Form-of-life and Use in Homo Sacer[1]

Valeria Bonacci

Translated by Jacopo Condò and Giovanni Marmont[2]

The notion of "form-of-life" acquires increasing relevance and concreteness in Agamben's thought by getting gradually entangled with the idea of "use". The relation between the two notions is the thread connecting the last two volumes of the Homo Sacer series*: The Highest Poverty: Monastic Rules and Forms-of-Life* (*Homo Sacer,* IV, 1, 2013a [2011]) and *The Use of Bodies* (*Homo Sacer,* IV, 2, 2015 [2014]). The purpose of this fourth section of Agamben's political researches, according to the author, is to think 'a form-of-life, a human life entirely removed from the grasp of the law and a use of bodies and of the world that would never be substantiated into an appropriation' (2013a: xiii). In Agamben's line of inquiry, the 'grasp of the law' is produced through a separation of the two spheres, which become subordinated to each other (as *bios* and *zoē,* norm and fact, sovereignty and life, etc.). Since its beginning, the Homo Sacer investigation has shown how this double movement of separation and conjunction can occur only starting from a threshold of central indiscernibility, which the apparatuses of power try to dissimulate, but which they preserve within them as their most precious core. If the syntagma 'form-of-life', with its dashes, tries to reveal this indiscernibility of the two notions, then "use" is a "third term" in relation to them that, however, does not present itself as a "substantial" domain, since it indicates nothing other than the reciprocal transformation which form and life undergo in this relation.

In this study we will investigate the link between "form-of-life" and "use", drawing in particular on *The Highest Poverty: Monastic Rules and Forms-of-Life.* The text elaborates a study on the first monastic movements and Franciscanism, through an analysis of the documents of the cenobitic life that the tradition classifies as *regulae.* Agamben shows how the birth of monasticism coincides with a contestation of the ecclesiastical liturgy — in which the office of the priest is separated from his factual life — which is formulated by binding the efficacy of

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Corresponding translator: jacopocondo@gmail.com

the cultural practice to its realisation through the monk's very life. According to the author, it is crucial that this inversion of the liturgy brings to light a threshold of indiscernibility between "rule" and "life", in which these terms 'lose their familiar meaning in order to point in the direction of a third term' (*ibid.*: xii, translation altered) that Franciscans thematise as a *usus pauper* of things and of the world. The central thesis of the book is that the monks come close to the realisation of a communal form-of-life that, however, they ultimately fail to grasp, precisely because they cannot entirely think and practice use as a third term, as a middle between norm and life, in which the rule cannot be distinguished from cenobitic experience in terms of a separate sphere. Reconstructing the text's line of reasoning will allow us to understand what are, according to Agamben, at once the power and the limits of monasticism, and to define the role of *The Highest Poverty* in his philosophical and political project.

In the first part of the present work, in order to contextualize *The Highest Poverty* within the Homo Sacer project overall — in particular regarding the topic of "government" — we shall address the volume that the author presents as its premise: *Opus Dei: An Archaeology of Duty (Homo Sacer*, II, 5, 2013b [2012]). This text will allow us to investigate Agamben's attempt to lead form-of-life back to use in relation to his meditation on the notion of "potentiality". At the same time, it will serve to demonstrate how such an attempt corresponds to the intention to neutralize the opposition between potential and act through a middle, a third term between them, that the investigation refers to as "habit".

In the conclusion, we shall try to reconstruct the original way in which Agamben develops the themes of form-of-life and use discussed in *The Highest Poverty* by analysing some passages from *The Use of Bodies*, and in particular his investigation of the notion of "habitual use", where we can identify the convergence of the inquiries into the Franciscan *usus* and of those on "habit" in *Opus Dei*.

Archaeology of Duty

In the *Preface* of *The Highest Poverty,* Agamben writes: 'what has appeared to present an obstacle to the emergence and comprehension of this third thing [in which, following the excerpt cited above, the traditional distinction between "rule" and "life" disappears] is […] the liturgy. […] Hence this study, which proposed initially to define form-of-life by means of the analysis of monasticism, has had to contend with the […] task of an archaeology of duty [*ufficio*] (the results of which

are published in a separate volume, with the title *Opus Dei: An Archaeology of Duty*)' (2013a: xii). Before examining the conflict between the Church and the monks, as it is reconstructed in *The Highest Poverty,* we will take up the description of the functioning of the liturgical device presented in the volume that precedes that text in the *Homo Sacer* series.

In the Latin of the catholic Church, the term "liturgy" designates the exercise of the sacerdotal function. However, such an acceptation of the word appears only around the seventeenth century, whereas, starting from the fourth century, throughout the process of the institutionalisation of the Church, the term employed to designate the praxis of the priest is mostly *'officium'*. The remarkable spread of the term "duty" and "office"[3] in contemporary society can be explained, according to Agamben, by the fact that the elaboration of the sacerdotal *officium* — together with, as we shall see, that of the patristic doctrine of the *oikonomia* — is the laboratory where the ontological-political paradigms of modernity are forged. If, in the formulation of the *officium,* what is at stake is to guarantee 'the independence of the objective effectiveness and validity of the sacrament from the subject who concretely administers it […] beyond any subjective conditions that could render [the sacrament and the priestly action] null or ineffective', in modern apparatuses of government 'it is a matter of distinguishing the individual from the function he exercises, so as to secure the validity of the acts that he carries out in the name of the institution' (Agamben, 2013b: 21). How, then, through the separation from its factual life, is the human being's praxis articulated as government?

The study on the constitution of the governmental paradigm in the liturgical *officium* constitutes the development of the 'theological genealogy of economy and government' that is found in *The Kingdom and the Glory* (*Homo Sacer,* II, 4, 2011 [2007]). This text conducts an investigation into the doctrine of *oikonomia* through which, between the second and the fifth centuries, the Early Church Fathers elaborated the dogma of *incarnation*: that is to say, the Trinitarian paradigm. Agamben shows how the articulation of *oikonomia* takes as its point of departure the crisis that marks the end of the classical world, when "ancient fate" breaks apart, and being and praxis appear as irreconcilable planes. In Christianity, this scission had given rise, on the one hand, to monistic positions,

[3] Translators' note: the Italian term *ufficio* is alternatively rendered as "duty" or "office" in published translations of Agamben's texts. We have here used either or both renditions, according to each specific context, trying to emphasise role-bound personal responsibilisation and the bureaucratisation of political life respectively, while recognising that these are both key aspects of Agamben's thinking on the apparatus of *ufficio*.

such as that of the "monarchians", who denied the reality of Christ, and, on the other hand, to dualistic ones, such as the gnostic doctrine, in which the separation between being and praxis led to a thinking of *oikonomia* as a proliferation of figures of divine acting, and thus opened the way for a relapse into polytheism. The claim of the Trinitarian doctrine is to elude this opposition, that is, to *accept* and at the same time *resolve* the ontological and political problem of this scission, thinking the *separation* between God and the human not as what compromises divine unity but, on the contrary, as what allows its realisation, because it underpins their *articulation* in the Son — through *government.* In this doctrine, the *division* between the being of God and the action of the human is instrumental for their *articulation*, to their incessant reorganisation through an administrative paradigm, namely, that of *oikonomia*. According to Tertullian's expression, to which Agamben also returns in *Opus Dei*, many 'are fearful because they assume that *oikonomia* means plurality and that the ordinance [*dispositio*] of trinity means a division of unity, whereas unity, deriving trinity from within itself, is not destroyed but administered by it [*non destruatur ab illa sed administretur*]' (cited in Agamben, 2007: 56, our translation).

In *Opus Dei*, Agamben notes that the sacerdotal vocabulary was absent in Christian literature at its origins, in fact appearing around the second century in those same authors who elaborate the Trinitarian doctrine. The "archaeology of office" reconstructs the way in which the sacerdotal function is articulated in history and language, returning to the first treatise dedicated to the topic, Ambrose's *De Officiis Ministrorum*, a work on the clerics' "virtues" through which *officium* comes to name the priest's praxis, and in which we can identify the paradigmatic functioning of the liturgical apparatus. Ambrose splits the praxis of the "minister" into two distinct spheres: *officium* — the particular action of the priest, that he presents 'in terms of humility and imperfection' —, and *effectus* — the effectivity of the sacrament, 'which actualizes and perfects the first, [and] is divine in nature' (Agamben, 2013b: 81).

In the liturgical apparatus — as in the doctrine of *oikonomia* — the *separation* between God and the human does not compromise the divine unity but is precisely what enables their *conjunction* in the sacrament, so that '[t]he liturgy as *opus Dei* is the effectiveness that results from the articulation of these two distinct and yet conspiring elements' (*ibid.*: 24). The liturgical apparatus, Agamben argues, can articulate *officium* and *effectus* only by presupposing their difference — or else the sacrament could not *become* effective through the particular praxis of the priest — but it can acquire such a difference only by undoing it — otherwise the

contingent praxis of the minister would compromise the *validity* of the sacrament.[4] 'The divine *effectus'* — we read in the text — 'is determined by the human minister and the human minister by the divine *effectus* […]. *This means, however, that* officium *institutes a circular relation between being and praxis, by which the priest's being defines his praxis and his praxis, in turn, defines his being.* In *officium,* ontology and praxis become undecidable' (*ibid.*: 81). The investigation into the functioning of the liturgical apparatus reveals how the office, since it presupposes a separation that must always be articulated, preserves within itself a *threshold* of undecidability between divine effect and human act, being and praxis. In fact, if the liturgical apparatus separates the two poles to subordinate one to the other, it cannot maintain itself otherwise than through this threshold of central indiscernibility, in which each time they are *at once* divided *and* articulated. Without this threshold of indiscernibility, as it has been argued, the effectivity of the sacrament would absorb the *officium*, while, at the same time, the contingent praxis of the priest would compromise the *effectus*, so that the act of government would not be able to take place.[5]

But then, if the apparatus of office contains in its centre a threshold of indiscernibility between being and praxis, '[w]hat are the stakes' — asks the archaeology — 'in the strategy that leads to conceiving human action as an

[4] The priest, writes Agamben, appears as a 'paradoxical subject', because within him the *officium* can coincide with the *effectus* 'only on condition of being distinguished from it and can be distinguished from it only on condition of disappearing into it.' (Agamben, 2013b: 25) 'The typical operation of metaphysics is therefore not only to conjoin what is separated, but also of presupposing such separation. Agamben's contribution to the critique of metaphysics is indeed that of thinking these two movements — disjunction and conjunction — as a single operation, as a single apparatus' (Gentili, 2016: 52–53). If God and the minister – or the sovereign and the government – are at once divided and articulated, and in this way refer to one another, 'the greatest illusion of political thought is the belief that […] essence [of power] could be isolated [from power] by way of whatever kind of leap, deploying speculative resources, starting from that of dialectic. In other words, power is not embodied in the double figure of government and sovereign, nor does it result through a subsumption of their contradictory unity: rather, it emerges as the effect of a disposition (*agencement*), whereby each of the two poles fulfils its function while never ceasing to secretly refer to the other. The difficulty of thinking politics depends on the lack of an external domain starting from which it may be possible to explain the meaning of this very disposition' (Karsenti, 2009: 360, our translation).

[5] Likewise, the studies of *The Kingdom and The Glory* (Agamben, 2011: 122) come to show how the *oikonomia* maintains within itself a threshold of central indiscernibility, described as 'a bipolar system that ends up producing a kind of zone of indifference between what is primary and what is secondary, the general and the particular', which constitutes 'the condition of possibility for government, understood as an activity that, in the last instance, is not targeting the general or the particular, the primary or the consequent, the end or the means, but their functional correlation'.

officium?" (Agamben, 2013b: 91). Agamben argues that Ambrose's *De Officiis Ministrorum* replicates both the title and the structure of Cicero's *De Officiis*, a classical rereading of the doctrine of virtues, and considers how, in the relation between *officium* and *effectus,* the liturgical literature reformulates the ancient theory of action, the link between *potentiality and act:* '[n]ot only does *effectus* translate the Greek *energeia* in the earliest versions, but in the missals and sacramentaries the divine *effectus* completes and perfects *(perficiatur, impleatur, compleatur* …) each time what was in some way in potential in the priest's action' in *officium* (*ibid.*). Agamben suggests that the correspondence between the pairs *officium/effectus* and *dynamis/energeia,* the circular structure of office in Ambrose and its presentation as a *theory of virtues*, can be explained — through Cicero — in relation to Aristotle's doctrine of virtues: the notion of virtue (*aretē*) assists the Greek philosopher precisely in the effort to resolve *the circularity between dynamis and energeia*, the aporias that their distinction introduced into his theory of action. Agamben's attention is captured by an element that performs a decisive function in the Aristotelian doctrine of virtues, but that — like the sacerdotal office — appears properly ascribable neither to potential nor to act — an *undecidable* element between them, whereby the two poles separate and conjoin, and that in this way allows the action to configure itself —, but which Aristotle, like Ambrose, tries to "resolve" by subordinating it to the act and to *aretē*: this element is *hexis* (from *echō*, to have), in Latin *habitus,* a term that the text translates as *habit* or habitude (*abito* o *abitudine*). The archaeology of office must then address the notions of *hexis* and *aretē,* at the intersection between ethics and ontology in Aristotelian texts.[6]

In the *Nicomachean Ethics*, Aristotle defines virtue (*aretē*) as 'that hexis "from which [*aph'ēs*] one becomes good [*agathos gignetai*] or will do one's function well [*eu*

[6] The link between *officium* and *effectus* cannot overlap with that between *dynamis* and *energeia.* If in ancient thought potential and act are two homogeneous categories within being, *officium* and *effectus* are rather two distinct dimensions within a circular relation that prefigures modern ontology, which Agamben describes as "effective" (cf. the second chapter of *Opus Dei*, particularly pp.45–47). Aristotle, on the other hand, by introducing a separation between potential and act, and interrogating the issue of their articulation, allows the appearance of a circularity between the two notions in which is prefigured their subsequent "effective" link. On Aristotle's "ambiguous" position in the history of philosophy, see Agamben 2013b: 46; 2011: 82–84; 2015: 74–75; 2018: 45–47. In Homo Sacer, Aristotle therefore does not emerge as the "matrix" of Western thought. The frequent recourse to Aristotle, as we shall see, is ultimately to be explained by the fact that, in his studies, the philosopher lets a *middle term* appear, a *threshold*, through which he accomplishes the separation *and* conjunction of potential and act, demonstrating the possibility of neutralising the conceptual opposition that characterises, even if in a different fashion, both ancient and modern thought.

to heautou ergon apodōsei]"' (1106a 24, cited in Agamben, 2013b, 92). How are we to understand, asks Agamben, that Aristotle elaborates the notion of virtue starting from that of habit? He identifies a theory of habits in book *Theta* of the *Metaphysics,* in which *hexis* is the element that 'defines and articulates the passage of potential from the merely generic […] to the effective potential of the one who […] can therefore put it into action' (Agamben, 2013b: 93). Aristotle further explores the role of *hexis* in particular in the *De Anima*, in which he distinguishes "generic" potentiality — in his example, the human's capacity to learn how to write — from "effective" potential — proper to those who have already learnt grammar and can thus enact it — and determines their relation as follows:

> whereas the one becomes so in actuality by means of learning, after frequent changes from a *hexis* to its contrary [that is, to privation, *sterēsis*, which for Aristotle is the opposite of *hexis*], the other passes by a different process from having [*echein*] sensation and grammar without exercising it in act, to exercising it in act [*eis to ergein*]. (Aristotle cited in Agamben, 2013b: 93, translation altered by the author).[7]

Aristotle thinks generic potentiality as the learning of a capacity — in terms of a repeated passage from habit (*hexis*) to its privation (*sterēsis*) — and effective potential as a translation into act of this capacity — as a separation from habit (from having without enacting) and passing into action. *Hexis* can perform this double function by virtue of its constitutive link to *sterēsis*, privation. Indeed, this link defines *hexis* as an ambivalent concept: on the one hand, habit of a privation — potentiality — and, on the other hand, privation of a habit — passing into action.[8] The notion of habit thus allows us to reformulate the passage from generic potentiality to effective potential, to think a capacity in relation to its actualization without subordinating the former to the latter: '[t]he strategic meaning of the concept of habit is that, *in it, potential and act are separated and nonetheless maintained in*

[7] Author's note: it is clear to the Italian reader that Agamben's interpretation — or, indeed, his destitution — of a metaphysical text often coincides with his novel translation of that same text (a translation we have attempted to replicate in this citation). Consequently, it is important to revise the official English translations of Agamben's sources so as to appropriately follow his interpretive gesture.

[8] Aristotle clarifies the link between *hexis* and *sterēsis* in the *Metaphysics:* 'So a thing is potential in virtue of having a certain habit, and also in virtue of having the privation [*esterēsthai*] of that habit … and if privation [*sterēsis*] is in a sense habit …, then everything will be potential by having [*echein*] a certain habit or principle and through having the privation of it, if it can "have" a privation' (Aristotle cited in Agamben, 2013b: 94, translation altered).

relation' (Agamben, 2013b: 94 emphasis added). The unresolvable link between *sterēsis* and *hexis* enables Aristotle to understand the possession of a capacity in an essential way, in its not being exercised, but also to grasp its connection to the act; in other words, it allows him to think how a potential comes to constitute itself through a particular mode of acting — as a habit or habitude — and how, conversely, every habitual gesture configures itself in relation to a capacity that exceeds it, to its capacity not to realise itself. *Hexis* is then a *third term* between potential and act, a *middle* between passivity and activity, which however does not arise as a substantial domain, because it does not appear save through their indiscernibility, as the sphere in which the two poles are reciprocally constituted.

However, this implies that *hexis* makes the realisation of the act independently of its capacity to not give itself — from its potentiality — difficult to think, thus being configured as an aporetic concept in Aristotelian thought. 'While assigning to habit an essential place in the relation between potential and act' — Agamben notes — 'and in this way situating *hexis* in a certain sense beyond the opposition potential/act, Aristotle never stops repeating, however, the supremacy of the *ergon* and the act over simple habit' (*ibid.*, 95). In order to resolve the indiscernibility between *dynamis* and *energeia* of the *hexis*, Aristotle tries to separate *hexis* from act, as "mere" potential, and to subordinate the former to the latter:[9] '"the end of each thing", he writes in the *Eudemian Ethics*, "is the *ergon,* and from this, therefore, it is plain that the *ergon* is a greater good than the habit"' (1219a9-10).

In the *Metaphysics*, Aristotle tries to resolve the duplicity of *hexis* from the opposite side, separating it from potential and identifying it with virtue. Virtue is thus the apparatus that must allow us to think the completion of the act without having recourse to *dynamis*, attributing it to habit as *aretē*, understood as "acting well". This way, in the *Metaphysics*, virtue is defined as a '"a certain habit" *(hexis tis: Metaphysics* 1022b14) and at the same time something that, in habit, renders it capable of passing into action and of acting in the best way' (*ibid.*, 96). However, Agamben argues that this definition shows how Aristotle is unable to resolve the intimate duplicity of *hexis* in *aretē.* Aristotle's gesture is indeed twofold: he characterises the passing from *ergon* to *hexis* as virtue, as an action directed to the good; however, in order to articulate this passing, he must always refer back to

[9] It is in this sense that we can interpret Agamben's assertion in an interview with Aliocha Wald Lasowski: 'Once the human is split into potential and act, a third term is needed in order to allow passing from one to the other. The *hexis* fulfils this function. However, conversely, it could be claimed — and this would not be a mere *boutade* — that it is to explain the mystery of *habitus* that Aristotle had to devise the dyad potential-act' (Wald Lasowski, 2010: 42, our translation).

hexis in its irreducibility to *aretē* — to *hexis* as potential — without being able to avoid this oscillation. The doctrine of virtue can only be articulated starting from a threshold of central indiscernibility between potential and act, from *hexis* in its constitutive link to *sterēsis*, which Aristotle tries to hide by subordinating it to *aretē*, but which he lets emerge from within as a central inoperativity of the action, that characterises it as *habit: 'The theory of the virtues is the response to the problem of the inoperativity of habit, the attempt to render governable the essential relation that links it to privation and potential-not-to?*" (*ibid.*, emphasis added).[10]

Identifying the notion of *hexis* as the *archē* of the apparatus of office or duty, the archaeological investigation allows us to answer the question regarding what might be 'the stakes in the strategy that leads to conceiving human action as an *officium'* (*ibid.*, 91). If the liturgical apparatus separates human action into two distinct spheres, constantly subordinating one to the other, *it is because it situates itself on the threshold of habit* — in which potential and act are both united and separated, and thanks to which it can be articulated —, *but at the same time tries to govern it*, because habit reveals them to be indiscernible. This way, the archaeology of office exposes the liturgical apparatus as the capture of another possible praxis, in which being and acting are revealed as indiscernible, a praxis in which potentiality is generated through a singular acting, as habit, and at the same time it exceeds it, exhibiting its constitutive passivity.[11]

This culmination of the research on *officium* enables us to highlight the meaning and legitimacy of Agamben's archaeological method. If, as we shall demonstrate, it does not aim to connect the office to a concrete historical origin, nor does it try to unveil an *archē* beyond its own history: in line with the Foucauldian assumption of archaeology as "the only access to the present", the investigation aims to reconstruct the way in which the separation/articulation between form and life operated by the office has been produced in history and language, eventually finding a *threshold* at which this is displayed as the capture of *another possible praxis* in which life is *indiscernible* from its form; a threshold that, although hidden in the Aristotelian text, manifests *in the present* the possibility of a

[10] For an analysis of the role of *hexis* in Agamben's work, and his appraisal of the Heideggerian interpretation of Aristotle, see Cavalletti, 2019.

[11] The relation between *officium* and habit is analogous to that which, in *State of Exception*, runs between the Schmittian "force-of-~~law~~" and violence as a "pure means" in Benjamin, which allows us to think the force-of-~~law~~ as the attempt to prevent 'another *use* of the law' — that is, to appropriate the pure mediality of acting while dissimulating it (cf. Agamben, 2005: 52–64). For an analysis of this relationship see Bonacci, 2020a, in particular pp. 156–160; and Bonacci forthcoming [2020b], § 7.

form-of-life as ungovernable action.[12]

Monastic Rules

Agamben is interested in monasticism precisely because, through its contestation of the separation between law and life operated through liturgy, it brings to light this threshold of indiscernibility between being and praxis, form and life. In *The Highest Poverty*, the author summarises the investigation of *Opus Dei*, in which the liturgical apparatus emerged as 'a field of forces charged by two opposed tensions, one bent on transforming life into liturgy and the other tending toward making a life out of liturgy. […] If the life of the priest is here presented as an *officium*, and if the *officium* institutes, as we have seen, a threshold of indifference between life and norm and between being and practice, the Church at the same time decisively affirms the sharp distinction between life and liturgy, between individual and function, that will culminate in the doctrine of the *opus operatum* and the sacramental effectiveness of the *opus Dei*' (Agamben 2013a: 116–117). Whereas the sacerdotal praxis is articulated starting from a threshold of undecidability between *officium* and *effectus* (in liturgical literature, *effectus* corresponds to the *opus operatum*), the Church tries to dissimulate this central indiscernibility, establishing the separation between the two poles in terms of the subordination of one to the other.

Agamben shows how the proliferation of monastic movements in Europe between the fourth and the fifth centuries coincides precisely with the contestation of this distinction between the office of the minister and his factual life: 'To a life that receives its sense and its standing from the Office, monasticism opposes the idea of an *officium* that has sense only if it becomes life. *To the liturgicization of life, there corresponds here a total vivification of liturgy*' (*ibid.*, 117). Monasticism operates an inversion of the liturgy — in which the minister's acting is subordinated to divine sacrament — that is formulated by connecting the efficacy of the rite to its realisation by way of the monk's very life. The monastic practice of *meditatio*, through which the recitation of the scripture comes to accompany every little manual task — the idea that the office is punctuated by the daily activities of the cenobium — results in the liturgical praxis coinciding with every gesture of the monk. Agamben endeavours to demonstrate how the most significant aspect of this inversion is given by the fact that it enables the emergence of a threshold of

[12] For the notion of the "ungovernable", see Agamben, 2011: 64–65.

indiscernibility between law and life; what is indeed a '[monastic] rule,' — the study asks — 'if it seems to be mixed up with life without remainder? And what is a human life, if it can no longer be distinguished from the rule?' (*Ibid.*, 4–5)

The *regulae* are the texts through which monastic communities are constituted, to which the monks must conform in order to join the cenobium. Agamben shows how, already in the scholastic tradition, we find an unresolved debate on the statute of the ancient rules that divides scholars between those who confer upon them a juridical nature and those who instead interpret them as mere admonitions or advice. The first rules are indeed rather heterogeneous, which makes it difficult to ascribe them to a defined literary genre. At times, they consist of a meticulous series of precepts regarding every single detail of life in the monastery; in other cases, they involve the faithful transcription of a dialogue between monks — which could concern the way in which to organize the community or the interpretation of the scriptures; or, more often, they exclusively record the historical narration of the founding monk's life. 'What type of texts are the rules, then, if they seem to performatively realize the life that they must regulate?' (*Ibid.*, 69) Agamben argues that, if it is evident that rules cannot be considered as laws, lists of general "norms" that the monk should then apply to reality, they cannot even be considered as mere indications or advice: their purpose is certainly to organize life in the monastery, and "following the rule" is the necessary condition for the monk to be accepted into the cenobium. The difficulty in defining the rules stems from the fact that, in monasticism, rule and life cannot be defined separately. Indeed, just as the text of the rule cannot be identified as a list of normative precepts, so life in the cenobium cannot be considered as a sequence of contingent facts; within it, 'every gesture of the monk, all the most humble manual activities become a spiritual work and acquire the liturgical status of an *opus Dei*' (*ibid.*, 83). If in the documents of monastic life, rule and life cannot be distinguished, writes Agamben, it is because what is at stake in them is not 'what in the rule is precept and what is advice, nor the degree of obligation that it implies, but rather a new way of conceiving the relation between life and law, which again calls into question [*revoca in questione*][13] the very concepts of observance and application, of transgression and fulfillment' (*ibid.*, 54). Drawing attention to the *relation* between norm and life, the investigation shifts

[13] Agamben's '*revocare in questione*' is not a mere questioning, as 'calling into question' may suggest; it is not simply identifying and raising a doubt surrounding an aporia: rather, the phrase is meant to indicate a more radical shift in how that aporia is being approached and, ultimately, rendered inoperative.

the debate regarding rules onto a plane on which its aporias are neutralized. Following a rule is neither an attitude which may be ascribed to the completion of distinct acts determined by the norm nor, obviously, a mere praxis, but, rather, the adherence to a *mode of life:* in other words, it concerns precisely "how" the *relation between* rule and life is conceived and lived. In this respect, the text refers to a passage of the *Summa*, in which Aquinas considers how 'in certain religious orders precaution is taken to profess, not the rule, but to live according to the rule' (Aquinas cited in Agamben, 2013a: 55), and recalls how already Bernard of Clairvaux asserts that '[n]o one at profession [*cum profitetur*] really promises "the Rule" [*spondet regulam*], but specifically, that he will act "according to the rule"' (of Clairvaux cited in Agamben, 2013a: 54–55). Agamben argues that the use of the term *form* in Bernard, which anticipates its acceptation in the Franciscan syntagma *forma vitae*, points to a dimension in which rule and life become inseparable, thus becoming united into a form-of-life. But how is it possible to further clarify this acceptation of the term "form", in terms of the link that binds it to life?

Agamben's study reveals how already in relation to the use of the syntagma *forma vitae* in the work of authors such as Cicero, Seneca and Quintilian, the *Thesaurus* lists the meanings of *imago, exemplar,* and *exemplum* for the term "form", and how in the Vulgate *forma* translates *typos* — sometimes also rendered as *exemplum* — and is used accordingly in the patristic tradition. Therefore, in the *regulae,* the relationship binding the monks together, because it stands in opposition to the sphere of law, is often defined through the terminology of the example and of exemplarity — as in the affirmation of the master of Pachomius: 'be their example [*typos*], not their legislator' (*Apophthegmata patrum* cited in Agamben, 2013a: 29).

But what is an example, and in what way can it help us to grasp the relationship between rule and life in the expression *forma vitae*? Agamben frequently lingers over the concept of example in his writings, already in *The Coming Community*, but the broadest discussion that he dedicates to the notion is contained in an essay close to *The Highest Poverty:* namely, *The Signature of All Things* (2009 [2008]). As we read in this text, the example or paradigm 'is a singular case that is isolated from its context only insofar as, by exhibiting its own singularity, it makes intelligible a new ensemble, whose homogeneity it itself constitutes' (Agamben, 2009: 18). The example is a form of knowledge that does not proceed by articulating universal and particular, because it challenges their dichotomist opposition: in paradigmatic logic, it is the very exhibition of singularity that

defines the rule, thus constituting a set.[14] It is in this sense that we can think how a *regula*, which consists only in the narration of a monk's life as exemplary, could be the document through which the monks isolate themselves from the normal context and constitute a new community. In such a community, the display of the singularity of one's actions turns these into examples of communal life, thus constituting the condition for belonging to the whole. In the monk's life, just as in the example, it is impossible to separate its 'paradigmatic character — its standing for all cases — from the fact that it is one case among others' (*ibid.*, 20). As a result, Agamben notes, even 'the firm distinction between the monk and the priest, who can be hosted in the convent under the title of a pilgrim (*peregrinorum loco*), but cannot live there permanently or pretend to any form of power within it', as it is explained in the *Rule of the Master* (2013a: 83–84). Not even the founding monk can evade the rule and take a leadership position, being instead bound by it — that is to say, required to display his own singularity as examplary.[15]

Particularly meaningful, according to Agamben (*ibid.*, 56), is Suárez's reflection on the rule's 'vow', as something that 'does not obligate one, like the law, simply to fulfil determinate acts and keep away from others, but produces in the will a "permanent and, as it were, habitual bond" (*vinculum permanens et quasi in habitu*)'.[16] The study observes that the monk's vow 'is, so to speak, objectively empty and has no other content than the production of a *habitus* in the will, whose ultimate result will be a certain form of common life' (*ibid.*, 57, translation altered). The rule emerges here as *habitus* insofar as it is a dimension that is generated by life and which remains inseparable from it, thus calling into question [*revocando in*

[14] The example is, in other words, a "threshold" between the general and the particular, a "third term" between them that, however, does not constitute a substantial entity, since it does not appear if not through their indiscernibility. Regarding the figure of the analogy in Enzo Melandri's *La linea e il circolo*, Agamben writes in the text: 'But in what sense and in what way is the third given here? Certainly not as a term homogeneous with the first two, the identity of which could in turn be defined by a binary logic. Only from the point of view of dichotomy can analogy (or paradigm) appear as *tertium comparationis*. The analogical third is attested here above all through the disidentification and neutralization of the first two, which now become indiscernible. The third is this indiscernibility, and if one tries to grasp it by means of bivalent caesurae, one necessarily runs up against an undecidable' (2009: 20).

[15] The theme of rules also appears in *The Signature of All Things*: 'the rule does not indicate a general norm but the living community *(koinos bios, cenobio)* that results from an example and in which the life of each monk tends at the limit to become paradigmatic — that is, to constitute itself as *forma vitae*' (Agamben, 2009: 22). In this study, Agamben considers how the example 'is the symmetrical opposite of the exception: whereas the exception is included through its exclusion, the example is excluded through the exhibition of its inclusion' (*ibid.*, 24).

[16] The reference here is to Francisco Suárez's *De voto* in *Opera Omnia*, t. xiv (Suárez 1896).

questione][17] the very consistency of the *regula* as a "norm" that may or may not be applied to life.[18] The "habit" is thus established as a domain beyond the opposition between norm and fact, collective and individual, returning in the author's study as a "third term" that displays another possible configuration of law and life, in which these are mutually constituted.

According to Agamben, however, the shortcoming of the first monastic movements is indeed their failure to grasp the dimension of the cenobium — example and habit — as a third field with regard to rule and life, eventually preventing them from calling into question the very existence of the rule as a text distinct from life. If, as we have seen, the liturgical apparatus hinges on the habit — as a threshold in which form and life are indiscernible — but attempts to govern it by separating its poles into two distinct spheres, only claiming the cenobium as a third term, irreducible to either rule or life, could have made it possible to resolve the separations established by the liturgy, and to revoke the idea that the monks' activity consists of nothing but an incessant celebration of the Divine Office. The Church instead managed to capture the novelty of monasticism, i.e., the intensification and capillarisation of the liturgy carried out in the rules, so as to apply it in terms of a 'total liturgicization of life' (*ibid.*, 82). This process was stabilised starting from the Carolingian era, when the bishops and the Roman Curia opted to support the Benedictine rule — the most juridicised monastic regime, which bound the monk to respect particular precepts — eventually imposing it, between the ninth and the eleventh centuries, as the rule that every new monastic order had to adopt.

Form-of-life and Use

Yet, the last section of *The Highest Poverty* demonstrates that, despite the progressive exertion of control of the curia over the monasteries, the tension between the

[17] Translators' note: following up on a previous footnote, *'revocare in questione'* is a technical expression in Agamben's work, which he develops by way of his reading of Heidegger and Hölderlin, that plays on the etymological tension between *vocazione* (vocation) and *revoca* (removal) in relation to the human, the being whose vocation (*vocazione*) is in fact nothing but the removal (*revoca*) of all vocations — which is of course to say, an inoperative being. While sharing with the more common phrase *'mettere in questione'* the sense of 'calling into question', the author's choice of adopting Agamben's expression adds this further layer of complexity to the operation of the *regula*.

[18] Agamben argues that the same trajectory is followed by Wittgenstein's considerations in the *Philosophical Investigations*, 'according to which it is not possible to follow a rule privately, because referring to a rule necessarily implies a community and a set of habits' (Agamben, 2013a: 58).

Church and the monks never entirely withered away, but in fact intensified to such an extent that an open conflict with both Franciscanism and the religious movements erupted between the twelfth and the thirteenth centuries. According to Agamben, the radicality of Franciscanism consists in upholding the centrality of life within the religious experience to the point of challenging the significance of the rule as a separate domain. Agamben's study shows how the Franciscans, asserting the inseparability of life from rule, bring to light a "third" domain, a middle in which they are mutually transformed, which — 'albeit without succeeding in defining it with precision' (*ibid.*, 71) — they define as "use".

The investigation takes its cue from a consideration of how Francis restored the spirit of the ancient rules, which had less to do with following mandatory precepts than with abiding by a mode of life. Francis radicalises this requirement through an extreme contraction of the rule's text, which can be summarised as an exhortation to *vivere secundum formam Sancti Evangelii* — that is to say, living in accordance with the life of Christ as itself considered to be exemplary. The fact that he did not want to compile a new rule so much as to attribute exemplary value to the neo-testamentarian narration shows how, for Francis, the point is not to do with 'applying a form (or norm) to life, but of *living* according to that form, that is of a life that, in its sequence, makes itself that very form, coincides with it' (*ibid.*, 99). In the logic of the example that we have already analysed, the rule is not a generalisation that pre-exists and can then be applied to individual cases: 'Instead, it is the exhibition alone of the paradigmatic case that constitutes a rule, which as such cannot be applied or stated' (Agamben, 2009: 21). Following an example thus means displaying one's own singularity as the condition for belonging to a whole, a gesture in which form and life are indiscernible, the form of which could not be detached from this singular display. Francis always refers to the rule as indissolubly *regula et vita*, conjoining and, *together*, disjoining the two terms, 'as if the form of life that he has in mind could be situated only in the space of the *et*, in the reciprocal tension between rule and life' (Agamben, 2013a: 101).[19] This way, the Franciscans' claim does not involve a new rule, or a new exegesis

[19] Agamben reflects on the way Franciscan theologian Peter John Olivi affirms, regarding this indiscernible use of the two terms, that Francis, 'calling [the rule] not only rule, but also life, intended to clarify the sense of the rule, which is a right law and form of life and a life-giving rule that leads to the life of Christ', also adding that such a rule 'does not consist in a written text (*in charta vel litterae*), but "in the act and the operation of life" (*in actu et opere vitae*) and does not dissolve "into an obligation and profession of vows [*insola obligatione et professione votorum*], but rather consists essentially in an operation of word and life and in the actual exercise . . . of the virtues' (Olivi cited in Agamben, 2013a: 107).

of the Scriptures, but a *novum vitae genus.* If in monastic life it was not so much life itself but its regulation that was at stake, here it is life that serves as the paradigm of rule, so that rule is turned into a *forma vivendi*.

Although Francis resorts to the term *form,* associating it with *living*, the notion of *forma vitae*, widely used in the subsequent Franciscan literature, does not yet appear as a technical locution in his texts. The principle that summarises the Franciscan preaching is that of *paupertas*, which is to say, the assertion, *vivere sine proprio* in the *abdicatio omni iuris:* renouncing any possessions and rights. In Agamben's analysis, poverty appears to coincide with a form entirely emptied of any predetermined content, and which disavows any general meaning so as to be nothing but the exhibition of a singular living — or, perhaps more appropriately, it coincides with a threshold in which form and life come into contact in their very separation, and in this way reveal themselves to be inseparable.[20] This implies that the kind of poverty upheld by the Franciscans is not configured as mere renunciation, nor does it compel the Franciscans to constitute themselves as an order detached from society (at first, the monks were but groups of vagrants); in other words, 'it does not represent an ascetic or mortifying practice to obtain salvation as it did in the monastic tradition, but it is now an inseparable and constitutive part of the "apostolic" or "holy" life, which they profess to practice in perfect joy' (Agamben, 2013a: 92). As a consequence, poverty does not define life negatively with respect to property and right; what makes it possible is the Franciscan experience of inseparability of rule and life, which comes to language as a different *use* of things and the world: '*Altissima paupertas*, "highest poverty," is the name that the *Regula bullata* gives to this extraneousness to the law (Francis 1, 2, pp. 114/182), but the technical term that defines the practice in which it is actualized in the Franciscan literature is *usus* (*simplex usus*, *usus facti*, *usus pauper*)' (*ibid.*, 122).[21]

For the Franciscan theologians, the *usus pauper* indicates the legality of availing oneself of goods without having any property rights over them: what Ockham defines as 'the act of using some external thing — for example, an act of dwelling, eating, drinking, riding, wearing clothes, and the like' (cited in Agamben

[20] For this acceptation of "touch", of "contact" through a cut, a *caesura*, cf. Agamben, 2015: 237, 272–273. In this sense, in *Creation and Anarchy*, Agamben (2019: 35) defines Franciscan poverty as the '*relation with an inappropriable; to be poor means: to maintain oneself in relation with an inappropriable good*'.

[21] Agamben notes how Olivi claims 'that "poor use is to the renunciation of every right as form is to material"…, and that, however, without *usus pauper*, the renunciation of the right of ownership remains "void and vain"' (Agamben, 2013a: 128).

2013a: 133, translation altered); or, in Bonaventure's words, the shared use 'of equipment or books and other such goods' (cited in Agamben 2013a: 125, translation altered) which is not configured as a property, neither common nor private. The study evidences how, in the literature of that time, use is established as a dimension ascribable neither to a liturgical nor to a juridical vocabulary, and yet it is rarely defined in itself. The context where use receives a 'first, tentative elaboration' (Agamben, 2011: xi) is the doctrinal dispute that sets the Curia and the Franciscans in direct opposition around the thirteenth century; yet, Agamben notes, this is also the moment when the same concept ends up being defined in opposition to law and, consequently, being subsumed under it. The investigation shows how the harshness of this conflict was indeed a result of the fact that what was at stake in the *usus pauper* 'was not a dogmatic or exegetical contrast so much as the *novitas* of a form of life, to which civil law appeared applicable only with difficulty' (Agamben, 2013a: 93) — which is to say, the claiming of use as a praxis devoid of any juridical implications, over which the Church could not have any control.

The first document on the conflict between the Franciscans and the Church is Pope Nicholas III's 1279 papal bull *Exiit qui seminat:* this amounted to an ostensible recognition of Franciscanism, since it affirmed that the monks, by renouncing any rights, whether to property or to use, maintained a mere *usus facti* of things. The conflict reached its tipping point in 1322 with the bull *Ad Conditorem Canonum*, in which Pope John XXII claimed that the "*de facto* use" of goods such as food and clothes, because corresponding to their consumption, presupposes their property and cannot be separated from it. However, the bull compelled the Franciscan to try and define the specificity of use in its distinction from possession, thus marking the occasion on which the notion arrived at a first characterisation. Francis of Marchia, for example, wrote in response to the Pope that just as the being of consumable things corresponds to their transformation, so is use always *in fieri* — it consists in its becoming — and therefore cannot be reduced to property, thus elaborating, as Agamben comments, 'a true and proper ontology of use, in which being and becoming, existence and time seem to coincide' (*ibid.*, 132). Bonagratia instead indicated the *usus pauper* as the praxis that originally defines the community of human beings, because only the use of things, and never their possession, can be common, since the latter derives solely from law. The other strategy that allowed the Franciscan theologians to neutralise John XXII's argument is defined in the text as an 'inversion of the paradigm of the state of necessity' (*ibid.*, 114). In the 1329 bull *Quia Vir Reprobus*, the Pope questioned the possibility of separating the right to use from the Franciscans' mere permission to

use. Ockham, in the *Opus Nonaginta Dierum*, resuming the juridical principle according to which 'each has by natural right the faculty of using the things of others' (*ibid.*) in cases of extreme necessity, wrote in response to the Pope that the Franciscans preserve a right to things only in cases of necessity, whereas in normal circumstances they retain a mere permission to use. Agamben (*ibid.*, 115) posits that the suspension of law, which for other humans constitutes the exception, for the monks reveals a different relationship between law and life, coinciding with *usus pauper*, yet they recover a relation with 'natural, not positive law,' only in cases of extreme necessity.[22]

However, Agamben argues, the prevalent strategy of the Franciscan theologians was to invoke the "*de facto* use" of things granted to them by Nicholas III's bull, which is to say to prove the legitimacy of the separation of the *usus facti* from property, this way relapsing into an adversarial relationship with the law that eventually determined their defeat. This indeed meant, as we read in the study, 'disregarding the very structure of law', which presupposes a difference between *factum* and *ius* that makes it possible to incessantly re-articulate them, so that the '[t]he factual character of use is not in itself sufficient to guarantee an exteriority with respect to the law, because any fact can be transformed into a right, just as any right can imply a factual aspect' (*ibid.*, 138–139). If the liturgical apparatus, as we have seen, hinges on the threshold of habit — in which form and life are indiscernible — but it splits this into two opposed poles so as to allow the subordination of the one to the other, having identified use as a merely factual praxis, set in opposition to the law, did not allow the Franciscans to claim it as a third domain, in which the separations of liturgy could be neutralised, and determined their defeat in the conflict with the Curia. The investigation concludes with a passage that is extremely meaningful for our investigation, which we shall quote in full:

> The exclusive concentration on attacks [of the Curia], which imprisoned use within a defensive strategy, prevented the Franciscan theologians from putting it in relation with the form of life of the Friars

[22] Translators' note: in other words, through the *usus pauper*, the monks' relationship with the law and its exceptionality is inverted, so to speak, given that this very relationship, based as it is on necessity and therefore established as natural law, is itself the exception. Agamben writes: 'Necessity, which gives the Friars Minor a dispensation from the rule, restores (natural) law to them; outside the state of necessity, they have no relationship with the law. What for others is normal thus becomes the exception for them; what for others is an exception becomes for them a form of life' (Agamben, 2013a: 115).

> Minor in all its aspects. And yet the conception of *usus facti* as a successive being that is always *in fieri* in Francis of Ascoli and its consequent connection with time could have furnished the hint for a development of the concept of use in the sense of *habitus* and *habitudo*. This is exactly the contrary of that put forth by Ockham and Richard of Conington, who in defining *usus facti* once again by opposing it to law, as *actus utendi*, break with the monastic tradition that privileged the establishment of *habitus* and (with an obvious reference to the Aristotelian doctrine of use as *energeia*) seem to conceive the life of the Friars Minor as a series of acts that are never constituted in a habit or custom — that is, in a form of life. […] Instead of confining use on the level of a pure practice, as a fictitious series of acts of renouncing the law, it would have been more fruitful to try to think its relation with the form of life of the Friars Minor, asking how these acts could be constituted in a *vivere secundum formam* and in a habit. Use, from this perspective, could have been configured as a *tertium* with respect to law and life, potential and act, and could have defined — not only negatively — the monks' vital practice itself, their form-of-life. (*Ibid.*, 140–141)

In the study of Franciscanism, as in the archaeology of office, we can glimpse a new possible configuration of form and life as *habitus* and *usus* that — even if not entirely grasped and indeed having rapidly disappeared from the Franciscan experience — can be resumed and developed. Such a task is deferred at the end of the text to the last volume of *Homo Sacer:* '[i]t is the problem of the essential connection between use and form of life that is becoming undeferrable at this point. How can use — that is, a relation to the world insofar as it is inappropriable — be translated into an ethos and a form of life? And what ontology and which ethics would correspond to a life that, in use, is constituted as inseparable from its form?' (*Ibid.*, 144) In the closing section of this study we shall explore the way in which *The Use of Bodies* tries to answer these questions, without undertaking a detailed analysis of the text, but limiting ourselves to identifying some of the places where Agamben resumes the themes of *The Highest Poverty* and *Opus Dei*, and indicating the direction in which he develops them.

Habitual use

The Use of Bodies takes its title from the first chapter of the volume, which may be considered as an addendum to the archaeology of office or duty developed in *Opus Dei.* In the latter study, Agamben dwelled at length on Aquinas' definition (cited in Agamben, 2013b: 22) of the minister as an 'animate instrument' [*instrumentum animatum*]: someone who exercises a praxis that is his own only insofar as he is performing someone else's action, someone who, precisely because he is separate from God, acts on his behalf. In order to define the paradoxical status of the minister's action, in which the agent is actually Christ, Aquinas likens it to an instrument, an axe, that does not act 'by the power of its form', but which can still fulfil its 'instrumental action save by exercising its proper action, which consists in cutting' (cited in Agamben, 2013b: 25, translation altered). In the first chapter of *The Use of Bodies*, Agamben shows that the expression "animate instrument" derives from Aristotle's *Politics,* where the philosopher resorts to the syntagma '*ktēma ti empsychon'* [animate equipment] (1253b 30) to define the nature of the slave (2015: 10).[23]

The analysis of the relationship between master and slave can be found at the beginning of the *Politics*, and it has a strategic role in the economy of the treatise. As noted by Hannah Arendt, in the Greek *polis* human beings attempt, through slavery, to liberate themselves from the necessities of life (*zoē*) and from labour, in order to be free to partake in political life (*bios*). However, the separation between the dimension of the *oikos* and the political sphere, between *zoē* and *bios*, does not mark a threshold between the outside and the inside of the *polis* — or else, the human's natural life would compromise its *bios politikos,* while the latter

[23] Aquinas himself writes, 'the minister comports himself in the mode of an instrument [*habet se ad modum strumenti*], as the Philosopher says in the first book of the *Politics"* (q. 63, art. 2)' (cited in Agamben, 2015: 74–75). In the first part of the *Summa*, Aquinas defines this paradoxical action as 'dispositive operation:' 'The secondary instrumental cause … does not participate in the action of the principal cause, except inasmuch as by something proper to itself [*per aliquid sibi proprium*] it acts dispositively [*dispositive operatur*, acts as an apparatus (It., *dispositivo*)] to the effect of the principal agent' (cited in Agamben, 2015: 71). Agamben's commentary establishes a definition of the word "apparatus", a key technical term throughout his work: '*Dispositio* is the Latin translation of the Greek term *oikonomia*, which indicates the way in which God, by means of his own trinitarian articulation, governs the world for the salvation of humanity. From this perspective, which implies an immediate theological meaning, a dispositive operation (or, we could say without forcing, an apparatus [*dispositivo*]) is an operation that, according to its own internal law, realizes a level that seems to transcend it but is in reality immanent to it' (Agamben, 2015: 71–72). The term "apparatus" indicates a governmental operation whereby transcendence and immanence, being and praxis, incessantly separate and recompose.

would in turn repeal its *zoē* — but rather comes to define the very functioning of the political apparatus, which — just like the liturgical— separates the two poles in order ceaselessly to subordinate one to the other.[24] This way, at the beginning of the *Politics*, the definition of the relationship of command (*despotikē*) between master and slave must serve as the paradigm of the bond between *bios* and *zoē*, *physis* and *nomos*, through which the *polis* is structured. Still, the description that Aristotle offers of their link merely presupposes the despotic relation that it should have established: he writes that, just as it is necessary for the soul to command the body like an instrument, so it is for the master to command the slave, and he considers how, insofar as these differ from one another in the same way that the soul differs from the body, and the human from the animal, the slave is the one whose work is '"the use of the body" (*hē tou sōmatos chrēsis*)' (Aristotle cited in Agamben, 2015: 3).

However, according to Agamben, it is this very definition of the slave's work as a "use of the body" that — even though not further elaborated in Aristotle's treatise — reveals the strategic function of the relation between master and slave for the constitution of the *polis*. In order to illustrate its meaning, Agamben turns to the characterisation of the slave that immediately precedes it, in which appears the expression later taken up by Aquinas: Aristotle (cited in Agamben, 2015: 10) defines the slave as 'animate equipment (*ktēma ti empsychon*),' not of the kind of productive instruments (*organa*), from which something is produced other than their use — such as, for instance, the spool and the plectrum — but rather belonging to practical instruments — such as clothing or a bed, from which is generated only *use* itself. The relation between master and slave is so close that the philosopher exploits the double meaning of the term *organon*, instrument and body part, defining the slave as an 'integral part of the master' and in a 'community of life' with him (Aristotle cited in Agamben, 2015: 13–14). In the definition of the slave as the being whose work is the "use of the body" the genitive cannot be interpreted solely as objective: as Agamben writes, the body of the slave 'is in use' in the sense that, '[b]y putting in use his own body, the slave is, for that very reason, used by the master, and in using the body of the slave, the master is in reality using his own body (Agamben, 2015: 14). The syntagma "use of the body" represents a point of indifference not only between subjective

[24] 'What has been separated and divided off (in this case, nutritive life) is precisely what permits one to construct the unity of life as a hierarchical articulation of a series of faculties and functional oppositions, whose ultimate meaning is not only psychological but immediately political' (Agamben, 2015: 200).

genitive and objective genitive but also between one's own body and that of another'. In this way, the role of the "use of the body" of the slave in the *Politics* is revealed. The slave is a human being but differs from the latter like the animal does, and is thus neither *bios* nor *zoē;* the slave is an instrument, albeit a living one, and thus belongs neither to *nomos* nor to *physis*, insofar as the use of the body is a *threshold* on which these dimensions are reciprocally constituted, which Aristotle places at the centre of his *polis* because it allows him to articulate its polarities, but that he tries at the same time to separate into the spheres of slavery and command, because the slave makes them appear undecidable. If the apparatus of separation and subordination of *bios* and *zoē* can be articulated only starting from a threshold in which the two poles are indiscernible, the "use of bodies" is that threshold, which the *polis* tries to govern through a relation of command, but that it preserves as a central undecidability within itself. But then again, if the slave makes political life possible, Agamben writes, '[i]t is necessary to add … that the special status of slaves — at once excluded from and included in humanity, as those not properly human beings who make it possible for others to be human — has as its consequence a cancellation and confounding of the limits that separate *physis* from *nomos*' (*ibid.*, 20).

As in *Opus Dei*, the archaeology of command uncovers a threshold of central indiscernibility, wherein *bios* and *zoē*, passivity and activity, are indiscernible, and which reveals it as the capture of another possible praxis in which the partitions of the governmental apparatuses emerge as neutralised: Agamben writes, 'precisely insofar as the use of the body is situated at the undecidable threshold between *zoē* and *bios*, between the household and the city, between *physis* and *nomos*, it is possible that the slave represents the capture within law of a figure of human acting that still remains for us to recognize' (*ibid.*, 23).[25] The archaeological investigation, reaching the threshold of the use of the body, comes to testify to a

[25] 'In use, the subjects whom we call master and slave are in such a "community of life" that the juridical definition of their relationship in terms of property is rendered necessary, almost as if otherwise they would slide into a confusion and a *koinonia tēs* that the juridical order cannot admit except in the striking and despotic intimacy between master and slave' (Agamben, 2015: 36). It is thus possible – the passage continues (*ibid.*, emphasis added) – to '*form the hypothesis that the master/slave relation as we know it represents the capture in the juridical order of the use of bodies as an originary prejuridical relation, on whose exclusive inclusion the juridical order finds its proper foundation*'. The connection of the inclusive-exclusive link between *bios/zōē* in the *Politics* to the threshold of the slave's "use of the body" constitutes an important development from *Homo Sacer I*, in which the inclusive-exclusion remained thought as a double reference between *bios* and *zōē* — or between sovereign power and bare life in the state of exception — without the emergence of a central *threshold* from which a different configuration of their relation could become thinkable.

different configuration of form and life — within and beyond their difference as much as their identity —, to another possible praxis that, although hidden in the Aristotelian investigation, may be retrieved and developed.[26]

Agamben notes how, in the description of the relation that the slave has with the master, Aristotle hesitates when faced with the possibility of attributing to the slave's work the concept of virtue: since the slave's action is always at the same time someone else's action, it is not possible to think that acting well is in itself the slave's end, according to the paradigm of *praxis* that defines the virtuous acting of the free human being; still, as we have seen, the work of the slave cannot be thought starting from an external *telos*, in line with the framework of *poiēsis*. Aristotle only provides an ambiguous response to this problem: insofar as 'useful for the necessities of life' (*ibid.*, 21) — we can read in the *Politics* — the slave 'needs some small virtue' (Aristotle cited in Agamben, 2015: 21). This same hesitation characterises, in the *Magna Moralia*, the question regarding whether a virtue of vegetative or nutritive life could be thinkable, which Aristotle answers hastily by saying that, 'if it even exists, there is no being-at-work of it' (cited in Agamben, 2015: 22). According to Agamben, this indecision manifests the possibility of a different dimension of acting, released from the primacy of the act, that he formulates in terms of '*aretē* that knows neither *ergon* nor *energeia* and nevertheless is always in use' (Agamben, 2015: 22). Such a suggestion is developed in the text

[26] The next chapter in the book tries to formulate a different possible "use of the body" through the analysis of the Greek term *chrēsthai*, which belongs to verbs in the *middle* diathesis, neither active nor passive. Agamben shows how in expressions such as "to use language", "to use the *polis*" (that is, to partake of political life), but also "to use anger", or the "use of return" – with which the Greeks expressed the feeling of nostalgia – the verb operates as the middle of a process in which subject and object render each other indeterminate. As Émile Benveniste had already highlighted (Benveniste cited in Agamben, 2015: 27), verbs in the middle diathesis — in addition to "to use", for example, "to be born", "to suffer", "to sleep", or, in Latin, "to talk", "to enjoy" — do not indicate a process that is accomplished starting from the subject but, rather, 'a process that takes place in the subject', in which he accomplishes something that at the same time is accomplished in him. These verbs are not in the accusative, but in the dative and the genitive, because in them what comes to the fore is not an action carried out by the subject on an external object, *but the affection that the subject receives from the action, thus becoming patient.* The one who experiences nostalgia, for example, "uses the return", in the sense that he 'has an experience of himself insofar as he is affected by the desire for a return' (Agamben, 2015: 29). These reflections lead the author to define the expression *sōmatos chrēsthai,* 'to use the body', as the '*the affection that one receives insofar as one is in relation with one or more bodies*. Ethical — and political —', he writes, 'is the subject who is constituted in this use, *the subject who testifies to the affection that he receives insofar as he is in relation with a body*' (*ibid.*, emphasis added). Use thus indicates a political dimension wherein a "subject" can never understand itself as separated from an "object", so as to be able to possess or govern it, because 'to enter into a relation of use with something, I must be affected by it, constitute myself as one who makes use of it' (*ibid.*, 30).

by connecting the notion of use with that of habit — *hexis, habitus* — in the paradigm of a *habitual use*, a praxis that never takes the form of a determinate act, and yet without being configured as a merely passive or potential dimension. Situating use in the dimension of the habit — we read in the chapter of *The Use of Bodies* dedicated to *Habitual Use* — is indeed not equivalent to defining it in a negative mode with respect to the *ergon* and the work. This would mean relapsing into the aporias that characterise the Aristotelian discussion of *hexis*, and which mark the later tradition too, as we have seen in the case of the Franciscan theologians, where they prevent the latter from developing a conception of use and *habitus* that would not be exclusively defined in opposition to the act (that is, to property and law). Thinking against Aristotle and the tradition that follows after him, Agamben writes, is equivalent to returning use 'to the dimension of habit, but of a habit that, insofar as it happens as habitual use and is therefore always already in use, does not presuppose a potential that must at a certain point pass into the act or be put to work' (*ibid.*, 58). Even the conception of potential as that which is able 'not to pass to the act', that which is preserved as such within the act, for Agamben remains internal to the Aristotelian apparatus of separation: 'Only if we think habit not only in a negative mode', we read in the text, 'beginning from impotential and from the possibility of not passing into the act, but rather as habitual use, is the aporia, on which the Aristotelian thought on potentiality foundered, dissolved. *Use is the form in which habit is given existence, beyond the simple opposition between potential and being-at-work*' (*ibid.*, 60, emphasis added, translation altered).

The formulation of the paradigm of a habitual use imparts a crucial spin to the meditation on the notion of potentiality that runs throughout the author's work from the very beginning. Just as, in *Opus Dei*, habit made it possible to indicate the way in which potentiality is constituted starting from a singular acting, use now allows us to think a praxis that is configured in relation to its own passivity, so that, in habitual use, potential and act show themselves as indiscernible. But how can use allow us to think the existence of habit, Agamben asks, 'how is a habit used without causing it to pass over into action, without putting it to work? It is clear' – the passage continues – 'that this does not mean inertia or simple absence of works but a totally other relation to them. The work is not the result or achievement of a potential, which is realized and consumed in it: the work is that in which potential and habit are still present, still in use; it is the dwelling of habit, which does not stop appearing and, as it were, dancing in it, ceaselessly reopening it to a new, possible use' (*ibid.*, 62).

In these considerations, potentiality does not appear as something that is

exhausted in the act, nor, however, should it be thought as a dimension exceeding it, that appears negatively in its specific configuration, showing its sheer possibility or contingency. If habit exceeds or revokes the act, it is only to return it to use: that is, to show it in a configuration in which potential and act are held in irresolvable tension through a dynamic link whereby they are reciprocally transformed. It is in this sense that *The Use of Bodies* cites a passage from *De Rerum Natura* in which Lucretius, resuming the Epicurean critique of teleology, affirms that no organ was invented in anticipation of an end or a function, neither the eyes to see, nor the tongue to speak, nor the ears to hear, but rather, '[w]hatever thing is born generates its own use [*quod natum est id procreat usum*]' (cited in Agamben, 2015: 51). In his analysis, Agamben describes use — that here inseparably stands for habit — as 'what is produced in the very act of exercise as a delight internal to the act, as if by gesticulating again and again the hand found in the end its pleasure and its "use", the eyes by looking again and again fell in love with vision, the legs and thighs by bending rhythmically invented walking' (Agamben, 2015: 51).[27] The study later identifies this "delight" internal to the act, in reference to Spinoza's expression *acquiscentia in se ipso*, as a "contemplation": 'Acquiescence in oneself,' indeed writes the philosopher, 'is the pleasure arising from a person's contemplation of himself and his potential for acting' (Spinoza cited in Agamben, 2015: 62). To contemplate "joyfully" one's own potential to act means not being separated from it like a particular individual from its transcendental subjectivity but, rather, experiencing potentiality as what is generated in use, and the self or subjectivity in terms of 'what is opened up as a central inoperativity in every operation, as the "livability" and "usability" in every work' (Agamben, 2015: 63). In light of this investigation, it is possible to understand how, for Agamben, the "subject" as it is intended in modern thought 'does not precede habit, but arises from it' (Wald Lasowski, 2010: 42, our translation); that is to say, it derives from an attempt to separate being and praxis so as to establish their unity starting from the self, in a dialectic that, however, cannot be articulated without starting from the central threshold of the habit, in which the two polarities are joined in an undecidable link. The study finds this connection between habit and subjectivity in the conclusion of *What is Philosophy?*, in which Deleuze defines the subject's being as a 'contemplation without consciousness' — or a 'passive creation' (cited in Agamben, 2015: 63) — which, through *sensation* and *habit*, Agamben (*ibid.*, 63-64) claims to exemplify a dimension

[27] The original passage is also contained in Agamben's essay, 'Lucrezio, appunti per una drammaturgia' (2008: 16), contained in Virgilio Sieni, *La natura delle cose*.

that 'is not something like a mystical fog in which the subject loses itself but the habitual dwelling in which the living being, before every subjectivation, is perfectly at ease' (*ibid.*, 63–64).[28]

The conclusion of the chapter on *Habitual Use* returns to the analysis of *Opus Dei:* 'The most proper characteristic of habit as *ethos* and use-of-oneself was covered and rendered inaccessible by the medieval theory of virtue' (*ibid.*, 64). In that study, Agamben showed how the Aristotelian separation of *hexis* from potential and its resulting likening to virtue are taken up by Scholasticism, and he commented on a passage of the treatise on virtues in the *Summa Theologica* in which Aquinas reformulates the *hexis* as *habitus operativus*, identifying it as the element that guarantees the fulfilment of "virtuous" action. The investigation then had retraced the way in which the theory of virtues and the liturgical doctrine of the office get bonded in modernity, when the term *officium* translates the notion of "duty", which is to say the apparatus through which the subject's "virtuous" action is no longer subordinated to God but to the law as such. Against this tradition, the archaeology uncovered the *hexis* as the place wherein a doctrine of the subject could have been rethought anew, beyond the opposition between being and praxis, norm and life. In *The Highest Poverty,* this new dimension of acting was found in the Franciscan *forma vitae* through a novel contraction of rule and life, which released them from the separations of liturgy and law so as to open them in the dimension of the *usus*, a middle space between activity and passivity, at once common and singular. However, precisely because it is not grasped as this middle, or as this third term, use relapsed into an oppositional dynamic with the law. These two lines of inquiry now converge in the idea of a habitual use whereby any possibility of separating form from life vanishes, and form, as habit, appears as a dimension that is 'generated by living', and likewise life, as use, appears as a

[28] Andrea Cavalletti, in his study *Il filosofo inoperoso*, describes Agamben's operation as a 'paradigmatic ontology, which withdraws any possible determination of the subject by withdrawing the primacy of the act. It uncovers the *hexis*. If, as was shown, this is distinguished (along with potential) from the act so that it can refer to something like a subject, the essence of this subject will be nothing but *habitus*. No privileges whatsoever, then, are attached to any mode of subjectivity […]. Perhaps we are here close to empiricism, in its Deleuzian variant, which is to say to the radical empiricism in which power […] emerges in the history of thought "from the moment it defines the subject: a *habitus*, a habit, nothing but a habit in a field of immanence, the habit of saying I" (Deleuze and Guattari, 2009: 48). […] But a further clarification is required. Indeed, for Agamben the question is to look even beyond this root to the point where, being the act inseparable from potential, the *hexis* will no longer be able to separate itself and refer to something else; the question is to reach beyond any relationship, to tap into the still unexplained mystery of a habit without Ego, which is to say of a self not yet subjective' (2019: 412–413, our translation).

'habit of living' (*ibid.*, 221).[29] Thinking 'a potential that is never separate from act, which never needs to be put to work, because it is always already in use' (*ibid.*, 58), an *aretē* that is without *ergon* because it is only to be used, thus means 'breaking the vicious circle of virtue', as the author writes at the end of the chapter (*ibid.*, 65), and:

> to think the virtuous (or the virtual) as use, that is, as something that stands beyond the dichotomy of being and praxis, of substance and action. The virtuous (or the virtual) is not opposed to the real: on the contrary, it exists and is in use in the mode of habituality; however, it is not immaterial, but, insofar as it never ceases to cancel and deactivate being-at-work, it continually restores *energeia* to potential and to materiality. Use, insofar as it neutralizes the opposition of potential and act, being and acting, material and form, being-at-work and habit, … is always virtuous and does not need anything to be added to it in order to render it operative. Virtue does not suddenly develop into habit: it is the being always in use of habit; it is habit as form of life. Like purity, virtue is not a characteristic that belongs to someone or something on its own. For this reason, virtuous actions do not exist, just as a virtuous being does not exist: what is virtuous is only use, beyond — which is to say, in the middle of — being and acting. (*Ibid.*)

These words evoke the conception of action as "pure means" in the Benjaminian treatise *Zur Kritik der Gewalt* (*Critique of Violence*) (1996: 239), which emerges in the dense epilogue of *The Use of the Bodies* as one of the key elements on which the destitution of the governmental apparatus attempted in Homo Sacer hinges. The long and patient archaeological work releases, at the core of such an apparatus, the paradigm of a habitual use in which bodies, words, and actions, 'are never oriented towards an end, do not have a *utilitatis officium* […] but are always gestures and pure means, the proper use of which consists in the display of their very mediality' (Agamben, 2008: 16, our translation).

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[29] According to Gaius Marius Victorinus's formulation, which is reported in Agamben's text: 'Indeed, life is a habit of living [*vivendi habitus*], and it is a kind of form or state generated by living [*quasi quaedam forma vel status vivendo progenitus*]' (cited in Agamben 2015: 221).

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