ('the cup is to the shield as Dionysus is to Ares'), as well as 'c·A = s·D' ('the cup of Ares is like the shield of Dionysus'). This is as much as one can obtain from what Black calls, recalling Aristotle, the comparison view of metaphor.[4] That is not to say that all metaphors must be resolved into proportions, whether exact or only comparative. One need only observe that this rationalising exercise, which comprises 'putting poetry into prose', is a manifestation of the didactic ideology of our primary schools. Thus, we cannot renounce the comparative conception of metaphor and, at the same time, consider ourselves good educators or fit fathers. The rationalisation that we require is

[1] *Poetica*, xxi 1457b$^{6–9}$.
[2] *Poetica*, *xxi*, 1457b$^{20–23}$; *Rhet.*, III, xi, 1412b^{35}.
[3] *Iliad*, II, 480–84.
[4] Cf. M. Black, *Models and Metaphors: Studies in Language and Philosophy*, Ithaca, NY, 1962, ch. iii, § 4.

tantamount to recognising that similarity and proportion are not only concepts, but also and above all judgements, and that an analogical concept may only be obtained by abstraction from an analogical judgement.

Analogical judgements are distinguished from analogical concepts (or metaphors) due to the simple fact that, unlike the latter, they can be said to be true or false. Indeed, according to Aristotle, the virtual nature of the true-or-false is what distinguishes apophantic discourse (judgement) from discourse that has no such claim, since it is instead a direct or indirect expression of a subjective (emotional, evaluative, discretionary or perceptual) state.[5] For example, the proportion '8/4 = 6/3' represents a true judgement (a true proposition); while '8/4 = 6/2' is a false judgement (a false proposition). But why has this very simple fact, namely that analogy, similarity, and proportion have the logical status of judgements (or proportions), been repudiated for so long? To understand the reasons for this disavowal — they are not banal, and are yet to be fully overcome — it is above all necessary to say what distinguishes analogical, comparative or proportional judgement from conventional judgement, which is normally categorical. There are two very important differences:

(i) The first is that categorical judgements are always qualitative, while analogical judgements are quantitative, or at least regard proportion in a comparative sense. This means that the former is always univocally true or false, *tertium non datur*. According to the principle of the excluded middle, a thing either has or does not have a certain property or quality. Conversely, for the other type of judgement, it is essential that the qualities are 'intensive', that is, susceptible to gradation according to a criterion of more-or-less. Examples of its use are the comparative judgements of the form: 'the more..., the greater...' (direct proportion, $y = x$); 'the more..., the less...' (inverse proportion, $y = 1/x$); 'much more... than...' (geometric proportion, $y = x^n$); 'much less... than...' (logarithmic proportion, $y = \log_n x$), etc. At most, the principle of the excluded middle only holds true for the two extreme cases of proportion: 'exact' or mathematical analogy and 'qualitative' or absolute (non-comparative) analogy. For all the intermediate cases not only does the *tertium non datur* not hold, but it becomes much more coherent to make use of a 'principle of included middle'. This means, in other words, to substitute a criterion of more-or-less-true — or — more-or-less-false for the criterion of true-or-false. We are familiar with this criterion. We use it constantly in our daily practices, and it is what Aristotle alludes to when, with regard to 'distributive' justice, he introduces ἀναλογία.[6]

Now, as the saying goes, if the practice of judging, 'with all due proportion' is the least that one may expect from any moderately wise and educated person, to this day the theory of this species of judgement, that is, the analysis of its formal structure, represents one of our most pressing *desiderata*. In fact, it leads directly

[5] *De Interpretatione*, iv, $17a^{1–5}$.

[6] *Ethica Nicomachea*, V, vi, $1131a^{29}–b^{24}$.

to the problem of 'plurivalent logics': while on the one hand, it has been possible to establish their logical syntax, on the other, they still lack a congruent semantic interpretation, and it is not clear how there can ever be one.[7] Here we are faced with a veritable abyss.

(ii) The second difference is that categorical judgement always has two terms, 'subject' and 'predicate'; while analogical judgement has four: $a/b = c/d$. Strictly speaking, one should say that it has five terms, that is four subjects (*a*, *b*, *c*, *d*) and a predicate (the 'proportional function') according to which '.../... = .../...'). For more than two thousand years, taking Aristotle as the *terminus a quo*, the linguistic conditioning of logic induced the belief that predicates taking only a single subject (such as '*x* is *P*') were more primitive, underivable, and fundamental than predicates taking two or more subjects; and it is certainly not among the least of Russell's merits to have introduced the notion of a 'relational predicate' (dyadic, triadic, ..., *n*-adic) into logic, in contrast with the 'attributive predicate' (monadic). This prejudice has ensured that proportion, which is a particular case of a double dyadic predicate (the equivalence of two relations) has been misunderstood time and again as an extrinsic union of two proportions or as a single, but imprecise relation of similarity.

This clarification serves better to distinguish analogical judgement and analogical inference. As we shall see, many of the confusions that persist in this regard are owed to the disregard of relational predicates and of the fact that proportionality is a particular relational predicate. It must be said at once, however, that this discovery does not take us very far either. We cannot generalise the notion of relational predicate and consider the normal attributive predicate a particular or even 'degenerate' case, in the mathematical sense,[8] without making the completion of every proposition and therefore judgement itself impossible. If in fact a monadic predicate is a degenerative case of a dyadic one, then by the same argument, one may say that the dyadic is such relative to a triadic, and so too the triadic..., *in infinitum*, until every predicate encompasses the entire universe of discourse. In this way, all propositions would inevitably degenerate into ellipses, allusion and anacoluthon.

3. From what we have said so far, it seems that the only guiding thread is offered by the notion of *proportion*, whether quantifiable or not. In the case that it is not quantifiable, we must content ourselves with a comparative judgement, more

[7] The logical syntaxes of plurivalent logics — but from the point of view of a *bivalent* metalogic— were established for the first time by J. Łukasiewicz, *Elementy logiki matematycznej*, Warszawa, 1929: cf., the relevant bibliography in J.B. Rosser & A.R. Turquette, *Many-valued Logics*, Amsterdam, 1958. Regarding interpretation, we are equipped with two courageous, but perhaps premature pioneering works: A. Korzybski, *Science and Sanity: An Introduction to Non-Aristotelian Systems and General Semantics*, Lakeville, 1958 (1st ed. 1933); and G. Günther, *Idee und Grundriss einer nicht-Aristotelischen Logik*, I ('*Die Idee und ihre philosophischen Voraussetzungen*'), Hamburg, 1959.

[8] Cf. e.g. S. Langer, *An Introduction to Symbolic Logic*, New York, 1953 (1st ed. 1937).

or less true depending on the case and according to the tolerance interval of the included middle. On this basis, analogical inference is nothing special: in fact, it is nothing but a particular case of predicate calculus, one that can be mediated by proportion, whether mathematically or only comparatively. However, tradition presents analogy as a separate scheme of reasoning or form of argument, distinct from both induction and deduction. Since this does not accord with the results of our analysis, we must reach some agreement over it before proceeding. There are at least two gross misunderstandings that require clarification.

(i) In general, Aristotle distinguishes between three species of inference: *deductive*, which goes from the general to the particular; *inductive*, which goes from the particular to the general; and *analogy*, which goes from the particular to the particular.[9] It is difficult to find expressed in so few lines, under the guise of apparent clarity, an accumulation of so many incongruities. And what about John Stuart Mill, who, after more than two thousand years, repeats the same definition? Analogy is the primary form of inference, since ultimately 'all inference is from particulars to particulars'.[10] Aristotle's example, then, very much merited the title of *paradeigma*.[11] It is concerned with dissuading the Athenians from going to war with the Thebans. We begin by observing that the Theban's war against the Phoenicians was bad for both sides. Therefore, we compare the two wars: the Thebans' war against the Phoenicians and the Athenians' war against the Thebans. They have a common feature: they are wars between neighbours. Given that, by induction, all wars between neighbours are probably bad, one concludes that war between the Athenians and the Thebans will probably be similarly bad.[12]

It is not clear where the peculiarity of the argument lies. If the major premise is true ('all wars with neighbours are bad'), the conclusion is given by deduction with a *modus darii*. If instead it is only probable, then the analogy becomes an induction reached by a single previously observed case. The difference between having observed a single case rather than ten thousand is doubtless notable, but, from a logical point of view, it is entirely irrelevant. Logic is concerned not with the truth of the premises, but only with the validity of the argument. Aristotle himself understood this perfectly well, when he observes that every proof (or demonstration) is also a syllogism (a deductively valid argument), but not every syllogism is a proof.[13] One can make the same kind of criticism when analogy is defined as an *argumentum a simili*:[14] one cannot infer anything from one particular to another, save by means of a general premise. If the latter is true, the conclusion

[9] *Analytica Priora*, II, xxiv, 69a$^{13–16}$; *Rhetorica.*, I, ii, 1357b$^{25–30}$. It must be said, however, that the definition refers to the *paradeigma* (or *exemplum*), not *analogy;* however, we still consider the Aristotelian 'paradigm' as an exemplary case of analogical inference.

[10] *A System of Logic*, II, iii, § 4.

[11] See above, n. 9.

[12] *Analytica Priora*, II, xxiv, 68b^{41}–69a^{11}.

[13] *Analytica Priora*, I, iv, 25b$^{30–31}$.

[14] Therefore, the Scholastics more opportunely called it *locus a simili*.

is given deductively and constitutes a 'proof', that is, an outright truth. If on the other hand the premise is not true, but only probable (by induction), then the conclusion is also 'probable' (in the ancient and mediaeval sense), namely, relative to the truth of the premises. The question of the probability of the premises represents an inductive problem, but not such that it serves to discriminate between induction and analogy. In such a case, analogy is an induction founded on the bare minimum, not another species of inference.

What sets Aristotle on the wrong path is the desire to try to distinguish between logic and rhetoric as forms of argument. According to this conception, rhetoric would be defined by the *enthymeme* and the *paradeigma:* the first being rhetorical syllogism and the second rhetorical induction.[15] With all due respect to Perelman,[16] this explication is absolutely unintelligible. Arguments cannot be divided into logical and rhetorical ones. Arguments are only logical. Whether their conclusions are cogent or not — once it is ascertained that they really are logical, that is, valid — depends on the truth of the major or minor premises and, therefore, also on the fact of having included all of the relevant information in them. It is clear that one can never be entirely sure of this, but the greater or lesser margin of uncertainty is not a sufficient reason to distinguish a new species of argument.

(ii) Aristotle founds induction on a special syllogism, the 'syllogism by induction': ὁ ἐξ ἐπαγογῆς συλλογισμός.[17] If the two general premises are true, and not only probable, we have a perfectly valid deductive syllogism of the third figure in *modus darapti*. The condition of the truth of the premises, in an inductive argument, is satisfied by the 'complete enumeration' of all the particular cases.[18] And this requirement is justified in Aristotle by the fact that he identifies particulars with the 'species' and not, as we do, with the individual. An induction founded on the individual case can never be complete, since the enumeration always remains open ('simple enumeration'). Instead the number of species contained in the genus may well be — and usually is — finite. Therefore, we do not have the same reason that Aristotle had to speak of a 'logic of induction'. The expression is still in use and we do not intend to ban it; here we need only expose its fundamental ambiguity. According to the two senses of the genitive, the expression may mean two things: (a) that it is necessary to use logical reasoning in inductive procedures — and so what it says is true, but banal (every activity that requires a minimum of reflection likewise has its own logic: for example, the game of chess); or (b) that induction is founded on a peculiar 'inductive' logic, distinct from deductive logic and endowed with its own laws — and then what it says is very interesting, but

[15] *Rhetorica.*, I, ii, 1356b$^{2–5}$.

[16] Cf. Ch. Perelman & L. Olbrechts-Tyteca, *Rhétorique et philosophie: Pour une théorie de l'argumentation en philosophie*, Paris, 1952; *Traité de l'argumentation*, 2 vols., Paris, 1958. Make no mistake, Perelman's studies are worthy of the utmost consideration; we limit ourselves to highlighting an underlying inconsistency: there cannot be a logic of bad logic.

[17] *Analytica Priora*, II, xxiii, 68b^{15} ss.

[18] *Op. cit.*, 68b$^{28–29}$.

unfortunately false. Now, what holds for induction also holds for analogy, which is often considered to be a special form of induction.

What creates the confusion is the fact that inductive procedures may be expressed in logical formulas. In this way, the important, in fact decisive difference that lies between 'formulation' and 'foundation' slips away. For example, the laws of physics are also given mathematical expression; but we would not for this reason say that they are founded on mathematics. Given this, we may now say without fear of confusion what the difference is between the 'logic' of inductive inference and that of analogical inference.

4. According to Kant, induction and analogy are inferential modes; specifically, they are the only two possible *Schlussarten* of the faculty of judgement.[18] Let us remember that the latter, *Urteilskraft*, is itself in this case the faculty of 'reflective judgement',[19] which goes from the particular to the universal and, in doing so, cannot be 'determinative', because it only has 'subjective' validity.[20] Now, the passage from particular to universal, under the jurisdiction of *reflektierende Urteilskraft*, can happen in two opposite ways. Either one concludes from many things to all of those remaining, and then we have 'induction' according to the principle of generalisation: *Was vielen Dingen einer Gattung zukommt, das kommt auch den übrigen zu;* or, one concludes from many properties in common to all of those remaining, and then we have 'analogy' according to the principle of specification: *Dinge von einer Gattung, con denen man vieles Übereinstimmende kennt, stimmen auch in dem übrigen überein.* To express the difference between determinate and reflective judgement in another way, we note that induction and analogy are not *Vernunftschlüsse;* rather, they are only *logische Präsumptionen* or *empirische Schlüsse.* Therefore, to repeat Kant's conclusion: *Eines in vielen, also in allen: Induktion;* while *vieles in Einem (was auch in anderen ist), also auch das übrige in demselben: Analogie*.[21] Here too, the particular mechanics of inflected language make the characterisation of analogy less clear, even though it is nothing besides the exact reciprocal of induction. Let us try to put them into formulas.

(i) Induction — Given that cases a_1, a_2, ..., a_n, which have the property P (are instances of the case P), also have the property Q, we suppose that the new case a_{n+1}, by definition a case of P, although we do not know if it also has the property Q, also has the property Q. For example: if all Swedes observed until now were blond, one should expect that the next Swede we meet would also be blond.

(ii) Analogy — Given that cases a_1, a_2, ..., a_n, which have the property P (are instances of the case P), also have the properties Q_1, Q_2, ..., Q_k, we suppose that the new case a_{n+1}, by definition a case of P, granted that it also has the properties, Q_1, Q_2, ..., Q_k, also has in common with the preceding cases (a_1, a_2, ..., a_n) an

[18] *Logik*, ed. Jäsche (1800), § 81.
[19] *Kritik der Urteilskraft*, Einl., iv; *Erste Fassung der Einl.*, v.
[20] *Logik*, § 81.
[21] *Op. cit.*, § 84.

ulterior property, let us say Q_{k+1}. For example: if all Swedes observed until now were blond and long-limbed, one should expect that the next Swede we meet, granted that they will be blond, and long-limbed, will allow us to say something additional about Swedish people (I don't know — that they are tall, thin, or lanky).

One immediately sees that, aside from its linguistic trappings, analogy (that is, let us not forget, analogical inference) demands a further specification with respect to induction: that the observed instances, beyond belonging to the same case, also confirm the preceding inductions. In fact, one may only inductively infer a new property on this condition. In the post- and neo-Kantian literature, this has been called *Merkmalsinduktion*.[22] The point may lead us to think that induction logically precedes analogy. In reality, as Keynes has demonstrated, the delineated formula only establishes the conditions for a definition of 'positive' analogy.[23] If one eliminates the formula's limiting conditions, then such a case can always be made to hold. If the next Swede that we meet is not blond, we can always say that he has in common with other Swedes the property of being–(blond or not blond) and therefore infer from this the ulterior property of being–(long-limbed or not long-limbed), etc. In fact, analogy may also be 'negative' in Keynes's sense. From a logical point of view '+' and '–' are complementary signs and, therefore, equivalent. There is no reason to prefer one or the other. It is only from a practical point of view that positive analogies become preferable.

As we have seen, in this context the difference between induction and analogy amounts to the difference between 'extensional' generalisation (if an individual has a certain property, another will too) and 'intensional' generalisation (if two individuals have a certain property in common, they will also have another). Reduced to a qualitative form, in terms of individuals and properties, or denotation and connotation, both forms of non-deductive inference in turn risk degenerating into tautologies. Since every individual can be defined by a set of properties through 'characterisation', and every property by a set of individuals through 'abstractive classification', the difference between induction and analogy points to what we intend to define, whether it be a property or an individual. Then 'new individual' would be the inductive *definiens* of 'same property', just as 'new property' would be the analogical *definiens* of 'same individual'; and neither would say anything, except to better inform us about our linguistic usage. (The difference corresponds to the gnoseological one between 'physicalism' and 'phenomenalism', and is similarly tautological). Nor is this the worst of it. If we shift the focus from syntax to semantics, and then redefine the meaning of the terms as a function of the presupposed syntax, it is inevitable that everything, in the end, will appear to confirm the postulates with which we started, no matter how erroneous they are. To discover their limits, it is necessary to disassociate once again what has been

[22] Cf. Drobisch, Wundt, Erdmann (see H. Hoffding, *Begrebet Analogie*, Kobenhavn, 1923; German trans., Leipzig, 1924).

[23] J. M. Keynes, *Treatise on Probability*, Part III ('Induction and Analogy'), ch. xx, § 2.

mistakenly associated from the start: language and reasoning. Here one reopens an inexhaustible problem, but this time, it may take us somewhat further.

5. The concept of 'logical syntax' is metaphorical and ambiguous; it is taken from linguistics and may assume different meanings according to which term is emphasised. After all, even the concept of logic is anything but univocal. We have already mentioned the aporetic condition that the theory of plurivalent logic finds itself in; we must add that research in that area has been carried out in order to give a less dogmatic systematisation of the foundations of logic. Normally one says that *an argument is logical when it is valid by virtue of its form alone*, namely, when it is analytic. However, recent developments in mathematical logic have shed light precisely on the ambiguity hidden in this definition of 'analytic': it may mean either 'true by construction', or 'demonstrable'. And as Gödel's second theorem shows, these two meanings are in no way synonymous.[24]

Therefore, we cannot bring inferential procedures into focus using the criterion of analyticity. We can reach a similar result by another means, which consists in disassociating the mathematics *of* logic, or *of* any species of reasoning (i.e. 'calculus'), *from* language, and therefore comparing different calculi directly in order to highlight affinities and divergences. A calculus in fact represents that which is mathematical in logic, and not linguistic — as in every other form of reasoning: the 'mathematics of logic' is entirely different from the 'logic of mathematics'. Now, if we grant that the mathematics of generally accepted, valid inferences (not only deductive, but also inductive and analogical) reveals the presence of at least two calculi, which are not only distinct, but also alternatives, then on the basis of this microstructural contradiction, it will be easy to give an account of other contradictions, and in particular of those that, at a macrostructural level, lead us on occasion to speak of the 'crisis of foundations' of this or that science.

In fact, it is possible to demonstrate the coexistence of two such calculi in every reasoning activity, whether ordinary or scientific. Here we shall omit the analytical work in order immediately to present its results.[25] After all, we are dealing with a matter that is also intuitively accessible. Let us start with two examples: the first may be taken from calculating machines. According to their mode of operation, these may be divided into two great complementary classes: one is formed by those that function according to the 'digital principle', which are called *numerical machines* or *digital computers*. They are the ones that compute beginning from discrete units, each univocally orientated towards 'yes' (1) or 'no' (0), and whose result is nothing but the integral summation. (Office adders also belong to this class.) The other class is formed by those machines that function according to the 'proportional principle', and these are called *analogy machines* or *computers*. In this case, both the input data and the result are always more or less approximate, since, as a rule, proportion excludes exactitude. (The common slide

[24] This is not the place to enter into the question: an excellent presentation with the minimum of technicalities is E. Nagel & J. R. Newman, *Gödel's Proof*, New York, 1958.

[25] This will be given elsewhere.

rule also belongs to this class).[26] The central nervous system provides another example. The brain, it seems, also operates on the basis of two distinct principles, one digital and one analogical. The first is connected with the structure of the nerve cell, the neuron, which is in a state either of excitement or rest: *tertium non datur*. The second is rather connected with the nerve fibres, in which single pulses may be regulated according to a 'frequency modulation', which is proportional and not all-or-nothing. The utility of a system of two complementary principles is evident: one of them is precise and analytic, but slow; the other is rapid and synthetic, but approximate.[27] Generalising, one may say that the digital principle corresponds to the *logical* calculus (in the strict sense), while the analogical one corresponds to the *proportional* calculus. We shall give a synoptic table of the characteristics that differentiate the two calculi, both in themselves, and in their normal reasoning application, whether ordinary or scientific:

[26] Cf. e.g. N. Wiener, *Cybernetics: Or Control and Communication in the Animal and the Machine, New York–London*, 1948, p. 117; *The Human Use of Human Beings: Cybernetics and Society*, 1954 (1st ed. 1950), pp. 64, 151.

[27] Cf. e.g. W. Wieser, *Organismen, Strukturen, Machinen: Zu einer Lehre vom Organismus*, Frankfurt am Main, 1959, pp. 88–89, 103–106.

Logical Calculus	Proportional Calculus
a) The principle of *all-or-nothing*, of *bivalence* (true-or-false), of the *excluded middle*. Plurivalent logics are subsumed under a bivalent meta-logic; the same holds for probabilistic logic.	a') The principle of continuous *gradation*, of *dipolarity* (between true and false), of the *included middle*. Plurivalent logics do not have an overriding meta-logic; the same applies to probabilistic logic, which admits of a direct, objective interpretation.
b) The principle of *elementary identity:* given two reciprocally contradictory predicates, *P* and not-*P*, any individual *x* necessarily has one or the other; that which does not satisfy this condition is not an *individual*.	b') The principle of *functional identity:* the individual in itself does not have identity, except as a value *x* that satisfies the conditions required by the function it depends on; elementary identity is nothing but a particular case of *function*.
c) The principle of *extensionality*: every function (class, relation di-, tri-, ..., *n*-adic) is defined by its elements or dyads, triads, ..., *n*-ads of elements (individuals).	c') The principle of *intensionality:* every element (individual) is defined by abstraction from a classificatory function or relation, as a value x that either does or does not satisfy its conditions.
d) The principle of *discreteness:* the elements (individuals) are not connected with one another except by *external* relations, such that their intrinsic nature is not modified.	d') The principle of *continuity:* all relations are *internal;* between every two elements, however proximate, there is always room for a third.
e) The principle of finitude: the number of individuals is plural, but not infinite (except potentially); every set or collection has to be denumerable.	e') The principle of infinity: it is not necessary that the number of individuals be plural; if it is, then the concept of actual infinity holds, which is reflexive and non-denumerable.[28]

[28] An exhaustive illustration of these theses would entail too long a digression. As has been said, this shall be given elsewhere. We trust, however, that it is perspicuous at least in spirit. Once the kernel of the question is grasped, it should be clear how the contraposition of 1–5 and 1'–5' (in substance, if not in form) repels the critiques of the most rigid logical neo-positivism.

6. The best demonstration of the existence of the two calculi and of their difficult cohabitation is provided by the history of mathematics. Let us explain: mathematics is the inventory and attempt to rationalise all calculi in use. Perhaps the plural collective *mathematica* (*mathematiques*, mathematics) best indicates the question that concerns us. In fact, the 'theory of functions' is more analogical than logical; meanwhile, exactly the opposite holds for the 'theory of sets'.[29] The historical crises of the 'foundations of mathematics' (Zeno, the irrationals, the infinitesimals, Cantor, Russell) become easily comprehensible on the basis of the contrast between two alternative species of calculus. Logic and analogy are the two poles between which the drama (or dialectic) of the progress of rational thought unfolds.[30] The contrast between the two calculi is exemplified by the problem of irrational numbers. If one allows the theory of proportions to include numbers too, then the following antinomy is immediately revealed: a number is defined by the fact that it is a collection of units (in the 'logical' sense). Now a collection of units has to be, among other things, either even or odd (= not even): *tertium non datur.* But if one applies proportions to numbers, the proportion $2/x = x/1$ also becomes legitimate, from which $x=\sqrt{2}$. And it can be demonstrated that the square root of 2, if it is a number, can be neither even nor not even; therefore, if it is a number, then it is not a number (it is not a collection of elements). This aporia was already known to Plato.[31]

The example of mathematics goes to demonstrate the presence of a latent contradiction in the microstructure that may or may not become patent at the molar level. The history of mathematics demonstrates that every so often latent contradictions appear in the macrostructure too, and furthermore that during the intervals between the crises they can be traced back more or less easily to a dialectic of complementarity. The example of mathematics seems relevant under two aspects: (a) according to the broad sense by which we have characterised its role, namely, as the science of calculi, it is mathematics, and not logic — which represents the interests of a special calculus — that can tell us something about our mode of reasoning; (b) the presence of a contradiction — even if it is motivated by endless reconsiderations — is not in itself a sufficient condition for declaring the failure of rational thought, as it is (and must be) in logic. In other words, mathematical rationality is much broader than logical rationality. And this is explained only if we admit a plurality of calculi into mathematics. Furthermore, it is necessary to underline that mathematics, logic and analogy (and therefore every form of rational thought that is not strictly logical) each have a different function and therefore a different relative weight. Logical concerns intervene in the 'context of justification',

[29] Cf. e.g. O. Becker, *Grösse und Grenze der mathematischen Denkweise*, Freiburg u. München, 1959.
[30] Cf. e.g. G. Polya, *Induction and Analogy in Mathematics*, Princeton, NJ, 1954.
[31] *Leges*, VII, 819c[7] ss.

while the analogical calculus is better adapted to a 'context of discovery'.[32] Given the strict correlation between induction and analogy, it is easy to understand — despite the best efforts of Frege, Peano, and Russell — why a complete logical justification of 'mathematical induction' is not possible; conversely, one may say that it is the same concern of providing logical justification that produces 'crises of foundation'.[33]

Before moving on to analogy in law, two clarifications are needed: if for no other reason than to render the μετάβασις εἰς ἄλλο γένος less abrupt. Firstly, it is not the case that the relationship between the microstructural contradictions and the macrostructural contradictions that exist in mathematics need also hold in law. According to Kelsen's conception, law is a formal science like logic and mathematics. But it is doubtful that its formalism can ever reach the level of precision that, in mathematics for example, produces time and again true and proper crises of foundation. It appears more reasonable to expect that, in law, logic always knows how to subordinate the contrasting tendencies of analogy to its own requirements.

Secondly, however, it is necessary to recognise that the reciprocal can also hold. It is not certain that what is the case for mathematics is also the case for law; but nor is it certain — for exactly the same reasons — that it is not the case. Naturally, if this is true — if, that is, analogy can offer a legitimate counter to logic — then this must be demonstrated by macrostructural arguments, namely, with arguments internal to law and to its history (admitting that its history is exegetically relevant). And then the reference to mathematics and to the relationship between microstructure and macrostructure should be intended, in turn, in an analogical sense: if it so happens that in juridical exegesis analogy enters into conflict with logic, one should not jump to conclusions about the degeneration of exegesis into irrationality; the example of mathematics teaches us that logic does not cover the entire field of rationality, and that therefore the task of a truthful rationalisation, one that wants to be more than a justification of what is already given, known, and judged, remains open.

7. The historical premises that have determined the contemporary development of analogy in law and the methodological difficulties that until now have invalidated its correct use form the theme of Bobbio's well-known work.[34] On the face of it, the problem that analogy is called upon to solve is very simple. The question is connected with the equivocal interpretation that may be given to a law when the case is not univocally individuated by the law's content. When the interpretation is univocal, there is no problem, and the task of the judge is limited

[32] The distinction between context of justification and context of discovery is taken from H. Reichenbach, *Experience and Prediction: An Analysis of the Foundations and the Structure of Knowledge*, Chicago-London, 1961 (1st ed. 1938), pp. 6–7, 381–382.

[33] P. H. Nidditch, *The Development of Mathematical Logic*, London, 1962, esp. pp. 71–72.

[34] Bobbio, *L'analogia nella logica del diritto*, Torino, 1938; of which the first part is dedicated to history, while the second is dedicated to the theory of juridical analogy.

to verification. As we know, the judicial operation may be configured under the species of a *modus darii* syllogism (or of a 'subsumption'). The law constitutes the (universal) major premise; the verification, the (particular) minor premise; and the sentence provides the conclusion (also particular). This, however, is a limit-case. In reality, laws cannot foresee all of the cases to which they will be applied, but only some of those that are recurrent and typical or, simply, those particular cases that the legislator has in mind when instituting the norm.[35]

Usually, therefore, the application of laws demands a preliminary work of interpretation, which is the responsibility of the judge. The effect of the interpretation on how the syllogism (that is, the sentence) is formulated may vary from a minimum to a maximum; generally, however, it never fails to make its mark. Consequently, one should not consider interpretation an extrinsic complement of the juridical order in act, but rather its essential, supplementary factor. Its contribution pervades the whole order, even if it is not distributed equally across all the laws in which it finds expression. It will be much more relevant, for example, in the case of laws that prove to be inadequately formulated. The terms in which these have been drawn up, we may suppose, express a certain defect of approximation: either they are too general with respect to their referent, or vice versa, they are too particular; thus, they are ambiguous one way or another. In these cases the judge's task is that of interpolating gaps (or, as we say, inserting a stopgap), that is, to close the loopholes in the juridical order. To this end, he must use analogy, which thus becomes the methodologically indispensable, interpolative vehicle for obtaining the uniform, complete and fully regulative *extensio legis* of the legal order. This use of analogy, specified as *analogia legis* (and not *iuris*), is not only generally permitted without restriction, but is actually recognised as a universal, and not only a juridical, canon of interpretation.[36]

Up until now, the solution of the problems does not appear to present any particular difficulty. However, a different case arises when legal imperfections are not intrinsic, but rather due to changes in the historical context in which they are applied, that is, to put it mildly, due to a discrepancy that opposes a 'legal' state to a 'real' one. We do not immediately have to jump to the phenomenon of the obsolescence of the law. As we shall see, the inverse phenomenon, under the same name, may also exist: for example, that of constitutional rights that pre-date the law and confront it with a prior order. Whatever the case may be, it seems clear that the application of analogy must now resolve a much more complex problem, which, to use structuralist terms, is no longer just 'synchronic', but also and above

[35] The thesis is well known, but it is worth seeing its exact formulation in the terms of modern symbolic logic: cf. U. Klug, *Juristische Logik*, II. Berlin, Göttingen u. Heidelberg, 1951, § 5, 9 (pp. 58–63).

[36] On analogy as the universal canon of every hermeneutics, cf. W. Dilthey, 'Die Entstehung der Hermeneutik'. Ges. Werke, V, pp. 317–38.

all 'diachronic'.[37] It is equally clear that the judge's task grows in importance commensurately. He can no longer limit himself to interpolating the gaps *between* the laws, but must extrapolate something new *from* the laws: that is, he must take on the risk of prolonging, as though it were a tangent, what is metaphorically called the 'will of the legislator'. This implies a much more complex judgement, which cannot be attributed to a formal syllogism. Nor is it a minor inconvenience. Even if the judge is unaware of it (or, better put, even if he is induced, for entirely comprehensible reasons, to 'repress' it), it is clear that such a judgement implies a historical evaluation of tendencies at work within history. Whatever the case, it is a fact that the extrapolation we are alluding to does not simply fill in gaps, but amounts to an effective creation of law. In this loaded, risky and problematic use, analogy is called on to give an 'intensive', and not only an 'extensive', interpretation of norms; therefore, to the extent that it assumes this function, it is specified as *analogia iuris*. The gap that must be filled, in other words, is 'subjective' and not 'objective': it is a gap of the law, and not in the laws.

Now, to borrow from Savigny, the juridical problem of analogy appears to concern neither more nor less than this: the legitimacy of its use in function of *Rechtsfindung*, namely, of the creation of law or of a criterion for its intensive interpretation; and this is in opposition to the already acquired function of *Gesetzesauslegung*, namely, of the interpolation of legal gaps or of the extensive criteria for the interpretation of laws.[38]

8. The difference between the two uses of analogy seems to be a radical one. Even the terminological distinction, if not exactly ancient, should nevertheless be deemed 'classical'.[39] On the one hand, there is the *analogia legis*, which we imagine proceeds deductively, insofar as it follows the univocal principle of the *eadem ratio;* in any case, since it is an interpretation *ad supplendum*, the margin of arbitrariness is always greatly reduced. On the other hand, there is the *analogia iuris*, which is synthetic and not merely analytic. It institutes an interpretation *ad intelligendum*, which is enough to transgress the pure and simple objectivity of the law. The proportional average between the two species of analogy, 'objective' (legal, univocal, extensive, interpolative, and analytic) and 'subjective' (juridical, equivocal, intensive, extrapolative, and synthetic), is given by the following principle: *ubi eadem ratio, ibi eadem iuris dispositio.* Now this may have passed in the jurisdictional context of 'Roman law' or even of natural law ideology broadly construed. If one presupposes that the juridical order possesses an ideal, static

[37] On the pertinence of the questions regarding law raised by contemporary structuralism, both linguistic and anthropological, cf. Ghezzi's essay, 'A proposito di "strutturalismo" e metodo dell'indagine giuridica' [Regarding 'Structuralism' and Method in Juridical Investigation], in this review: *Studi in memoria di Angelo Gualandi*, 2 vols., II, Urbino, Argalìa, 1969, 1966, pp. 1411–27.

[38] Bobbio, op. cit., pp. 6ff., 66; for the critical history of this approximate attribution of paternity see *ivi*. p. 70.

[39] Op. cit., Part I (pp. 7–78).

nature, then the passage from the objective criterion of the *eadem ratio* to the logically weaker one of the *similis ratio* — which is at least in part subjective and therefore stands under the 'induction' rather than the deduction of law — does not present us with any prohibitive difficulties.[40]

But in Savigny, one notes a shift of emphasis that insists less on the logical moment of differentiation and more on its historical, psychological and broadly speaking concrete moment. The criterion of the *similis ratio*, insofar as it is a factor in a positive, historical, and creative *Rechtsfindung*, must necessarily distance itself from the criterion of the purely tautological factor of the *Gesetzesauslegung* founded on the *eadem ratio*.[41] In his ostensible conservatism, Bobbio's intervention is decisive on this point. Having posed himself the 'logical' problem of analogy in law, he cannot but reach restrictive conclusions. Analogy is only justifiable insofar as it serves as an analytic interpretation and not the creation of a new law. Even if it does not limit itself to the interpolation of laws — as it also comprises a certain extrapolation of the law itself — analogy remains logically unjustifiable nonetheless, save the extent to which, proceeding analytically, it renders the implicitly presupposed rationality of the juridical system more explicit — and therefore, only if it functions as an instrument for legal objectification.

There is every reason in the world to think that endeavouring to read between the lines is not only *osée* [daring], but forever objectionable. At this point, however, I cannot help but do so *coûte que coûte* [no matter what the cost]. The distinction that Bobbio establishes between the two uses of analogy coincides with neither the classical distinction, nor with Savigny's distinction. In fact, both of the latter presuppose that the juridical order already represents a coherent system, even if they go on to evaluate the 'anomalous' function of analogy differently: in one case, to reinstate the preceding legality; in the other, to produce a new legal system. For both positions, it is taken for granted that the coherence of the system is independent of the use, legitimate or otherwise, of analogy: except that in one case this coherence is located in the past, while in the other it may also be assigned to the future; analogy can restore the system's coherence, or instigate it; however, it cannot produce it, because analogy is given separately from it. But, if I am not mistaken, for Bobbio the position is reversed. Analogy is neither a means for restoring the system, nor a means for transitioning from one system to another. Instead it is the distinction between the two species of analogy that, however understood, founds the *system* as a result of analytical restriction.[42] That is: for the preceding conceptions the coherence of the juridical system holds as a presupposition, and analogy is evaluated on this basis; while for Bobbio it is the different uses of the juridical analogy that guarantee — or fail to guarantee — the coherence of the system.

[40] Op. cit., pp. 103–104.
[41] Op. cit., pp. 66–70.
[42] Op. cit., pp. 96–97; 103–104; 132–34.

We already know that, at the microstructural level, analogy and logic represent two incongruent modes of reasoning (§§ 5–6). It is not a given that this must also hold at the macrostructural level, but neither is it granted that it cannot hold. Bobbio's juridical philosophy, by making the legitimacy of analogy the principle of the legitimacy of the juridical system, establishes at one and the same time the tautology of the system and its limits. It is useless to insist on this point: it is in itself tautological and cannot take us any further. We know, however, that the criterion of the *eadem ratio*, applied to analogy, is not logically justifiable. In fact, it presupposes a proportional calculus, which in principle is in contrast with the strictly logical one, as demanded by the juridical definition of each case. This state of things is only contradictory in a virtual sense. In fact, as Bobbio demonstrates, one can always 'define' a type of analogy that satisfies the criterion of analyticity. But then, one is dealing with a criterion of analyticity which is, so to speak, 'postulatory', that is, relative not to that proportional calculus of which analogy is a direct expression, but to a special, restrictive interpretation of it, which is not justifiable on the basis of its intrinsic principles. Therefore, the appearance of a contradiction at the macrostructural level of the logic of law, even though it can be contained each time by resorting to special interpretative postulates, can never once and for all be severed at its root. The very *ad hoc* character of the procedure that rationalises analogy also serves to maintain indefinitely analogy's intrinsic, virtual capacity to contest any logic. What matters is that we recognise that analogy can contradict logic precisely 'by virtue of its form'.

9. This purely formal conclusion is also supported by extrinsic considerations. Examining the same problem from the point of view of modern logic, but keeping in mind the requirements of juridical procedure, Klug starkly concludes in favour of a criterion of *similis ratio*, in direct contrast with Bobbio's 'analytical' thesis.[43] Klug recognises that modern logic offers no opportunity for justifying analogy, whether subjective or objective. We have seen that the illogicality of analogy depends on two factors of a non-formal character: (a) the choice, predilection, or elevation to a paradigmatic status of a particular calculus, the strictly 'logical' one; (b) the exclusion, subsumption, or in any case the subordination to the λόγος κατ' ἐξοχήν of every other possible calculus or interpretation, with the aim of avoiding 'logical' contradictions. Therefore, Klug, who confuses illogicality with irrationality, is led to erroneous conclusions. In any case, here we underline the consequences that bind those who do not accept our way of posing the problem. For Klug, by being simultaneously a *necessarium* and an *irrationale*, analogy comes to be a part of praxis and not theory; or, better said, it falls within the sphere of synthesis and induction.[44]

[43] U. Klug, *Juristische Logik*, cit., § 9 ('Der Analogieschluss'), pp. 98–126.
[44] Op. cit., p. 126.

A more concrete validation is provided by Tarello's recent work, which is dedicated to trade union law.[45] The Italian constitution of 1948 grants to every citizen the right to work (art. 4), whether in anticipation of or in contrast to existing legislation. Modern labour law develops on the basis of this lacuna or contradiction. As Tarello says, the right to work develops beginning from a 'legislative deficiency': and everyone sees how far this notion corresponds to the classical idea of a 'legislative gap'.[46] In this case *analogia iuris* is founded on the constitution itself, and the labour lawyers are left with the difficult task of legitimising it as an institutional *analogia legis*, even if this may provoke conflicts, tensions and contradictions with the juridical order already in force and its by now canonical interpolations. As Tarello observes, one can glimpse a macroscopic sign of such a difficult coexistence in the opposition, primarily methodological, and therefore on proper reflection also ideological, that is emerging between civil law doctrine and labour law doctrine: the first has now been caught up in a problem of exasperating interpretative formalism; while the second is not only open to the most pressing psychological, sociological and political questions of the present moment, but also (I would add) open to the historical and existential adventure of our times.[47]

We have attempted to demonstrate by formal considerations that logic, (a) if intended in a strict sense, has no right to hegemony over rational thought; and (b), if intended in a broad sense, it must also justify analogy, and, in the extreme case, even contradiction. For those who from the beginning have embraced the theses of Hegelianism, or to be a little more up to date, of Hegelian-Marxism (in the manner of Horkheimer and Adorno, but also in part Marcuse) this conclusion will undoubtedly be thought a foregone conclusion, if not outright banal. But, for those who approach the comprehension of Hegelian-Marxist dialectics by way of a so-called centripetal movement — that is, from the outside, arduously, and by overcoming many scruples, of which perhaps not all are misplaced — it is a conclusion that may be of some interest. The moral of the story, about which there should be no doubt, concerns everyone equally. Analogy in law does not only admit a conservative interpretation, but also a progressive one. It is precisely the progressive jurist that must make use of it, and consciously so: with the aim of inserting contradictions into a juridical order that rationalises existing power and serves as its ideological foil, by corroding it from the inside.[48] Analogy can also be subversive.

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[45] Tarello, *Teorie e ideologie nel diritto sindacale*, Milano, 1967.

[46] Op. cit., p. 25.

[47] Op. cit., p. 25.

[48] I cannot say whether Angiolino Gualandi would have accepted this conclusion. In his time (before 1965), I would rather say that he would not have; but, after all, at that time I would not have known how to put it to him with the same conviction as now. Making use of the counterfactual, I would venture to say that today he would have at least accepted it, if not exactly shared it. *Edel genug war er zum Widerrufen!* — as Nietzsche says, referring to another who died equally young (*Also sprach Zarathustra*, I, 'Vom freien Tode').

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She is also the author of several essays on continental philosophy published in journals such as Pensamiento (2014), Convivium (2015), Enrahonar (2015), Journal for Cultural Research (2014 & 2019), The European Legacy (2015), Studies in Philosophy and Education (2016), and the Rivista di filosofia neoscolastica (2018).

Previous Issues

Journal of Italian Philosophy

Volume 1 (2018)

Articles

Giorgio Agamben, 'L'albero del linguaggio' (1968)

Giorgio Agamben, 'The Tree of Language'. Trans. Connal Parsley

Lorenzo Chiesa, 'Superpolitically Apolitical: On Agamben's *Use of Bodies'*

Stephen Howard, 'Archaeology and/or Genealogy: Agamben's Transformation of Foucauldian Method'

Lars Cornelissen, 'Violence, Political Evil, and Simona Forti's *New Demons:* A Counter-Genealogy of the Dostoevsky Paradigm'

Andrea Bellocci, 'Interpretation and Demythologisation: The Problem of Truth in Luigi Pareyson's Hermeneutics'

Reviews

Lucio Privitello, 'Umberto Eco's Adventurous Orders. A Critical Review-Essay on Claudio Paolucci, *Umberto Eco: Tra Ordine e Avventura'*

Sevgi Doğan, 'Review-Essay. Roberto Esposito, *Da Fuori: Una filosofia per l'Europa'*

Michael Lewis, 'Virno's Philosophical Anthropology. Review-Essay. Paolo Virno, *An Essay on Negation'*

Journal of Italian Philosophy

Volume 2 (2019)

Articles

The Outcome of Phenomenological Marxism in Italy: Enzo Paci, Pier Aldo Rovatti & Carlo Sini

Pier Aldo Rovatti & Andrea Muni, 'Deconstructing the Capital Letters. Weak Thought, Italian Theory, and Politics. A Conversation with Pier Aldo Rovatti'

Carlo Sini, 'Enzo Paci: dall'esistenzialismo alle cose stesse'

Carlo Sini, 'Enzo Paci: From Existentialism to the Things Themselves'

Forgotten Traditions in Italian Thought: Benedetto Croce & Norberto Bobbio

Franco Manni, 'The Difference between Liberalism and Democracy: A Forgotten Italian Tradition'

The Elusive Third: Giorgio Agamben

Roberto Mosciatti, 'Franciscan Cynicism: *Bare Life* as a Transformative Cosmopolitics'

Ido Govrin, 'Paradisiacal Knowledge (or, Falling from the Epistemological Constellation)'

Damiano Sacco, 'Majorana's Sacrifice: On Agamben's *What is Real?*'

Angela Arsena, 'Agamben, or, the Philosophy of Shipwrecking Waves'

On Applause: Davide Tarizzo

Davide Tarizzo, 'Applause: The Empire of Assent'

Reviews

Rita Fulco, Review of Roberto Esposito, *The Origin of the Political: Hannah Arendt or Simone Weil?*

Iwona Janicka, Review of Elettra Stimilli, *The Debt of the Living: Ascesis and Capitalism*

Arthur Willemse, Review of Roberto Calasso, *The Unnamable Present*

Journal of Italian Philosophy
Volume 3 (2020)

The Politics, Ethics, and Aesthetics of Inoperativity

Edited by Giovanni Marmont and German E. Primera

Giovanni Marmont and German E. Primera, 'Propositions for Inoperative Life'

William Watkin, 'Inoperativity as Category: Mathematising the Analogous,

Habitual, Useful Life in Agamben's *The Kingdom and the Glory, The Signature of All Things* and *The Use of Bodies'*

Kieran Aarons, 'Destitution and Creation: Agamben's Messianic Gesture'

Angelo Nizza, 'Towards a Critique of Inoperativity in Luciano Bianciardi's *La vita agra'*

Carlo Crosato, 'Telling the Truth, or Not: Notes on the Concept of Ethics in Foucault and Agamben'

Tyson E. Lewis, 'The Pataphysics of Inoperativity in the Works of Giorgio Agamben'

Elliot C. Mason, 'Thing: a fugitive in( )operation'

Malte Fabian Rauch, 'Archaeologies of Contemporary Art: Negativity, Inoperativity, *Désoeuvrement'*

Valeria Bonacci, 'Form-of-life and Use in Homo Sacer', trans. Jacopo Condò and Giovanni Marmont

Giorgio Agamben, 'Bataille and the Paradox of Sovereignty', trans. and foreword by Michael Krimper

Journal of Italian Philosophy

Volume 4 (2021)

Special Edition
Commemorating Gianni Vattimo's *The Transparent Society*

Edited by Santiago Zabala & Michael Lewis

Silvia Mazzini, *Introduction — The (Non-)Transparent Society: An Explosive 'Context for Multiplicity'*

Santiago Zabala, *Reconsidering the Emancipative Features of our Transparent Society: A Philosophical Reconsideration of Gianni Vattimo*

Daniel Innerarity, *How Much Transparency do our Democracies Require and Tolerate?*

Federico Vercellone, *The 'Transparent Society': An Aesthetic-Political Project.*
Translated by Vanessa Di Stefano

Daniela Angelucci, *Pluralism and Deterritorialisation*: *The Transparency of the Media and the Nature of Art according to Vattimo*

Christine Ross, *The Transparent Society:* Is the Liberation of Differences *still* what the 21st Century needs?

Jaume Casals, *The Concept of Transparency and the Transparent Society: Vattimo among the Modern Classics*

Gianni Vattimo, *Post... Modern!*
Translated by Thomas Winn

Journal of Italian Philosophy

Volume 5 (2022)

Editorial.....i

Articles

Alberto Parisi, From Voice to *Pneuma* and Back: Italian Pneumatologies against Derrida's Grammatology.....1

Pier Alberto Porceddu Cilione, Giorgio Agamben: Understanding *Oikeiōsis*.....25

Tom Frost, Community and the Third Person in Esposito and Agamben.....43

Michael Lewis, The Machine in Esposito and Agamben.....69

Daniele Fulvi, The Ontological Reality of Evil in the Philosophy of Luigi Pareyson.....107

Franco Manni, Norberto Bobbio and Benedetto Croce.....130

Roberto Redaelli, The Current Significance of Carlo Sini's Notion of the Subject: A Contribution to the Debate between Postmodernism and New Realism.....171

Reviews

Ermanno Castanò, Italian Philosophy before the Animals: Review of *Animality in Contemporary Italian Philosophy.* Eds. Felice Cimatti & Carlo Salzani.....181

Giorgio Astone, From *Immunopolitics* to *Xenopolitics:* Sovereignty and Migration in Donatella Di Cesare's *Resident Foreigners*.....186

Michael Lewis, Review-Essay. Giorgio Agamben, *Where Are We Now?* and Other Writings.....200

Biographies.....242
Previous Issues.....244
Forthcoming Issues.....248

Journal of Italian Philosophy

Volume 6 (2023), 'Neglected Paths in Italian Philosophy'

Contents

Articles

Marco Andreacchio, 'Poetic Soteriology: Dante's Heroic Defence of Classical Heroism'...1–13

Jan Prins, 'Adoardo Gualandi (?–1597) — A Forgotten Innovator in Moral Philosophy'....14–27

Wolfgang Rother, 'Sebastiano Franci: A Forgotten Philosopher, Enlightener and Feminist'.....28–43

Paolo Furia, 'Towards a Holistic Concept of Landscape: From Croce to Pareyson'.....44–63

Alberto De Vita, 'Giorgio Colli's Concept of Expression and the Problem of Subjectivity'.....64–76

Andrea Righi, 'Eternity as Relationality: The Problem of the External Foundation of Time in the Thought of Emanuele Severino'.....77–94

Damiano Sacco, 'A Testimony of the Language that Testifies to Destiny'.....95–116

Varia

Roberto Mosciatti, 'Exclusion as a Blessing: The Italian Retrieval of Cynicism'.....117–134

Alessandra Montalbano, 'Hannah Arendt's Embodied Theory in Giorgio Agamben's Biopolitics and Adriana Cavarero's Vulnerability'.....135–155

Biographies
Previous Issues
Forthcoming Issues

Journal of Italian Philosophy

Volume 7 (2024), 'Bodies, Voices, Relations: Thinking with Adriana Cavarero'

Edited by Federica Castelli, Marco Piasentier, and Sara Raimondi

Contents

1. Introduction: Inclining Politics. Introducing Adriana Cavarero
Federica Castelli, Marco Piasentier, and Sara Raimondi.....1

2. Cavarero's Puzzle: Ethics, Maternity, and Loving "Wrong"
Clare Woodford.....19

3. Imagining the Body: On the Power of Images and the Force of the Corporeal in Adriana Cavarero
Emma Andrea Ingala Gomez.....54

4. More Than One Voice. Relation, Body, and Narrative
Federica Giardini.....78

5. Narration as a Practice of Care in the Wake of Violence: Adriana Cavarero's Narrative Theory and Saidiya Hartman's Critical Fabulation
Fanny Söderbäck.....88

6. Paradoxes of Political Bodies: Cavarero's Voices and Their Challenges to Political Discourses
Carlotta Cossutta.....127

7. The Voice of Care: On the Informality of Uniqueness
Timothy Huzar.....145

8. Resonant Voices for a New Subjectivity: Adriana Cavarero and Contemporary Italian Women's Writings
Alberica Bazzoni.....162

9. Reclinations and Reckless Inclinations in Amelia Rosselli's Poetry of Resistance
Marzia D'Amico.....182

10. Judgement, Freedom, Solidarity: Thinking with Arendt
Judith Butler.....212

11. The Great Mother
Adriana Cavarero
Translated by Sara Raimondi.....231

12. Book Review: Marco Versiero, *Leonardo. La Natura allo Specchio*
Mauro Zanchi.....251

13. Book Review: Corrado Claverini, *La Tradizione Filosofica Italiana. Quattro Paradigmi Interpretativi*
Tim Christiaens.....261

Forthcoming Issues

We are planning a special issue on the topic of Pantheism in Contemporary Italian Philosophy and Literature, one on the work of Giacomo Leopardi, and – potentially – one dedicated to the memory of Antonio Negri.

General contributions in all areas of Italian Philosophy are welcome.

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