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DAWN HERRERA HELPHAND

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ABSTRACT

In the academy and in popular discourse, freedom is the prevailing political ideal of our age. Due to this normative and rhetorical primacy, we must continually work to understand what we mean when we say "freedom," and what implications it has for our individual and collective lives. My dissertation argues that our predominant understanding of freedom, largely derived from liberal political philosophy, is at odds with the form of life that democracy requires. I read Hannah Arendt and Michel Foucault to develop their critiques of this conception of freedom and its relevant normative framework, and place into dialogue the conceptions of political freedom legible in their work. In doing so, I contribute to the conceptual elaboration of a freedom that is experienced as political engagement.

Chapter 1 of my dissertation surveys the liberal philosophical tradition to identify a concept of liberal political freedom. Counterposing traditional binaries (positive and negative liberty, natural rights and constructivism, libertarianism and welfarism), I find that most liberal theories of freedom share three features: political freedom is a property of the subject; the subject of freedom is sovereign; and freedom is a state of being, guaranteed by the state. These assumptions constitute an implicit normative paradigm, and provide a foil against which we can better view the conceptions of freedom legible in the work of Arendt and Foucault.

In chapter 2, I reconstruct freedom as Arendt and Foucault understood it—as something one does—and elaborate their critiques of the ideal of sovereignty and of the state as freedom's guarantor by threat of violence. I consider how these theorists have been read in contemporary critical and political theory, and problems that typify their reception. In contrast to the liberal

paradigm of "property, sovereignty, state" I posit that Foucault and Arendt share a conception of freedom as a practice; of the subject of freedom in play; and of freedom as an event.

Chapters 3 through 5 elaborate this paradigm and respond to key debates in the secondary literature. In chapter 3 I argue that a practice must include both active and reflective components. Refuting readings that characterize Foucault as "ethical" and Arendt "political" in their approaches to institutions and collectivities, I find that both of their understandings of freedom require concerted ethical and political engagement, and consider the relation between the two.

Chapter 4 responds to the polemics surrounding both authors' refusal to posit an essentialized (sovereign) subject and the crisis of normativity engendered by that refusal. A recognizable figure of the free subject is important for our political imaginary: I posit play as an alternative paradigm of free subjectivity, legible in the work of Foucault and Arendt. I reconstruct the concept of play through philosophy and the social sciences, arguing that it uniquely exemplifies an activity with immanent (rather than transcendentally given) norms. I then describe how in Arendt and Foucault's accounts of freedom the free individual is always "in play." This figure presents a compelling challenge to the sovereign subject of freedom, critiqued by both authors as an impossible and antidemocratic ideal.

Chapters 5 and 6 challenge the dual role of "state" in liberal theory. In chapter 5, I examine the complex relationship between state, violence, and race in the authors' historical critiques and political engagements. For both authors, race-thinking represents a historical scandal of domination, which they analyze with respect to Nazi (national socialist) totalitarianism. In light

of their genealogical analyses, race appears as an indelible scandal for the State conceived as the protective agent of individual freedom. The possibilities of freedom in their respective understandings, and its relation to political institutions, must be thought with respect to this complex problematic.

Finally, contesting the idea of freedom as a state of being, I engage contemporary continental philosophical theories of the event to examine, in abstract terms, the difference it might make to think of freedom as an event. Locating the stakes of the argument in the authors' critiques of the bureaucratic administration of life, I consider how shift to understanding political freedom as an event in time might recast our ideal conception of political institutions.

Methodologically, my research is best described as critical normative theory. While my primary authors are often considered standard bearers of Continental philosophy, my approach is largely analytic: I work by closely examining the meaning of concepts and considering how they are brought to bear on human actions. In doing so, I draw on diverse bodies of scholarly literature: For example, my work on play in chapter 4 elaborates the concept through a juxtaposition of Kantian aesthetic theory, ordinary language philosophy, psychology, sociology and cultural anthropology. Throughout the dissertation, I am strongly committed to advancing conversations across disciplinary lines and moving beyond departmental silos to grapple with fundamental questions.

We are living through a strange and challenging political moment, as the threats to our life in common grow increasingly present, increasingly clear. Now more than ever, we must carefully

consider what animates, to borrow a term from Montesquieu, the spirit of our laws. Foucauldian and Arendtian critique suggest that the problems of contemporary democracy are rooted deeply in our form of life, and have inspired me to look closely at our foremost political value, freedom. Thinking freedom another way opens new horizons for rethinking what "rule of the people" as a lived reality might require.

CHAPTER ONE

LIBERAL CONCEPTIONS OF POLITICAL FREEDOM: PROPERTY, SOVEREIGNTY, STATE

This chapter opens a critical evaluation of how political freedom is understood in liberal theories of politics. Prima facie, it is difficult to make claims—critical or otherwise—about the liberal understanding of anything. This is in part because, notwithstanding its discursive predominance in the political theory and practice of late modernity, "liberalism" seems to mean everything and nothing: As Duncan Bell puts it, liberalism is "construed in manifold and contradictory ways."[1] This diversity stymies efforts that would seek to define liberalism by specifying its necessary commitments—either to contest these commitments or for the purpose of saying who rightly falls under its banner. What's more, any attempt to know what liberalism is through historiography, by tracing its lineage through canonical texts, will be complicated by seismic shifts in the meaning of the term over time, and by the *ex post fact*o recruitment of key figures.

This is a quandary, because to critically discuss political thought in the present day is to reckon with, and to account for, something called "liberalism." Bell deals with this problem by proposing a "summative conception" of liberalism whereby "the liberal tradition is constituted by the sum of the arguments that have been classified as liberal, and recognized as such by other self-proclaimed liberals, across time and space."[2] This approach has the advantages of accommodating historical shifts in meaning and reducing the imperative to debate ideological purity. It recognizes that the history of liberal self-recognition and acknowledgment is also a history of conflict, of negotiation among like-minded theorists and alliance against common

[1] Duncan Bell, "What is Liberalism?" *Political Theory*, 42, no. 6 (December 2014): 3, https://doi.org/10.1177/0090591714535103.
[2] Bell, "What is Liberalism?" 7.

opponents—a story of conflict and allegiance that has regularly crossed the border between political theory and practice.

Bell's summative conception manages to both articulate the general boundaries of liberalism and remain responsible to the empirical fact of its heterogeneity. However, it introduces another problem: insofar as liberalism is a field of arguments defined by general recognition and acknowledgment, it is easy enough to see what kinds of work ought to be done to better understand it from *within,* i.e., with respect to itself. Bell himself gives an example of this kind of project, giving an account of how the meaning of Anglo-American liberalism was transformed in the late seventeenth through twentieth centuries to give prominence to the work of John Locke.[3]

What is harder to see is how one might talk about "liberalism" from *without*. What kind of fair and substantive claim can one hope to make about a heterogeneous discursive network, and how is one to go about it? If a satisfactory means of addressing this problem is not identified, there is a risk that something called "liberalism," despite its being an empirical phenomenon in political theory and practice, will be made immune to critique by virtue of its phantasmagoric nature.

In this chapter, I assert that is possible to make claims about key concepts in liberal political theory as it stands today, without over-defining liberalism for all time. I adopt Bell's general criterion for the definition of liberalism and follow his lead in looking to divergences and disagreements among self-identified liberals and the antecedents they claim. I do this on the understanding that we can get a better sense of this discursive field by attending to the major disjunctions and disagreements within it. By identifying the common ground over which these

[3] Bell, "What is Liberalism?" 11–25.

differences play out, I argue that it is indeed possible to describe a liberal notion of political freedom.

My particular concern is with how freedom—especially political freedom—tends to be framed in liberal theory. However, my purpose is emphatically not to *define* liberalism in terms of a certain understanding of freedom.[4] I am not advancing the claim that a liberal theory must have a particular conception of freedom. However, insofar as those theorists whom the tradition claims give normative emphasis to freedom in their consideration of political arrangements—which, as Bell notes, most do in point of fact— we can learn something meaningful about liberalism by looking at how that freedom is conceptualized. How do these ideas of freedom differ from one another, and what do they have in common?

Indeed, the sharpest differences among liberals often come down to conflicting ideas about what freedom is and the best means to its realization—not surprising, given freedom's general (which is not to say exclusive) normative predominance in the liberal tradition. Here I will consider three important schematic divisions within liberalism: natural rights vs. constructivist liberalism, positive-liberty vs. negative-liberty liberalism, and libertarian vs. egalitarian liberalism. These divisions within the liberal tradition turn, at least in part, on how freedom as a prevailing norm is understood and what institutional arrangements are endorsed as the best means of bringing it about. In this chapter I will argue that their opposed interpretations of freedom, particularly political freedom, tend to rest on common assumptions.

[4] Judith Shklar, "The Liberalism of Fear" (1989), in Judith Shklar, *Political Thought and Political Thinkers* (Chicago: University of Chicago Press, 1998): 3. Gerald Gaus and Shane Courtland call liberty "normatively basic" to the definition of liberalism. See Gerald Gaus, Shane D. Courtland, and David Schmidtz, "Liberalism," *The Stanford Encyclopedia of Philosophy* (Spring 2018 Edition), ed. Edward N. Zalta, https://plato.stanford.edu/archives/spr2018/entries/liberalism.

I do not deny that these classifying schemas, which organize divisions within liberalism, highlight substantive, meaningful differences within the field. However, the tendency to divide liberal theories of politics along these lines—and to take these divisions for granted—also obscures certain fundamental shared commitments. This paper asks what philosophical commitments form the *background*, the common ground, of debates about freedom in the liberal tradition. By attending to the presumptions shared on either side of these quite famous divides, a deeply influential ontological framework can be brought into the foreground. This framework bears heavily on our normative horizon, especially to the extent that it is under-acknowledged.

Each of the three sections of the chapter is devoted to one of the above debates. In each section, I consider the views of recognizably paradigmatic authors who exemplify the opposing positions and find that a triad of conceptual elements—property, sovereignty, and state—undergirds liberalism's most famous debates and describes many diverse iterations of liberal political freedom. I read property as the form of freedom assumed by both natural rights and constructivist theories, sovereignty as the common ground between positive and negative liberty, and state mediation as a common commitment of libertarian and egalitarian liberalisms. Roughly, property specifies the way in which freedom is enjoyed, sovereignty characterizes the free subject, and state describes how freedom is manifest in the world.

The triad sovereignty-property-state describes an alternative conceptual schema—one might call it elucidatory rather than classificatory—that renders these commitments more visible and highlights the connections among them. The semantic flexibility of my terms is intentional, and each term flows together with the other two such that they tend to imply each other, though none is wholly reducible to the others. I posit that as constitutive aspects of a crucial norm, these

background commitments co-constitute a dominant but largely unseen horizon of political understanding in late modernity.

I must restate that my purpose (and I cannot underline this enough) is *not* definitional. I am not interested in the qualification or disqualification of liberal arguments as liberal. Rather, I propose this elucidatory schema to render the prevailing normative paradigm of our politics more fully and clearly visible, the better to understand and judge the work that this paradigm does. While I propose an original schematic structure, my identification of the component features is not novel. As we will see, they are often endorsed and even celebrated outright by currently self-identified and canonically recognized liberals in moments of explicit normative orientation. Moreover, classical and contemporary critiques of liberalism tend to take issue with one or another of them (though not always explicitly or in the same terms). While a thoroughgoing examination of these resonances is not possible within the current scope of this project, I will gesture to important critical conversations whenever possible.

My aims in this chapter then, are largely synthetic and schematic. By focusing tightly on political freedom as an important normative commitment of liberal politics and highlighting its often-under-acknowledged commitments, I hope to render the discourse of "liberalism" more intelligible as a whole. Part of my purpose is to fill out and make explicit these intuitive but under-theorized commonalities among varieties of liberalism, which may be obscured by the now-perennial deployment of canonical divisions. This will, perhaps, contribute theoretical ballast to related critiques that challenge "liberalism" but could be dismissed as merely assertional or too broad-brush. Finally, and most relevant to this project as a whole, by making this triad visible in some conceptual detail, I hope to open negative space for a richer elaboration of a meaningful normative alternative.

A final preliminary note: Most of the liberal authors I address here use the terms liberty and freedom interchangeably. As Hanna Pitkin has argued, there are good etymological reasons to distinguish them from one another: freedom connotes a holistic concern with the agent and her action, while liberty refers more specifically to "rules and exceptions within a system of rules."[5] My own analysis might be read as a charge that thinkers in the liberal tradition tend to conflate freedom with liberty, though I do not think it is entirely reducible to that. The schema I propose could be seen as a way of further troubling the identity of liberty and freedom at a deeper level.

I. Freedom as a Property in Natural Rights and Constructivist Liberalisms

To begin, I will consider the distinction between natural rights liberalism and the constructivist approach. This distinction concerns whether and how liberal principles refer to ontology. A natural rights argument justifies its claims regarding political norms and arrangements through an appeal to certain natural features of the human being.[6] A constructivist position, on the other hand, bases its claims on a conception of appropriate deliberative procedures. I argue that on either side of this divide, political freedom is understood as a property that is possessed by the individual. The individual *is* free insofar she *possesses* the property "freedom." This form imparts a number of more or less salient qualities: as property, political freedom is either given to the individual or taken away; it is also divisible and can be exchanged by contract. Most importantly, freedom as a property exists independent of its active use.

In considering the relation between freedom and property I am picking up a thread of the argument advanced by C.B. Macpherson's theory of possessive individualism, itself traceable to

[5] Hanna Pitkin, "Are Freedom and Liberty Twins?" *Political Theory*, 16, no. 4 (Nov. 1988): 542–543.
[6] A more recent iteration of natural rights liberalism can be found in the work of Robert Nozick, to be discussed in the following section.

Marx, particularly in *On the Jewish Question*.[7] Macpherson argues that many problems of liberal democracy stem from the theoretical constitution of the individual as naturally and essentially possessive, a two-dimensional self-owner standing apart from the social whole. This conception of the individual is borne out in a purely market-oriented society, where relations consist in a series of exchanges between proprietors.[8]

Here, I advance a narrower thesis, restricting my argument to a consideration of how property inflects political freedom as a norm. There are (at least) three ways one could think the relation of freedom and property, all of which have good grounds in the relevant literature: 1) Freedom *is for* the ownership of property; 2) Freedom *depends on* the ownership of property; 3) Freedom *is itself* owned like a property. Though the other two may also indeed be accurate, my argument concerns only statement three.[9] This is what I mean to say by referring to freedom's property *form.*

In John Locke's *Second Treatise,* now read as a classic of natural rights liberalism and a founding text of liberalism itself, the treatment of property intertwines with that of freedom in complex ways. For Locke, civil freedom is a contractual endowment that may be held without exercise or forfeited wholesale through an act of aggression.[10] To begin, although this concern is

[7] See C. B. Macpherson, *Political Theory of Possessive Individualism* (Oxford: Clarendon Press, 1964); Karl Marx, "On the Jewish Question*"* in *The Marx-Engels Reader*, 2nd edition, ed. Robert Tucker (New York: Norton, 1978): 41–43.
[8] Macpherson, 3.
[9] Macpherson's statement that for classical liberal theory, "[t]he human essence is freedom from the dependence on the wills of others, and freedom is a function of possession" suggests the shared terrain among these claims.
[10] I restrict my discussion here to the *Second Treatise,* which elaborates Locke's view of civil freedom. Locke discusses the intrapersonal or "positive liberty" aspect of freedom, which depends on the development of the individual's capacity for right reason, in *Some Thoughts Concerning Education.* Its argument is resonant with the discussion of self-sovereignty and the normativity of reason in the next section, while also suggesting interesting paths of inquiry regarding the interpersonal ethics civil freedom requires. See Nathan Tarcov, *Locke's Education for Liberty* (Lexington Books: New York, 1999); Nancy Hirschmann, *Gender, Class, and Freedom in Modern Political Theory* (Princeton: Princeton University Press, 2001): 115–117.

prior to political freedom for Locke, it is illuminating to consider the relationship he posits among freedom, property, and natural law.

Locke argues that because all individuals are equally God's creation, all are equally His property.[11] This premise grounds the mandates of natural law—that individuals help each other when they can, not harm one another, and preserve themselves. Suicide and murder are equally harmful to God's property. For Locke, reason is tantamount to acceptance of and abidance by this natural law. The capacity for reason is the foundation of Lockean freedom in the broader sense: to be a free man is to have the rational capacity to understand the law, and to be a free agent is to act in accordance with that understanding.[12] Thus, the capacity for freedom *qua* rational personhood is linked to a natural law with its basis in God's proprietary right. Violation of law is equated with forfeiture of that freedom (becoming like a beast, in Locke's language), which justifies punishment both in the state of nature and in civil society.[13] In the commonwealth, this consequence will follow from violation of the civil law. In the state of nature, the loss of human status is a consequence of the violation of natural law, which amounts to a failure to respect God's property. Natural freedom is an endowment from God, subject to an abidance by His terms.

To have natural freedom is "to be free from any superior on earth, and not to be under the will or legislative authority of man, but to have only the law of nature [for a] rule."[14] It is to determine oneself in accord with natural law and includes a right to the use of lethal force in self-protection. By contrast, to have civil freedom under government is to abide by a standing,

[11] John Locke, *Second Treatise,* in *Two Treatises of Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1988). §6 ln. 10–15.
[12] Locke, *Second Treatise*, §59, §63. See James Tully, *A Discourse on Property: John Locke and His Adversaries* (Cambridge: Cambridge University Press, 1980): 106.
[13] Locke, *Second Treatise*, §8, §11.
[14] Locke, *Second Treatise*, §22, also §87.

common rule to which one has given consent, to follow one's own will in those things not mandated by law, and not to be subject to the arbitrary will of another.[15] This civil freedom is as close as we will come to a Lockean notion of "political freedom."[16]

For the purpose of the present argument, it need only be established that freedom itself is a property. This seems clear enough: Locke posits that people join political society "for the *Preservation* of their Lives, Liberties and Estates, which I call by the general Name, *Property.*"[17] As James Tully states plainly in his study of property and Locke, "Liberty, too, is a property."[18]

The ramifications of freedom taking this form are suggested in a passage where Locke justifies the use of lethal force against a robber:

> For I have reason to conclude, that he who would get me into his power without my consent, would use me as he pleased when he got me there, and destroy me if he had a fancy to it…To be free from such force is the only security of my Preservation: and reason bids me look on him as Enemy to my Preservation, who would take away that *Freedom*, which is the fence to it.[19]

Here, freedom is figured as a fence, a barrier and property line demarcating and protecting the space within which the individual is preserved. The fence itself is a special kind of property. It circumscribes other property, most essentially the person himself, and thus ensures the enjoyment of life, liberty *qua* lack of restriction, and estate within appropriate bounds. This image clearly resonates with the reading of sovereignty as enclosure to be given in the next section. But it also highlights how at-risk Locke understands freedom to be in its external

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[15] Locke, *Second Treatise*, §22 ln.10–15. The specification that rule not be arbitrary underlies Locke's discussion of tacit and voluntary consent. See also Ch. X–XI, especially §87.
[16] As Macpherson argues, there is good textual evidence to support the claim that civil freedom is for the sake of property, where the person himself is understood as his own property See Locke, *Second Treatise*, §3, §57 ln. 24–28; §87 ln. 11; §88 ln. 78; §174.
[17] Locke, *Second Treatise*, §123, ln. 15–17.
[18] James Tully, *A Discourse on Property*, 114. This claim notwithstanding, Tully complicates Macpherson's "possessive individualism" reading of Locke by tracking how the meaning of property (dominium) shifted from a classical notion of the faculty of rightful use to, in the modern period, an *exclusive* right of use associated with private ownership and actual possession (Tully, 69–70, 72).
[19] Locke, *Second Treatise*, §17, ln. 4–12.

element, how vulnerable it is to being taken away by another. As a property that originates in an endowment from God and can be taken by force, natural freedom depends on the natural force that maintains it. Civil freedom likewise depends on the dependability of its enforcement against others, now combined with the requirement of legal self-restraint by the enforcing body.[20]

The property form of freedom is further evident in its being subject to contractual exchange upon entry to civil society. Entering the Commonwealth, the individual gives up his inconvenient natural freedom, "so far forth as the preservation of himself, and the rest of that Society shall require," and receives a civil freedom in return.[21] This simple maneuver tells us much about the form Locke understands freedom to take. In short, it is subject to exchange. Raw natural freedom to pursue one's ends under the law of nature can be cashed in for an ensemble of liberties prescribed by various laws.[22] To extend the metaphor, you can trade the larger, natural fence that you must guard yourself for a better fence that leaves you with less area but is policed by the social body. Freedom originates in an endowment from God and, post-contract, is returned to the individual by the commonwealth in a narrower and more secure form.

This freedom circumscribes and characterizes a sphere of individual action but is shown to be extrinsic to the acting individual in important ways. Locke posits an inalienable, natural freedom from subjection to the will of another that prohibits selling oneself into slavery and justifies rebellion against a tyrant: as property, freedom is essentially what is one's own, and so is not supposed to be alienable by contract. However, the individual who commits an act of aggression forfeits his freedom, such that it becomes acceptable for him to be killed or enslaved. This caveat enables Locke's justification of slavery.[23] Slavery is justifiable because the criminal

[20] Freedom's maintenance by force will be discussed further in Section III of this chapter.
[21] Locke, *Second Treatise,* §95.
[22] Locke, *Second Treatise,* §129.
[23] Locke, *Second Treatise,* §23, ln 8–15.

loses his human status wholesale, without regard to what he has done in the past or what he might do in the future.[24] Politically, in the *Second Treatise,* freedom (and the humanity with which it is associated) functions more as a credential, like citizenship, than something linked to the individual's innate capacity or ongoing actions. Within this framework of natural right, freedom is not only something one has but also something one *deserves*—pending the fulfilment of certain criteria.

We find a quite different account of the basis of political freedom in the work of John Rawls. Both thinkers are theorists of the social contract, but in contrast with Locke's appeal to the nature of man *qua* divine creation and rational capacity, Rawls painstakingly attempts to find grounds for norms and social arrangements that are rooted in "our conception of ourselves and in our relation to society" and, at the same time, as objective as possible within that context—that is, "most reasonable for us."[25] Within his schema, the existence of moral facts depends on the adequacy or fairness of the procedure by which they are determined. Moral objectivity is achieved through a suitably constructed social point of view. Rawls conceives this task as that of articulating what is implicit in a shared common sense and historical tradition.

On the ground, this means that Rawls confronts the problem of value plurality through abstraction, seeking to resolve seemingly the insoluble debates on the nature of freedom and equality (latent in 'our' common sense) through the use of ideal "model conceptions" that serve both as elements of the thought experiment that will determine the principles of justice and paradigms to be pursued in actual social life. The first of these is the "well-ordered society"

[24] The criminal loses the proprietorship of freedom by virtue of his criminal action, which demonstrates the failure of his reason. The situation of women and poor men is more complex: while their insufficiencies of reason are not figured as innate, but due (at least in part) to lack of development, Hirschmann (*Gender, Class and Freedom,* 99–106, 116–117) argues that their exclusion from citizenship scaffolds the ideal Lockean social order.
[25] John Rawls. "Kantian Constructivism in Moral Theory," *The Journal of Philosophy,* 77, no. 9 (Sep. 9, 1980): 515–572, 519, 554.

which is effectively regulated by a public conception of justice, is characterized by free and equal social relations among its members and seeks its own perpetuation.[26] Its citizens freely accept the constraints of justice while seeking their own particular goods.[27] These citizens are ideally conceived as "moral persons," the second model-conception. Moral persons have the two "moral powers" of the capacity for a sense of justice and an ability to conceive and pursue an understanding of the good. The former is their "reasonability," the latter is "rationality."[28]

The third model-conception is Rawls's famous "original position," a hypothetical discursive situation meant to yield objective principles of a just social order. Representatives in the original position are models of free and equal persons, ignorant of the particular good sought by the citizens they represent.[29] Though they have the two moral powers, the specific content of their sense of justice is to be determined by the outcome of their hypothetical deliberation, and their conception of the good (or the good of the person they represent) is obscured by a "veil of ignorance." Imagining moral persons in this thin way, Rawls posits that their hypothetical deliberation will produce principles of justice (norms and social arrangements) that will be acceptable to all "of us" through a process of reflective equilibrium. A just social structure is the one that would be chosen by agents who could take such an abstract view. Rawls's "leading idea" is to establish a connection between the principles of justice and a particular conception (latent and socio-historically specific) of the person by means of this constructive procedure.[30]

At minimum, there are three levels at which Rawls's view of freedom can be analyzed. There is the freedom that is ascribed to the representatives in the original position; the full

[26] Rawls, "Kantian Constructivism," 520.
[27] John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005): 306.
[28] Rawls, "Kantian Constructivism," 528.
[29] Rawls, *Political Liberalism,* 19.
[30] Rawls, *Political Liberalism,* 515.

autonomy that the well-ordered society is intended to foster; and freedom as a primary good. Political freedom, which concerns me most here, is among the primary goods. It will be helpful to briefly consider how these notions of freedom fit together.

Within the model-conception of the well-ordered society, abstract moral persons understand themselves as publicly free "in that they think they are entitled to make claims on the design of their common institutions in the name of their own fundamental aims and highest-order interests" without being permanently tied to these claims and goals.[31] In other words, they "think of themselves as self-originating sources of valid claims" not derived from their social roles, and can think of themselves as distinct from any system of ends.[32] This freedom is represented within the mediating model-conception of the original position: participants are to regard each other as free as well as equal. We might call this this "model-conception of freedom," an *a priori* moral notion of self-regard under highly abstracted conditions.

This form of moral freedom, a way of regarding the self and others, shapes the hypothetical deliberations that are to determine what freedom means in social and political arrangements. It is the abstract, two-dimensional iteration of the thicker political ideal to be realized in the social world of a Rawlsian "well-ordered society." Just political arrangements, Rawls argues, foster the moral powers of a sense of justice and a conception of the good, as well as a ratiocinative capacity connected with these two powers. The well-ordered society is inhabited by equal citizens who are "fully autonomous" in that they freely accept the constraints of justice while seeking their own particular good.[33] Rawls conceives of citizens as actually free

[31] Rawls, "Kantian Constructivism," 521–522.
[32] "Kantian Constructivism," 543–544.
[33] Rawls, *Political Liberalism*, 306.

and equal by virtue of their having the moral powers initially modeled in the abstract in the original position.[34]

Examining Rawls's view of political freedom means seeing how it fits into the ideally just social structure of the well-ordered society.[35] Rawls's first principle of justice, the one that concerns us here, is that "[e]ach person has an equal right to a fully adequate scheme of equal basic liberties which is compatible with a similar scheme of liberties for all."[36] The basic liberties, political freedom among them, are *primary goods* that have been identified by abstract reasoners in the original position: they are endowed to citizens in the well-ordered society.

Unlike some liberal theorists, Rawls's deontological account gives no normative priority to liberty in and of itself. He conceives the basic liberties as instrumental to individuals' development of the moral powers, and as necessary to protect diverse conceptions of the good.[37] In doing so, the basic liberties enable people to be counted as full and equal members of society in questions of political justice. These liberties are trumps with special status that, except in emergencies, cannot be overridden for the putative achievement of particular social ends. They are limited, however by the requirement that they cohere with one another, and they must be regulated to guarantee the effectiveness of their use.[38]

Among the primary liberties, Rawls prioritizes political freedom not because political life is valuable in itself, but because it is instrumental to justice and helps the structure of society

[34] Rawls, *Political Liberalism*, 19, 304.
[35] Rawls, "Kantian Constructivism," 257.
[36] The equal basic liberties include freedom of thought and liberty of conscience; political liberties, freedom of association; liberty and integrity of the person; and the rights and liberties covered by rule of law. Rawls, *Political Liberalism*, 291; Cf. John Rawls, *A Theory of Justice* (Cambridge MA: Belknap, 1971): 202–203.
[37] Rawls, *Political Liberalism*, 292, 308. This premise reflects the relationship between internal and external freedom as described in the section on sovereignty. Bonnie Honig critiques Rawls's linkage of freedom with the use of reason *qua* bracketing of difference. See Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993): Ch. 5.
[38] Rawls, *Political Liberalism*, 294–296.

mirror the original position.[39] But he admits to the problem that political liberty may prove to be merely formal in social practice. His response to this problem is to distinguish the institutional protection of basic liberties from their worth.[40] Rawls argues that factors that differentially affect people's ability to exercise their political rights do not take a liberty, but they do make it less useful, and so, worth less. He stipulates that the worth of specifically political freedoms away must be the same for all citizens—everyone must have a fair opportunity to hold public office and influence the outcome of political decisions, and to this end, money must be largely kept out of politics.[41] But regarding how this might be done, he defers, stating "it is beyond the scope of a philosophical doctrine to consider in any detail the kinds of arrangements required to insure the fair value of the equal political liberties."[42]

We are left with an aporia at the level of philosophy. Political freedom is a primary good that is given to the citizen in a well-ordered society. However, it needs special protection to maintain its value. The means to this protection resist philosophical inquiry. While political freedom is a good upon whose provision philosophy may insist, its value can only be secured only through political life. This depends on citizens' having a "natural political virtue," without which, Rawls suggests, the hopes of a regime of liberty may be unrealistic.[43] Thus, the importance of political freedom for securing the social order is in tension with its status as a distributable good.

Locke and Rawls are standard-bearers for the liberal tradition: in some ways their work exemplifies the philosophical heterogeneity of liberalism. While both authors give a contractual

[39] Rawls, *Political Liberalism*, 330.
[40] Rawls, *Political Liberalism*, 325.
[41] Rawls, *Political Liberalism*, 326–328.
[42] Rawls, *Political Liberalism*, 327. Cf. 357
[43] Rawls, *Political Liberalism*, 370.

account of the foundation of liberal rights, their contracts rest on markedly different philosophical foundations: Locke appeals to human nature to ground individual right, Rawls avoids (or attempts to avoid) questions of ontology and metaphysics by grounding his notion of right in deliberative procedures rendered perfectly fair through abstraction.[44]

Both authors have complex views of freedom, which include "positive" aspects that are closely linked to reason (following a pattern discussed in the following section) and must be fostered by education or a just social order. But they share a conception of political freedom in particular as a property of the subject, akin to a status. It belongs to the individual because it has been conferred to him, attributed to him through an institutional arrangement.

A third variation on the property form of freedom, grounded in development economics rather than contract theory, is legible in the work of Amartya Sen. Sen approaches the question of liberty from a pragmatic and economic, rather than a philosophical, standpoint. In his basic formulation, freedom is a person's general ability to lead the kind of life they have reason to value.[45] This liberal-Aristotelian "capabilities approach" to politics and economics seeks to theorize a model of human flourishing that is sensitive to difference and yet can be taken as universal. Sen argues for an understanding of freedom as the primary object of and means to development. To be "developed" is to have freedom to live the life you value, and increasing your freedoms is what will help you get there. From an internal perspective, there is a familiar recursive quality to this formulation: having options open strengthens the individual in her agency, enabling her to act to further enhance the opportunities for the realization of her values.[46]

[44] Rawls' positing of reasonableness and rationality (and even natural political virtue) among occupants of the original position reveals his avoidance of ontological foundations to be at best an attempt.
[45] Amartya Sen, *Development as Freedom* (Knopf: New York, 1999): 10.
[46] Sen, *Freedom*, 18.

Sen's main focus, though, is on the external aspects of freedom, including the ability to satisfy material needs and the absence of obstacles that would frustrate desired ends. Here, too, there is recursion: development depends on social conditions and processes, so the right to participate in these processes is important for the enjoyment of freedom as an end. Sen counts political freedom among the "instrumental freedoms" that contribute to the overall freedom described above.[47] It includes the kinds of rights we are familiar with: voting, dialogue, dissent, and critique, conceived as an unimpeded sphere of individual action.

Within this framework, consistent with the property form, freedom can be disaggregated and measured. Individual freedoms *qua* discrete capabilities are the "building blocks" of individual well-being.[48] Evaluating the freedom of the individual, then, is a question of looking not only at the "goods in the basket" of basic capabilities but also at the individual's ability to use those goods in pursuit of her chosen ends. These two considerations determine the individual's "capability set," measurable based on opportunities and/or actual achievements.

Sen suggests that a fully developed freedom is impossible without political freedom, because it helps us conceive of and obtain other freedoms we need, and because even if we had all those other freedoms, without political freedom something important would be missing. But like Rawls, Sen primarily understands political freedom as a means to an end—now individual flourishing rather than a well-ordered society. It can be possessed and is subject to evaluation based on a set of discernable criteria. These criteria being met, the individual "has" political freedom, which is an important element of the overall freedom to choose and pursue the life she values.

[47] The others are: economic facilities; social opportunities; transparency guarantees; and protective security. Sen, *Freedom*, 38.
[48] Sen, *Freedom*, 53.

Also like Rawls, Sen is aware that political freedoms can't just sit there in the basket if they are to serve as a means to the desired end of individual flourishing. Democratic political arrangements do not promote development as freedom unless democratic opportunities are taken. For this, there is no inherent guarantee: "Their use is conditioned by our values and priorities, and by the use we make of the available opportunities of articulation and participation."[49] To be useful, political freedom must be used. This opens onto a problem akin to that which prompted Rawls's appeal to political virtue. Both authors conceive political freedom as a distributable property, an instrumental good that the individual can "have." However, like Rawls, Sen is aware that its value ultimately depends on an untheorized practice. This way of understanding freedom reaches its logical conclusion in the analytical effort to quantify freedom.[50] The attempt to find objective modes of measurement for freedom is the apotheosis of an ethos that conceives political freedom as the property of the sovereign subject.

II. The Subject as Sovereign in Positive- and Negative-Liberty Liberalisms

In this section I consider characterizations of the free subject as a sovereign subject in the liberal tradition. Property and sovereignty are linked, in ordinary language, as property implies a legitimate right of discretionary use and sovereignty implies a holding of some kind. Perhaps the most explicit assertion of sovereignty in classical liberal theory is made by J.S. Mill. His claim that "[o]ver himself and his body the individual is sovereign" states the foundational right upon which the utilitarian arguments of *On Liberty* are constructed.[51] But the meaning of sovereignty, so fraught in discussions of the state, is no easier to pin down where the subject is concerned. My commentary will focus on two broad themes: spatial enclosure and divine will.

[49] Sen, *Freedom*, 158.
[50] See Ian Carter, *A Measure of Freedom* (Oxford: Oxford University Press, 1999).
[51] J.S. Mill, "On Liberty" in *On Liberty and Other Essays*, ed. John Gray (Oxford: Oxford University Press, 2008):14.

Individual sovereignty is akin to state sovereignty in that it is conceptually reliant on a border, the existence of which organizes the internal and external relations that pertain to it. The boundaries of the state are fixed where sovereignty reaches its limits: this boundary-line sets the terms for both that which falls inside it and that which is outside it, organizing these spaces themselves and in relation to each other. As a principle of enclosure sovereignty is, in essence, a border concept: in the words of Wendy Brown, the state's "external autonomy entails internal mastery or subordination of powers that would rival, disperse or fragment it."[52]

Analogously, individual sovereignty can be understood as a principle of subjective enclosure that seeks to determine absolutely the area over which the individual will exercises legitimate authority. Inside the border that inscribes the sovereign individual, there is a dense and tangled problematic surrounding the authority of reason, the legitimacy of desires, and the unity or disunity of the self. Outside this border is a distinct but intimately related set of questions regarding what actions on the part of other individuals or institutions "cross the line" and violate the individual's sovereignty by interfering with the enactment of the will. One way to understand political freedom is in terms of a boundedness that takes this general form and establishes a logic of enclosure. The questions of adequate self-determination and parameters of permissible interference are liberalism's perpetual topics of debate: the border of the sovereign self is drawn and redrawn in response to shifting (but arguably perennial) concerns.

Sovereignty is also commonly read as a secularized theological concept. Historically, the attribution of sovereignty to the state can be read as a theoretical response to the political,

[52] See Wendy Brown's *Walled States, Waning Sovereignty* (New York: Zone Books, 2010), 56. This is not to be confused with the Schmittian "borderline concept," which is a concept that becomes apparent only in case of exceptional deviation from the norm.

epistemological, and religious instabilities of early modern Europe.[53] The decisionism Schmitt associates with state sovereignty, its (contested) indivisibility, and its mysterious status as the "unmoved mover" of statist theories of politics have their roots in a notion of an irresistible and unitary divine will.[54]

This political-theoretical development is roughly coincident with the elaboration of the *individual* as sovereign. On one hand, the individual is theorized in his sovereignty as a strategy for the legitimation of state authority.[55] On the other hand, we find it in the philosophical impulse, evident in Descartes and Kant, to emphasize the potential unity and purity of the rational human will.[56] In her history of the idea, Jean Elshtain traces the term's theological ascendancy: from the redefinition of God in terms of unity and irresistible will, through the development of state sovereignty *qua* territorial possession, to the emphasis on the satisfaction of the individual will in modern notions of self-sovereignty.[57]

The idea of a sovereign self implies a will that commands exclusively. In thinking about sovereignty as a secularized theological concept, the crucial presumption is that there are spheres of action that both *can* and *ought to be* under the subject's untrammeled control. Many iterations of liberalism consider the proper nature of this control in detail in order to theorize freedom as a normative achievement. Indeed, from a normative standpoint this idea of a space where one's

[53] See the treatments of Hobbes and Spinoza in Jonathan Havercroft, *Captives of Sovereignty*. (Cambridge: Cambridge University Press, 2011).
[54] That sovereignty is a theological concept is an argument makes strange bedfellows. See Carl Schmitt, *Political Theology* (Chicago: Chicago, 2005) Ch. 3; Brown, *Walled States*, 26; Jean Bethke Elshtain, *Sovereignty: God, State and Self*, Ch.1 and 2; Jacques Derrida, *Rogues: Two Essays on Reason* (Stanford: Stanford University Press, 2005), especially Pt. I.
[55] See Scott G. Nelson, *Sovereignty and the Limits of the Liberal Imagination* (London: Routledge, 2010), and John Hoffman, *Sovereignty* (Minneapolis: University of Minnesota Press, 1998): 33.
[56] Cf. Elshtain's account of the development of sovereign self through Descartes' ontological "excarnation" of what is essential to human being (*Sovereignty*, 174) and Kant's location of freedom outside the order of nature, with the noumenal self (176–177).
[57] Elshtain, *Sovereignty*, chapter 8. The "hard sovereign self"—thought in terms of a monistic and rational will—is contrasted with an Augustinian self, understood in terms of doubt, plurality (inter- and intrapersonal), division of the will, and embodiment.

will reigns supreme is somewhat commonplace. Taking a view to the threat posed by an absolutist ruler, the image is deeply politically appealing. But from an everyday, descriptive standpoint it is confusing, if not a bit strange. We don't have godlike control over much.

If it is not possible for human individuals to quite be godlike in the exercise of our will, there is an alternative model for human rule: the figure of the master is homologous with that of the sovereign.[58] For the master, something like sovereign determination of action becomes more conceivable because another being constitutes the immediate domain of willful determination, provided that this being— the domesticated animal, or the slave—is constituted as without rational will.[59] Classically, mastery is figured as a kind of limited sovereignty, practicable by humans, on earth.

Within the analytic of the sovereign self, mastery is complicated because one must be one's *own* master, must exercise the sovereignty of one's own will. In the first place, this requires the absence of external control by an alien will—no one else can master me. But that is not enough, for it might leave me with no master at all. To be a sovereign subject, I must also master myself, internally. This external-internal structure of self-rule coincides with Isaiah Berlin's distinction between negative and positive freedom.[60]

Before reasserting the historical and conceptual importance of his famous distinction, Berlin begins his Introduction to *Five Essays on Liberty* with a somewhat surprising admission:

> Let me say once again that 'positive' and 'negative' liberty, in the sense in which I use these terms, start at no great logical distance from each other. *The questions 'Who is master?' and 'Over what area am I master?'* cannot be kept wholly distinct. I wish to

[58] Etymologically, these two are likewise homologous: master comes out of the Latin *magis,* more, with a connotation in use of more important: sovereign brings Latin *super,* above, comes through French *souverain,* with the twist of a change in ending to connote rule.
[59] This Aristotelian picture is also legible in Locke's account of slavery in the *Second Treatise.*
[60] Nancy Hirschmann reads Berlin's conceptual distinction in a similar way in *Gender, Class and Freedom in Modern Political Theory* (New Jersey: Princeton University Press, 2008).

> determine myself, and not be determined by others…my conduct derives an irreplaceable value from the sole fact that it is my own.[61]

Berlin suggests here that mastery is the logical nexus of negative and positive freedom. This core thesis is subtly reinforced through his subsequent foregrounding of self-determination as a ground-spring of normative value.

We need not over-rely on this moment to see how sovereignty shapes Berlin's understanding of political freedom: self-sovereignty can also be seen on both sides of the binary in *Two Concepts of Liberty,* though it is disaggregated into its internal and external aspects. The link between negative freedom and sovereignty is perhaps easier to see, because freedom as non-interference asserts a determinable sphere within which the individual will can and ought to command to the exclusion of others. Negative freedom requires unilateral sovereignty over a specified domain of action.[62] Within the legitimate sphere, one is properly endowed with absolute control.

Negative freedom is formulated as a specifically *political* liberty not through the identification of any intrinsic, specifically political quality. Rather, it is defined as political in opposition to the "moral" *feeling* of freedom,[63] and also because the implicit threat to the individual's sphere of action takes the form of the state. Berlin writes, "Political liberty in this sense is simply the area within which a man can act unobstructed by others."[64] And again, "You lack political liberty or freedom only if you are prevented from attaining a goal by other human

[61] Isaiah Berlin, "Introduction," in *Five Essays on Liberty,* ed. Henry Hardy (Oxford: Oxford University Press, 2002): 36.
[62] Hillel Steiner literalizes this metaphor, conceiving the "sphere of action" as actually existing in physical space. See *An Essay on Rights* (Oxford: Blackwell, 1994): Ch.2, especially 35–36.
[63] To illustrate this contrast Berlin repeatedly refers to the example of Epictetus. Cf. Berlin, *Five Essays,*186.
[64] Berlin, *Five Essays*, 169. Similarly, from the "Introduction": "We assume the need of an area for free choice, the diminution of which is incompatible with the existence of anything that can properly be called political liberty."

beings."[65] This thesis, in many shades and gradations, constitutes a vital element in popular and theoretical discussions of political freedom.[66]

Sovereignty is not only key to negative liberty, but also at the heart of positive freedom as Berlin figures it, which "derives from the wish on the part of the individual to be his own master."[67] Berlin's conception of positive freedom conflates several notions, including: (1) determination of one's own life-path; (2) control of a lower self by a higher self, and (3) conformity with some form of social rationality.[68] He gives a rough, quasi-historical account of how positive and negative freedom parted ways over time.[69] Desiring (1) self-determination, the subject is fraught by the worry that it is not really autonomous, but that the "higher self" (rational, autonomous, ideal) is in fact ruled by a "lower self" (empirical, heteronomous), resulting in (2) a conception of "freedom as *rational* self-direction." Reason and the higher self then come to be identified with (3) an overarching and perfectly rational social totality, which demands the conformity of the individual will. This leads to the justification of indefensible coercion.[70] Though his immediate target is the Soviet Union, Berlin insists that "all forms of liberalism founded on a rationalist metaphysics are more or less watered-down versions of this

[65] Berlin, *Five Essays.* The footnote to this statement asserts "I do not, of course, mean to imply the truth of the converse." The implications of this comment are not made explicit.
[66] Richard Flathman defends a contemporary, more analytically organized version of this thesis in *The Philosophy and Politics of Freedom* (Chicago: University of Chicago Press, 1987). See also: Joseph Raz, *The Morality of Freedom* Ch. 8–9; Robert Nozick, *Anarchy, State and Utopia* (Oxford: Blackwell Publishers, 1980); John Rawls, *A Theory of Justice*, (Cambridge, MA: Belknap, 1971): 202; Eric Nelson, "Liberty: One Concept Too Many?" *Political Theory* 33, no. 1 (2005): 58–78. These authors are in general accord with Berlin's assessment that "[t]he essence of the notion of liberty, positive or negative, is holding off something or someone," itself developed in Gerald McCallum's "triadic" formulation. See "Negative and Positive Freedom," *Philosophical Review* 76, no. 3 (1967): 312–334.
[67] Berlin, *Five Essays*, 178.
[68] These notions conform almost exactly to the conceptions of freedom Flathman (*Freedom*) rules out as subjects for political concern.
[69] Berlin, *Five Essays*, 179–181, 191. See C.B. Macpherson, "Berlin's Division of Liberty" in *Democratic Theory: Essays in Retrieval* (Oxford: Clarendon Press, 1973): 95–96.
[70] Berlin variously associates this view chiefly with Marx, Spinoza, Rousseau, and especially Hegel, with Fichte, Comte, and T.H. Green, but also with moments in Kant, Locke, and Montesquieu.

creed."[71] The danger, he suggests, is that any endorsement of positive freedom will lead us down the primrose path to despotism.[72]

Each of these iterations of positive freedom corresponds to some notion of sovereignty. The baseline ideal of directing one's life in accordance with one's wishes and not the wishes of others (1) is akin to negative freedom in that it requires a "sphere" of life where the will can be exercised, untrammeled. The rule of the higher over the lower self (2), generally a requirement that such willing be identifiably rational, directs the sovereignty requirement *inward*, giving us a picture of sovereign reason familiar from Plato's *Republic.* In the notion of freedom through collective unity (3), this image of rational rule is again reflected outward onto the social or political institution, and the sovereignty of the rational political collective reflects and is reflected by the sovereign self within. Yet another iteration of positive freedom, as the object of desire that animates popular democratic movements for self-government (4), is initially framed by Berlin as a desire for recognition of personal agency. Ultimately, though, it is explained as a will to share in the sovereign authority licensed to coerce me.[73] Both the positive freedom of proper self-realization through the social whole (3) and that of proper realization of government through individual share in rule (4) logically flow through politics. However, due to his view of their danger, Berlin understands none of these iterations of positive freedom as properly political.

It is thus clear that Berlin sees both the form of freedom he endorses and those he rejects as expressions of subjective sovereignty. I will now take a closer look at the normative

[71] Berlin, *Five Essays*, 195. This lends credence to the charge that *Two Concepts* was a polemical Cold War attempt to discredit progressive liberals and figure the Cold War as a contest between mutually exclusive notions of liberty. See James Tully, "Two Concepts of Liberty in Context" in *Isaiah Berlin and the Politics of Freedom*, eds. Bruce Baum and Robert Nichols (New York: Routledge, 2013): 27–29.
[72] Tully calls attention to Berlin's neglect and dismissal of the possible abuses of negative liberty, on display in our time.
[73] Berlin, *Five Essays*, 201, 206. Berlin's treatment identifies such recognition with positive freedom and also holds it apart as something mistaken for freedom.

conceptions of liberal theorists who fall on the "positive freedom" side of Berlin's divide to better discern whether they themselves assume a form of sovereignty in political freedom.

John Dewey's liberal pragmatism embodies many of the traits Berlin targets for critique, with its vague Hegelian lineage and its emphasis on education and state intervention to promote material equality and foster freedom. In *Liberalism and Social Action,* Dewey too offers a historical analysis of the tradition within which he positions his own thinking, to identify the continuities that identify him as properly "liberal" as well as the discontinuities that will help him recuperate liberalism as a progressive doctrine conducive to social reform.

Dewey's account of the development of liberalism begins (perhaps surprisingly) with Locke, emphasizing the "individualistic" temper of his philosophy and its opposition between organized society (the state) and the individual.[74] It continues through the work of Smith, Bentham, and father and son Mill. Written well before Rawls came on the scene, Dewey's story foregrounds utilitarian and economic influences as having shaped the then-current discourse. In what Dewey terms "*laissez faire"* liberalism, "[t]he concern for liberty, and for the individual, which was the basis of Lockean liberalism, persisted; otherwise the newer theory would not have been liberalism. But liberty was given a very different practical meaning."[75]

Dewey understands a concern for the individual as the defining feature of liberalism. But he positions himself and other progressive liberals as inheritors of Locke via T.H. Green, whose work is figured as important in the development of the liberal tradition and crucial for the popular reception of the term. The school of liberalism inspired by Green "fostered the idea that

[74] John Dewey, *Liberalism and Social Action* (Amherst: Prometheus Books, 2000): 15–17. In Dewey's emphasis of the state-individual distinction, we are reminded of his own study and subsequent rejection of ideal philosophy.
[75] Dewey, *Liberalism,* 18. Cf. "The Future of Liberalism" (1935) where Dewey traces this shift through popular political discourse.

the state has the responsibility for creating institutions under which individuals can effectively realize the potentialities that are theirs."[76]

For Dewey, freedom has a dual structure, which will by now be familiar: a minimum standard of non-interference (negative, formal, the "external aspect"), and the possession of sufficient means, both material and psychological, to make use of the opportunities one is afforded. This thicker "effective freedom" requires "certain secured resources in execution" so that desires acted upon are not frustrated for lack of capacity, and "certain formal habits of desire and reflection" such that they are *authentic* desires. "If [the free person] had not powers of intelligent self-control, he will be in bondage to appetite, enslaved to routine, imprisoned within the monotonous round of an imagery flowing from illiberal interests, broken only by wild forays into the illicit.[77]" The fulfillment of these conditions results in a power of self-individuation: freedom is valuable insofar as it enables the individual to fulfill himself in this way.[78]

T.H Green similarly divides freedom into a "juristic" form that roughly corresponds with non-interference, and a "true" form that goes beyond individual self-realization to specify a social ideal: "[t]he ideal of true freedom is the maximum of power for all members of human society alike to make the best of themselves."[79] This freedom entails "a positive power or

[76] Dewey, *Liberalism*, 34–35.
[77] John Dewey and James H. Tufts, *Ethics* (New York: Henry Holt and Co., 1908): 237–238.
[78] Dewey, *The Public and Its Problems* (Chicago: Sage Books, 1927): 150.
[79] T.H. Green, "Liberal Legislation" in *Lectures on the Principles of Political Obligation and Other Writings*, ed. Paul Harris and John Morrow (Cambridge: Cambridge, 1986): 200. Berlin refers to the liberalism of T.H Green as "genuine" and "mild and humane," but insists that the logic encapsulated by this statement justifies tyranny.

capacity of doing or enjoying something worth doing or enjoying."[80] Note the stipulation that freedom is fulfilled not in doing just anything, but in doing something worthwhile.[81]

We might be tempted to classify the thicker conceptions of freedom elaborated by Dewey and Green as political, not only because they are actively enabled by the state, but also because of their explicit ends: through this political facilitation of freedom, individuals are empowered to contribute to the common good. However, both authors specify that political freedom coincides with the more abstemious "juridical" and "formal/negative" categories.[82]

Do the normative conceptions of freedom endorsed by Dewey and Green express forms of sovereignty? Certainly, there are some echoes of the theological dimension of self-sovereignty insofar as fully free individuals "secure full realization of their potentialities" through the progressive fostering of their rational capacities.[83] The normative priority of rational self-rule can be discerned in this perfectionist end. However, Dewey's requirement that freedom be realized through explicitly experimental and socially embedded democratic practice may in other respects demand a posture of non-sovereignty.[84] This would only be the case if such components of the free development of the individual were to be recast as aspects of political freedom.

More definitely, the progressive liberalism of Green and Dewey reflects sovereignty as a boundary concept. Both theorists posit a reciprocal action between subject and society whereby

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[80] Green, "Liberal Legislation." See David Nicholls, "Positive Liberty: 1880–914," *American Political Science Review* 56 no. 1 (1962): 114–28. Nichols fills in the sketch of liberalism in Green's wake, arguing that rather than renouncing liberty as the great end in politics, positive liberals (Hobhouse, Hobson, Bosanquet) found it enlarged and adapted it.

[81] Among contemporary liberals, one finds a comparable thesis in the "liberal perfectionist" thinking of Joseph Raz, who endorses a thin conception of autonomy but attributes *value* to it only insofar as it's used in pursuit of a social good. See Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1988).

[82] Dewey and Tufts, *Ethics* (New York: Henry Holt, 1914): 237*;* Green, *Lectures on the Principles of Political Obligation*, 126–127, 241.

[83] Dewey, *Liberalism*, 52. For a discussion of negative liberty as instrumental to the achievement of positive liberty in Dewey's social philosophy, see Cherilyn Keall, "The Paradox of Freedom: John Dewey on Human Nature, Culture, and Education" *Education and Culture* 29, no. 2 (2013): 59–60.

[84] See Dewey, "Philosophies of Freedom" In *Political Writings* (Indianapolis: Hackett, 1993): 136–38. A similar exception applies to the identification of political freedom as a property.

the organization of the state strengthens the sovereign self in its sovereignty, and the self is fully realized in and for itself in the social world.[85] They differ from purely negative accounts insofar as this strengthening of self-sovereignty, and the value which flows from it, depend on concerted social cultivation, on state involvement rather than restraint. Moreover, Dewey and Green understand certain kinds of economic actions under capitalism to be sufficiently harmful to others as to endanger their sovereignty—as in a way *irrational*. They endorse state interference in "private" economic affairs on these grounds. In other words, while the boundary that circumscribes legitimate action and excludes unjustifiable interference is drawn in a meaningfully different way, a conception of self-sovereignty sets the terms and organizes the structures on either side.

In the closing chapter of her survey of contemporary liberal theories of freedom, Katrin Flikschuh draws two conclusions regarding their shared conceptual features. First, that there is "the notion of a necessary connection between a person's freedom and others' non-interference with that person." Second, that current liberal theorizing about reason relies on "*some* conceptual link between freedom and the normativity of reason which it nevertheless fails explicitly to thematize."[86]

These two aspects are not incidental to each other but are linked together in the logic of freedom as self-sovereignty. "Internal" self-sovereignty plays an important role in holding the boundaries that define "external" sovereignty. To call the subject "sovereign" implies both a minimum level of non-interference by others (including the state) and a sufficient level of self-

[85] Dewey, "Philosophies," 113.
[86] Katrin Flikschuh, *Freedom* (Cambridge: Polity, 2007): 171–172.

control.[87] If external interference is excessive (i.e. illegitimate) the self-determination of the agent is undermined. On the other hand, if the agent's self-determinative capacity is judged to be inadequate it legitimates wholesale interference—the classic examples of this are criminals and the young. Both the illegitimate and legitimate interference scenarios describe states of un-freedom due to a violation of the conditions of subjective sovereignty—one external, one internal. The external "sphere" of non-interference depends on a conception of internal self-rule.

Returning to Mill, we find a paradigmatic case. Sovereignty is clearly stated as a border concept:

> What, then, is the rightful limit to the sovereignty of the individual over himself? Where does the authority of society begin? How much of human life should be assigned to individuality, and how much to society?[88]

His answer again turns on the possibility of a division between what concerns others and what concerns oneself, the existence of a "region" where the individual can pursue their own good in their own way.[89] Social or political interference in this region may be warranted, indeed necessary, in order to protect others from the individual in question.[90] The determination of this imperative depends on the functional rationality of the interferer, who can properly judge the "definite damage, or definite risk of damage" to others, and on the deficient rationality of the interfered-with, such that "the case is taken out of the province of liberty, and placed in that of morality or law."[91] "All that makes existence valuable to any one" writes Mill "depends on the enforcement of restraints upon the actions of other people."[92]

[87] Liberalisms that prioritize redistribution tend to emphasize the link between material well-being and self-determination.
[88] Mill, *On Liberty*, 83.
[89] Mill, *On Liberty*, 6–17.
[90] Mill, *On Liberty*, 4.
[91] Mill, *On Liberty*, 91.
[92] Mill, *On Liberty*, 9.

Modern legacies of injustice are interwoven with questions of what—and who—is to be excluded from or included within the province of liberty as defined by the sphere of the sovereign subject. There is a world of literature exploring how this way of understanding individuals has been (and is) reflected in political practice and theory. For example, Anthony Bogues suggests that a similar rubric of subjective freedom is both linked with racialized projects of domination and imbues post-colonial forms of American imperialism.[93] Taking a textual focus, Nancy Hirschmann argues that the ideal of the freedom of a self-sovereign public subject is grounded on gender and class-based exclusion and domination in the theories of Locke, Kant, and Mill.[94] Though these are only two particularly relevant examples, they begin to suggest the costs of having seen and seeing self-sovereignty as the criterion of freedom.

III. *The State of Freedom in Libertarian and Egalitarian Liberalisms*

In this section, I examine how the action of the state enables individuals to exist in a "state" of freedom. The state secures freedom as a property for the sovereign subject across one of the most polarized divides in contemporary liberalism—the gulf that separates libertarianism and egalitarianism. The activity of the state is the guarantor of the individual's state of freedom both in libertarian liberal theories, which often take up classical liberal themes, as well as in the redistributive theories that resonate with the American popular understanding of what it is to be "liberal" today.

In theories that emphasize negative liberty, freedom relies on the state in a straightforward way. Free individuals must above all be secured against invasions of their rightful spheres of action. The perpetual need to deploy coercive force against potential and

[93] Anthony Bogues, *Empire of Liberty: Power, Desire and Freedom* (Hanover: Dartmouth College Press, 2010).
[94] Hirschmann, *Gender, Class.*

actual interferers results in freedom's logical dependence on the Weberian state.[95] Friedrich Hayek concisely summarizes this relation:

> Since coercion is the control of the essential data of an individual's action by another, it can be prevented only by enabling the individual to secure for himself some private sphere where he is protected against such interference. The assurance that he can count on certain facts not being deliberately shaped by another can be given to him only by some authority that has the necessary power. It is here that coercion of one individual by another can only be prevented by the threat of coercion.[96]

The classical liberal theses of Locke and Mill (discussed above) iterate versions of this link between freedom and coercion.

A more complicated, but ultimately illuminating example is the libertarian theory of Robert Nozick. *Anarchy, State, and Utopia* begins from a position of profound skepticism of the state, so it may seem odd to emphasize Nozickian freedom's reliance on it. The purpose of the work is largely to determine whether it would be possible for the state to come into being without violation of certain *a priori* moral principles, and if so, to elaborate what such a state would look like. To this end, Nozick employs a variant of state of nature theory: although the story he elaborates is not the real story of the origin of states, he posits that its *potentially* having come into being in a morally acceptable way adequately proves the legitimacy of the state form. Simultaneously, this story specifies what it is morally acceptable for a state to do by describing the kind of state that would result from a morally acceptable process.

The normative priority of individual freedom from coercion determines the contours of this process, and the morally acceptable state that results. Nozick never writes of "freedom" as such, instead framing his argument exclusively in terms of individual rights. Nozick is not

[95] Weber defines the state as having a monopoly of force in the maintenance of its order. See Max Weber, *Economy and Society*, eds. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978): 1:54. For a recent reading of classical liberalism that emphasizes this relation, see George H. Smith, *The System of Liberty* (Cambridge: Cambridge University Press, 2013): 74–80.

[96] Friedrich Hayek, *The Constitution of Liberty* (Chicago: University of Chicago Press, 1960): 139. This statement is an endorsement of the essential relationship Marx's *On the Jewish Question* singles out for critique.

concerned to establish the primacy of this right: he simply asserts it as given in the book's opening chapter. There is little explanation of the underlying moral theory—the foundation of the right to which Nozick appeals. He justifies this lacuna by referring to the magnitude of that task, and by claiming to follow the example of Locke, who "does not provide anything resembling a satisfactory explanation of the status and basis of law in the *Second Treatise."*[97]

Unsurprisingly, this move has opened him to charges that his theory of the moral state is wholly ungrounded, but this is not entirely the case. Karen Flickschuh notes that Nozick's justifications are elaborated in the chapter on free will and determinism in *Philosophical Explanations*, a lesser-known work.[98] There we find more information about the metaphysical premises that undergird Nozick's political theory, namely a conception of human dignity that is reliant on the freedom of the will. Because we have free will, human beings are capable of setting our ends and originating values. This capacity is born out in the individual's determination of his own course of life, through a series of decisions that are not arbitrary by virtue of the fact that they have been chosen by the chooser.[99] Freedom consists in being a value-originator, which plays out in one's being a life-planner. This metaphysical background is consistent with, and helps to supplement, the somewhat dubious justifications of the moral premises in *Anarchy, State and Utopia.*[100] Infringement on this freedom of choice is a violation of human dignity.

[97] *Anarchy*, 9. Nozick declines to explicitly discuss Locke's reliance on a theory of divine workmanship to ground his principles, as discussed in Section I.
[98] Flikschuh, *Freedom*, 70–74.
[99] Nozick, *Philosophical Explanations* (Belknap: Cambridge, 1981): 300.
[100] Nozick loosely posits that the moral basis of individual rights is linked to the capacity to form a life plan in the long term, and gestures nebulously to the "meaning of life" which one finds for oneself. This is quite fuzzily argued—the justification for the "meaning of life" argument is the affect the concept induces (it has "the right feel"). *Anarchy*, 48. Karen Flikschuh writes that Nozick's views of rights "operate from a presumption of the sovereignty of the free person, where respect for sovereignty merely requires others' non-interference." *Freedom*, 70.

The tacit but absolute priority of the fulfillment of the will echoes the theme of sovereignty from Section II above—Nozick takes this characterization of the individual for granted, and his brief use of the term is unquestioning and unqualified.[101] Based on this priority, Nozick theorizes rights as side-constraints on the actions of others. Individual rights are a normative absolute, but exist in the form of an absolutely morally necessary limitation on the actions of others. Others ought to recognize the rights-bearer as a setter of ends and restrict their own actions accordingly. An individual can never be coerced for any reason, regardless of what end is being pursued.

In this understanding, individual right is not taken to be an end, but rather an unquestionable moral constraint on actions taken in pursuit of other ends or goods. Conceiving rights as side-constraints avoids what Nozick calls a "utilitarianism of rights," whereby the imperative would be to maximize the total amount, or perhaps enjoyment of, individual rights, which might have implications for education or welfare.[102] It is an important move, because it rules out prima facie the political association's active fostering of individual life-planning and value origination—what we would associate with a "positive liberty" approach.

This view of rights as side-constraints directs the narrative of morally acceptable state formation in Part I. In Nozick's story, individuals enter "voluntary security associations" to evade the inconveniences of Lockean natural freedom. Individuals enhance their own security by voluntary entry into such associations, which offer their members services of arbitration and protection from coercion by others. Presumably, side-constraints against coercion evaporate *tout court* when one commits an act of aggression, though this is not explicitly discussed. Through

[101] "A nonaggression principle is often held to be an appropriate principle to govern relations among nations. What difference is there supposed to be between sovereign individuals and sovereign nations that makes aggression permissible among individuals?" Nozick, *Anarchy*, 34.
[102] *Anarchy*, 28.

the invisible-hand action of market forces, these service associations are consolidated into one territorially dominant protective association, which comes to meet the definitional criteria for the minimal state.[103] In Part II, Nozick sets out to show why the minimal state, justifiable because it can come into being in a morally defensible way, must not go beyond its limited adjudicatory and punitive function, because to do so would be coercive.

The Nozickian individual right to non-coercion is basically a negative space held open by effective constraints on the actions of others. Ideally, at the level of Nozick's moral theory, this space of right is an encompassing and inviolable sphere within which a sovereign chooser can make decisions that conform to his sui generis values. Politically, though, this space of right grows more complicated. It exists only insofar as it is *effective*, and as we note from Nozick's sensitivity about redistributive state intervention, it doesn't take much to tip into grievous violation. The Nozickian space of freedom is rather fragile.

There is no need to rehearse Nozick's famous hostility to projects undertaken for the sake of the common good, and even to the existence of such a thing. The state exists for the sole purpose of maintaining individual sovereignty through the use of force. This theoretical outcome is foreshadowed by Nozick's initial definition of political philosophy, which in his view is always a question of physical aggression.[104] At the general or metaphysical level, freedom concerns our capacity to plan our lives over the long term and decide for ourselves what we will value and pursue: as noted, this remains somewhat murky, even almost mystical in *Anarchy, State and Utopia* and must be reconstructed from other sources. But at the level of politics,

[103] That is, having a monopoly on the legitimate use of force except for immediate self-defense, and serving everyone within its boundaries. *Anarchy,* 26, 51.
[104] *Anarchy,* 32.

where it is by definition a question of violence, the question of freedom narrows to how one is to be protected from coercion by others, without being subject to coercion by the state.

The state is not only morally permissible, but also *necessary*, because without it, there is no guarantee of rights as side-constraints. Nozick professes a deep and credible skepticism about the state, but according to his reasoning about the nature of individual rights, their actual existence depends heavily on their enforcement. There is a profound ambivalence here: the state serves as a foil to Nozick's highly individualist ideal of human sociality, but also allows rights as side-constraints to get some pragmatic traction in the world. If the state didn't exist, Robert Nozick would have had to invent it. This, in a way, is the point.

Where Nozick understands the question of politics as a question of violence, Ronald Dworkin takes it to be a question of justice, understood as equality. In *Sovereign Virtue,* he makes the case that equality is the most crucial liberal norm, that citizen equality is the proper aim of a liberal government, and that it requires a distributional equality best interpreted as equality of resources. Here, I leave aside the bulk of his theory of government to focus on those aspects germane to the question of political liberty, which Dworkin treats as separate ideals—liberty and democracy.

Generally, Dworkin understands freedom in terms of negative liberty that allows for freedom of choice.[105] It is structured as "a set of discrete rights to specific freedoms."[106] He interprets liberty as an aspect of equality, rather than an independent political ideal. Consequently, he sees no conflict between them: liberty must be given special consideration by

[105] *Anarchy*, 174.
[106] *Anarchy,* 127. His thinking of this liberty has a definite fiduciary aspect. For example, he employs the "accounting concept" of a "liberty deficit" as a way of thinking an individual's loss of a power to enact a certain choice due to legal constraint (165–168), and he imagines the satisfactory apportionment as occurring by auction on a desert island (139–147).

the society concerned with the maximization of equality. Freedom has no "fundamental metaphysical importance" that makes it especially worthy of social protection.[107] Rather, it deserves special protection for the sake of what it enables, both the kind of life it allows a person to lead and the better fulfillment of the paradigmatic egalitarian principle:

> Liberty is crucial to political justice because a community that does not protect the liberty of its members does not—cannot—treat them with equal concern on the best understanding of what that means.[108]

The issue of political liberty grows more complicated in the subsequent chapter, where Dworkin considers how the egalitarian principle bears on the distribution of political power and what form of democracy is most appropriate to a democratic society. He locates the discussion of political power wholly within a representative structure, because the community is assumed to be too large to accommodate community policymaking.[109] This decision results in a discussion of political activity that centers on electoral politics, especially the formal legal aspects that stipulate how government officials will be chosen and what powers they have.

As the discussion progresses, properly egalitarian distribution of political power seems at least as difficult a proposition as equal distribution of material resources, if not more so. It depends on the implementation of effective political processes, but to determine their effectiveness requires the specification of metrics and standards for the evaluation of how political power is to be apportioned among citizens. Dworkin defends a consequentialist ("dependent") approach to democracy that justifies political processes and procedures, including the protection of political liberties, based primarily on the egalitarian or just outcomes that are

[107] *Anarchy*, 121.
[108] *Anarchy*, 151.
[109] *Anarchy*, 184.

likely to result from them, not based on the fairness or freedom of the processes themselves.[110] Political equality is not a distinct kind of equality with its own metric (political power), but rather blurs together with other kinds of equality.

Through this lens, Dworkin determines that though we may idealize equality of citizen influence over politics, we should not adopt it as an ideal, and certainly ought not seek it. To risk oversimplifying a complex argument, this is because influence is not something government can distribute. Equality of direct impact (say, through a vote) is only given a limited place, both because of the representative structure and the consequentialist calculus. The modest egalitarian political ends of this approach to democracy, Dworkin contends, sufficiently accomplish things we expect democratic government to do, justify what we expect it to justify, and account for its authentic features.[111]

Where does all of this leave us as regards political freedom? With the problem of liberty in the foreground, Dworkin's central focus is to reconcile it with the sovereign virtue of equality. In the complex calculus that follows, a familiar set of civil rights and liberties, consistent with the property form of freedom discussed in the previous section, emerges as particularly important to the equal distribution of resources. Equality of resources depends on the procedural adequacy of political processes of discussion and choice. For the processes to be adequate, people must be free to have authentic convictions and ambitions, and to make the choices and decisions the fulfillment of these convictions and ambitions demands: hence, the focus on negative liberty.

[110] This conclusion accords with his instrumental understanding of liberty. Dworkin does include some elements of the latter "detached" approach because of the symbolic consequences for the individual's standing as a community member: one man, one vote, so long as you're not a felon who has lost standing in the community. *Anarchy*, 200–203.
[111] *Anarchy*, 200.

Politically, Dworkin sees justification of civil rights and liberties as an important criterion for a satisfactory theory of democracy and believes that his own account fulfills it. Under his "dependent" approach to democracy, rights to certain kinds of political activity are prioritized and protected because they are instrumental to "accurate" political outcomes that conform to egalitarian principles and reflect the will of the society in questions of preference. But Dworkin also focuses on the "agency value" of democracy's "participatory outcome." Freedom of speech and other associated rights allow for a private sense of moral satisfaction through political life, provided that people perceive themselves as having enough influence ("leverage") to actually make a difference.[112]

In both cases, the overarching sense of political freedom is as a set of opportunities that advances the interest of egalitarian government. We can get a stronger sense of what this means for Dworkin by looking at his treatment of the right to public protest, the political refuge of people who feel themselves underserved by the representative process.[113] This issue sits between the problematics of liberty and democracy: Dworkin addresses political speech and demonstration as rights in the chapter on liberty, where they are treated as distinct from political processes. The discussion centers on whether the freedom to demonstrate makes people's lives better or worse, and neglects altogether how its exercise might bear on the political order, or what it might imply about the adequacy of the established processes. Here, the right to protest is treated as "a resource like any other," distinct and divisible from the person, but the political power that the use of this right is meant to demonstrate or accrue goes unmentioned. Again, the notion of liberty as property stands out. The question of freedom *qua* liberty is separated from

[112] *Anarchy*, 201–203. Likewise, the importance of the right to vote (equality of impact) is explained in terms of its "symbolic" participatory outcome, status in the political community.
[113] *Anarchy*, 137–138.

that of public power and is figured as an ideal that pertains primarily to the individual's private life as it is related to the strictures of law.

Sovereign Virtue's chapter on democracy concludes with a strong but frustratingly ambiguous statement regarding equality of political power. The egalitarian community

> cannot treat political impact or influence as themselves resources, to be divided according to some metric of equality the way land…might be divided. Politics, in such a community, is a matter of responsibility, not another dimension of wealth.[114]

The discussion concludes there, leaving the question of upon *whose* responsibility the political equality depends. Is it the citizen or the state, the governed or the government? Is it a matter of designing processes that will result in egalitarian policy, or of individual duty to maximize their "leverage" within an extant structure—or something else?

This undeveloped assertion draws attention to the unresolved tension in Dworkin's work, akin to the aporia of political practice we saw in Rawls and Sen. The problem of political equality exceeds the capacities of a distributional calculus, and it sits at odd angles with a freedom that fits comfortably within such a calculus. Notwithstanding the lines quoted above, his discussion of democracy slides into a tendency to treat power as a resource as well. The language of distribution is significant here: even in his discussion of democracy, Dworkin speaks of power as distributed by processes, and of the distribution of political activity producing certain kinds of results.[115] Before the unexpected swerve at the end, the bulk of the relevant chapter is concerned with how to best define equality and power with respect to a representative government, and the implications of these definitions for institutional design: a frustrating and ultimately frustrated effort that leads to an incongruous conclusion. This abrupt closing appeal to responsibility

[114] *Anarchy*, 210.
[115] *Anarchy*, 205, 187.

suggests that Dworkin has a sense of both the significance of this problem, and his framework's inability to accommodate it.

Ultimately, it is clear that throughout the discussions of liberty, democracy, and resource distribution in *Sovereign Virtue*, being politically free implies a certain relationship with the state, specifically in its formal institutional arrangements. We can better understand the emphasis on "governmental concern" through this lens. As it pertains to public matters, agency is diffuse, and its locus is difficult to identify with precision.[116] The bureaucratic apparatus of the state often seems to operate autonomously from citizens, representatives and personated state alike; for instance, it is the "adequate political process" that *strives* to preserve the potential power of the citizens. But both liberty and power are articulated in terms of their dependency on juridical arrangements. From this standpoint, there is little to say about freedom or politics without reference to the parameters that define the state.

In this egalitarian liberal theory, then, in addition to a tacitly assumed punitive function, the state actively fosters individual freedom as an aspect of equality, in the form of rights and, usually, resources.[117] Dworkin endorses an idiosyncratic and somewhat abstemious iteration of this way of thinking: In the more overtly welfarist work of Philippe Van Parijs, G.A. Cohen and Richard Arneson, state activity plays an even greater role in the maintenance of the individual's state of freedom.[118] This does not eliminate the state's coercive function, but rather extrapolates

[116] *Anarchy*, 202.
[117] It must be noted that there is good empirical reason to believe that state intervention has played an important role in the maintenance of putatively libertarian orders as well, and that maintenance is closely linked to the use of coercion. Bernard Harcourt and William Novak have argued, contra mythologies of liberalism, that the law and language of individual rights and the "spontaneous order" of markets are historically bound up with the intensification of economic governance and punitive strategies. See Bernard Harcourt, *The Illusion of Free Markets* (Cambridge: Harvard University Press, 2011); William Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996).
[118] See Elizabeth Anderson, "What is The Point of Equality?" *Ethics* 109, no. 2 (Jan. 1989): 287–337 for a now-classic treatment of these authors.

it into a distributive and redistributive function. The activity of the state maintains the citizen in a state of civil freedom.

Returning to Rawls, we find a paradigmatic example of how the rational egalitarianism of the well-ordered society is interwoven with state coercion. In her analysis of the "disruptive characters" that appear and reappear in *A Theory of Justice*—the criminal, the indolent, the irrational—Bonnie Honig foregrounds the role that punishment and exclusion play in the maintenance of Rawlsian consensus.[119] She reads Rawls as fixated on the closure of the space of contestatory democratic politics, and posits that these characters haunt *A Theory of Justice* because they signify ineliminable rifts between the self and the perfectly rational Rawlsian juridical order. Honig argues that justice as fairness in fact *depends* on the alterity of these irrational others in that it defines itself against them.

These characters are the "remainders" of a political theory that places the foundation and maintenance of a just Weberian state at its center, aiming to reconcile potentially unruly subjects to its coercive authority. Non-existent in the ideal rationalization of the original position, in hypothetical test cases the criminal encounters a surprisingly violent and self-righteous punitive force. However, most Rawlsian citizens will ideally not experience the state as a coercive institution. Given the well-ordered society's effective approximation of a voluntary association, they are:

> allowed, indeed subtly encouraged, to become relatively passive consumers of the state's goods and services, impervious to the possibility that their survival as a democracy might require them to engage and resist—not simply reconcile themselves to—the state's status as the privileged and legitimate bearer of political power and coercion.[120]

[119] Honig, *Political Theory and the Displacement of Politics,* 128.
[120] Honig, *Political Theory,* 129.

This tension returns us to a central problem in liberal political theory—the complexity of the state's role in the freedom of the individual, and how political activity figures in to that arrangement. We might say that the state is the cause of and the solution to all of liberalism's freedom problems. Freedom depends on the coercive power of the state, but the state, so empowered, also embodies a dangerous threat. If political freedom is figured as a pure lack of interference, it is adequately secured so long as the state does not enact and enforce interfering laws. Thinkers with this frame of reference, Berlin paradigmatic among them, do not see democracy as essential to political freedom, notwithstanding an observable correlation between them.[121]

In contrast, political freedom proper is often associated with the right to participate in democratic government. In this case, the protected sphere of activity specially covers this particular form of public action. Both liberals and their critics posit a tenuous relation between liberalism and democracy. As Charles Larmore puts it, "Liberalism and democracy are separate values whose relation…consists largely in democratic self-government being the best means for protecting the principles of a liberal order."[122] More poetically, Judith Shklar writes that it's "fair to say that liberalism is monogamously, faithfully, and permanently married to democracy—but it is a marriage of convenience."[123] Often, the right to participate in government is a second-order form of political freedom, for the sake of not having a first-order (political) freedom *qua* non-interference violated. As we have seen though, there is a recurrent gap between political freedom as the *right* to act and *effective* democratic action.

[121] See Berlin, *Five Essays*, 177.
[122] Charles Larmore, "Political Liberalism," *Political Theory* 18, no. 3 (August, 1990). See also Smith, *System of Liberty*, 215.
[123] Shklar, "The Liberalism of Fear," 37.

This gap, I posit, is not accidental. In the theories I have discussed the individual's condition of freedom is primarily maintained by the active *state*, in its roles as administrator, arbiter, and punisher. The protective presence of the sovereign state is the external condition that allows the sovereign self to hold her domain of action securely. Through the threat of force, the provision of resources and/or the maintenance of sufficiently democratic institutions, the state holds open a space for individual action. Within this logic, the attribution of political freedom to the subject requires a certain level of action on the part of the state. By holding open a sphere of liberty, the state allows its subjects the opportunity to do or to forbear—in determining their own lives, for conceptions of political freedom as non-interference, and in democratic participation for conceptions of those that equate political freedom with the opportunity to take part in government.

The free individual can relate to herself as free only through the protection of the state *qua* coercive power. Individuals are (or becomes conceivable as) bearers of political freedom through an external guarantee. To have freedom and to be free are the same in this calculus. In short, it is possible "be free" without *doing* anything. This feature of liberal democracy is highlighted in a forthcoming work by Bryan Garsten, who reads early French liberalism as a response to the tragedy of the Terror. What emerged, he suggests, was a new way of being for a body politic whereby the people were constituted as "represented"—a rationale for the passivity of the *res publica* in political life.

This attitude is certainly legible in the most famous product of early French liberalism, Benjamin Constant's speech at the *Athénée Royale.* "The aim of the moderns" he claimed, "is the enjoyment of security in private pleasures; and they call liberty the guarantees accorded by

institutions to these pleasures."[124] Constant championed this new form of liberty, in part because he found it better fitted to the demands of an emergent capitalism.[125] But he also recognized the threat engendered by freedom so conceived. People could become so deeply enmeshed in the concerns of private freedom that they would forget to mind the minders, not exhibiting the second-order concern for political participation that the imbricated logics of state and freedom require. The marriage of convenience Shklar described could become just that—loveless, bloodless, rote, a relationship in name and form only. Constant's response to this concern is to *exhort* his listeners to civic-mindedness by appealing to their concern for the protection of their private spheres of action.[126]

IV. Freedom-as-Security: Two Paradoxes

Looking back on the liberal-communitarian debates, Charles Taylor expressed a concern similar to Constant's. Taylor charges procedural liberalism with assuming an "atomist" ontology, whereby the ends of social life are reducible to a concatenation of the ends of discrete and prior individuals. On his reading, this way of seeing persons precludes the political subject's identification with any common purpose that is not just a convergent aggregate of individual ends.[127] Taylor questions whether this view of the subject is compatible with a viable patriotism, with our seeing state institutions as "the common bulwark of our freedom and citizen dignity."[128] He doubts that people who view the state as an instrument to their own particular ends will feel

[124] Benjamin Constant, "The Liberty of the Ancients Compared with that of the Moderns" (1816) in *Political Writings*, ed. Biancamaria Fontana. (Cambridge: Cambridge University Press, 1988): 317.
[125] Constant, "Liberty of the Ancients."
[126] Constant, "Liberty of the Ancients," 325–328.
[127] Charles Taylor, "Cross Purposes," in *Debates in Contemporary Political Philosophy: An Anthology*. (New York. Routledge, 2003): 201–213.
[128] Taylor, "Cross Purposes," 209.

"a strong spontaneous allegiance" toward it, which is necessary for its maintenance and defense.[129]

Taylor locates his argument at precisely the right level, and his diagnosis of atomism is not far from my own worries about sovereignty *qua* enclosure. His objection is consonant with my own concerns about the figuration of political freedom in liberal theory and practice. The problems that I want to highlight do not refer to questions of common good or affective attachment; they are intrinsic to this normative conception of freedom itself.

A political freedom that belongs as property to a sovereign subject due to an effective state guarantee is essentially a specialized security.[130] Its primary concern is the proper circumscription of the individual within a border that will guarantee adequate safety from coercion—by foreign powers, by other individuals, or by the state—such that each person can enact their own will within it. Some liberal theories additionally require that the state foster each individual's capacity to do so in a way that is right or good, while others understand this action and what it requires to entail necessary violations of the boundary itself. But they tend to agree that the individual will *be* politically free insofar as they *have* political freedom, a freedom that can only be given by the state through the appropriate kinds of action and forbearance.

This *extrinsic* focus on adequate protection from coercion (and sometimes provision of necessary goods) underlines security as the foremost concern of the state. If freedom is a goddess with many names, guises, and cults, *Securitas* is the form she assumes in liberal theory. Consequently, the question of freedom in politics is largely decoupled from that of ethics. The citizen will be secure in this freedom regardless of what she does or doesn't do.

[129] Taylor, "Cross Purposes," 203.
[130] This concluding assessment discusses these elements as a kind of Weberian ideal type, abstracting some of the richness of individual theories but foregrounding the important shared features to help think the ideological work "liberalism" does in the world.

Two paradoxes can be derived from this conception of political freedom. Constant's exhortation to civic-mindedness and Taylor's worry about patriotism highlight the first: The valuation of a norm that can be passively and privately enjoyed undermines the prospects for its active, public maintenance. In other words, liberal political freedom depends on something that it routinely figures as inessential. This problem with freedom-as-security is closely linked with democratic theorists' complaints about the impulse to closure in liberal political understandings.[131]

Another paradox involves the descriptive adequacy of this political freedom. It becomes evident when we consider individuals who engage in participatory political activity under conditions that would qualify them as unfree, and in no uncertain terms, in the liberal understanding. Here we might think of Mandela in prison, Thoreau or King in jail, or (more recently) former Pussy Riot members Nadezhda Tolokonnikova and Maria Alyokhina as exemplary figures. Within the paradigm of political freedom I have described, these individuals in their action would be considered less politically free than a wholly passive citizen of a liberal democracy.

In different ways, both of these paradoxes suggest this normative framework is insufficient for a specifically political freedom. My own dissatisfaction is non-unique: many particular and general complaints against liberalism resonate with the grounding features I have specified, as my references to other critical perspectives suggest. In part, my aim in this chapter has been to schematize some saliently problematic features of liberalism and link them

[131] See Chantal Mouffe, "Politics and the Limits of Liberalism" in *The Return of the Political* (New York: Verso, 2005); Bonnie Honig, *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993), Ch. 5; Sheldon Wolin, "Contract and Birthright," in *The Present in the Past: Essays on the State and the Constitution* (Baltimore: Johns Hopkins University Press, 1989).

specifically to the normative conception of freedom, as a reinforcing gesture with respect to such critiques.

With respect to liberal conceptions of political freedom I have asked the following questions: How do we conceive of the enjoyment of this freedom? What is the ideal status of the free subject? How is freedom understood to be manifest in the world? My answers to this question have been: as a property; as sovereign; as a state of being secured by the state. The rest of my project proceeds according to the same basic structure, using it as a comparative framework to think about the possibilities of political freedom on different terms through the work of Hannah Arendt and Michel Foucault.

CHAPTER TWO

FREEDOM BETWEEN ARENDT AND FOUCAULT: PROBLEMATICS AND POSSIBILITIES

In *The Experience of Freedom,* Jean-Luc Nancy posits that two obstacles impede philosophical thinking on freedom:

> The first kind of obstacle consists in the self-evidence of the common notion of freedom—which is always more or less that of free will—coupled with the moral self-evidence of the necessity of preserving the rights of this freedom.[1]

In chapter 1, I argued that liberal conceptions of freedom tend to share certain horizons that indicate a general phenomenal character: freedom is a property of the subject; the free subject is a sovereign subject; and this state of being is guaranteed by the state. This background understanding shapes a dominant paradigm of freedom not only in many philosophical discourses, but in popular political discourse as well. In this chapter I will introduce the conceptions of freedom developed by Hannah Arendt and Michel Foucault. I begin from the premise that despite their considerable *prima facie* differences, there are substantial and significant resonances between their conceptions of freedom which become more visible against the backdrop of the liberal paradigm.

Given the immense popularity of both thinkers there exists a large body of secondary literature pertinent to their work on freedom, as well as some efforts to put them in dialogue. Reviewing this literature, I posit that reading Arendt and Foucault together in this framework of contrast with liberal freedom sheds light on stubborn problems in the interpretation of their work and opens onto three crucial questions in contemporary political theory: the relationship of politics to ethics, the status of the political subject, and the relation of violence to politics.

[1] Jean-Luc Nancy, *The Experience of Freedom*, trans. Bridget McDonald (Stanford: Stanford University Press, 1993): 3.

In laying the groundwork for the remainder of the dissertation, this chapter is intended to engage the concerns of multiple audiences. For theorists in the liberal tradition and others who may have a less immediate familiarity with the work of Arendt, Foucault, or both, I move deliberately through their fundamental concepts in order to prepare the way for my own development of those concepts in chapters to come. For readers already working within the "practice turn" in political theory, I survey the secondary literature to identify the debates to which I think this encounter between Arendt and Foucault will be especially relevant, and the stakes thereof. These audiences are distinct, but overlapping; I request the reader's patience as I am moving between their concerns, and hopefully integrating them.

I. Freedom as Practice

I begin with the argument that liberal theories of politics tend to conceive of freedom, particularly political freedom, as a property of the subject. Amid ongoing efforts to negotiate what freedom means, and ought to mean, some theorists of politics have taken this thesis quite literally. For instance, Ian Carter's *A Measure of Freedom* posits a metric by which an individual's freedom might be quantitatively assessed by measuring their capacities, opportunities, and economic and political conditions. This striving to determine "how much" freedom a person "has" is the apogee of a way of thinking about freedom prevalent in contemporary political rhetoric and discernable in various iterations of liberal political theory, as discussed above: freedom is understood primarily as a possession, defined by the satisfaction of certain internal criteria (especially criteria of rationality) and/or external criteria (of status or security).

How might it be possible to think about political freedom, if not as something one has? A definite alternative is to think of it as something one *does*. James Tully has observed that both Arendt and Foucault conceive of freedom in this way, as a practice.[2] This notion of practice is a definite alternative to that of property and affords a good point of introduction to the two thinkers' conceptual models of freedom.

Roughly speaking, and as they are most commonly interpreted, the Foucauldian model posits that freedom is realized through action on the self, while the Arendtian model locates freedom in political action with others in the world. In this section I will introduce these models of freedom and their respective analytical frameworks and begin to outline their conceptual homologies and productive tensions. The lens of practice brings into relief how both Arendt and Foucault understand freedom as a potentiality that is brought into being—actualized—through a specific kind of action.

Arendt: Political Freedom

Arendt's insight, which has a kind of Copernican status for theorists inclined to think with her, is that freedom is manifest in political action: "Men *are* free—as distinguished from their possessing the gift for freedom—as long as they act, neither before or after; for to be free and to act are the same"[3] (nb: this thesis will be complicated in Section 3 by the possibility of the violent act). To act, in Arendtian terms, is to take initiative—to insert oneself into the course of human events in speech and action, "word and deed."[4] Activity can be understood in terms of

[2] Tully draws together several major strands of this way of thinking and begins to think through its implications for the analysis of contemporary politics. See "The Agonic Freedom of Citizens," *Economy and Society* 28 no. 2 (1999): 161–182.
[3] Hannah Arendt, "What is Freedom," in *Between Past and Future* (New York: Penguin, 2006): 151.
[4] Hannah Arendt, *The Human Condition* (Chicago: University of Chicago Press (1958): 176–180.

free action insofar as it sets or takes up a new beginning, an effort to change the world, while disclosing the actor and what she "stands for" to others in speech. Although action and speech are technically distinct, action is relevant only insofar as speech goes with it, and speech may in itself constitute action.

If the basic parameters of this understanding of freedom tend to strike contemporary ears as idiosyncratic, Arendt insists that this is because it has been subsumed by a tradition of political philosophy which did not value it. It is an attempt to retrieve the pre- and non-philosophical experience of enacted *political* equality: in acting the free actor discloses themselves in the public world of politics. Action-in-concert brings the public into being and maintains it as a "space of appearance" for political performance. We can think of this using a theatrical metaphor, as a stage comes into being through the performance of actors and the attention of those to whom they appear.[5] In acting, free actors constitute a "web of relations"; they know one another and are co-implicated in their attention to their shared world. Individual freedom, as actuality, inheres in this sticky and ephemeral network.[6]

On its own terms, then, Arendtian freedom needn't be labeled "political," because this freedom can be realized *only* in the context of political community—politics is the condition of properly free action. Crucially, Arendt understands politics proper to be the organization of a community on its own initiative, rather than by the force of necessity or violence.[7] The freedom

[5] This relation is subtle: Anyone who has waited for a performance to begin understands the crucial role of the stage in fostering performance. On the other hand, anyone who has witnessed the gathering of a crowd to witness the spontaneous performance of a skilled artist or group can testify to the possibility of the stage's coming into being through the act itself.
[6] Arendt, *The Human Condition*, 182–183.
[7] Arendt, *The Human Condition*, 26–27. Arendt's initial definition of the political as such comes in a discussion of the *polis* but remains implicit throughout work. See also Arendt, "Introduction *into* Politics" in *The Promise of Politics*, Jerome Kohn ed., (New York: Schoken Books, 2005): 117, 134–135.

of acting individuals corresponds to the collective's *power*—its actualized capacity to organize and move itself in concert rather than being moved by the imperatives of force.[8]

Given this strict formal qualification, the actualization of freedom has the air of the miraculous, and Arendt characterizes it as a miracle more than once.[9] But it is also a phenomenon which most of us have experienced on some scale in our associative enterprises: action is "the infinite improbability that occurs regularly."[10]

The specific meaning of the free act lies in the performance itself, rather than in the achievement of particular motives or ends. This is a function of its mode of being: Arendt characterizes freedom through the Aristotelian notion of *energeia,* or actuality—an activity that does not pursue an end or leave work behind, but whose full meaning is exhausted in its own performance. Analogous to the Aristotelian virtues, freedom is not an inherent quality that may or may not be actualized but is itself an "actuality." "In other words," she writes, "the means to achieve the end would already be the end; and this 'end' conversely, cannot be considered a means in some other respect, because there is nothing higher to attain than this actuality itself."[11] Freedom is politics' *raison d'etre* because the freedom realized in the performance of action functions as its own end.[12]

Considered in abstraction, as an object of thought, being an end in itself is the predominant characteristic of free action. However, due to the thick conditions of its

[8] Arendt, *The Human Condition,* 200.
[9] See Arendt, "What is Freedom," 169, *The Human Condition* 178; 236–247. This characterization is clarified in its connection with Augustine, but also when we simply take the miracle to be a phenomenon that violates the law of nature, where nature is subject to the force of necessity. That human beings would organize themselves according to something other than force is in this sense, "unnatural" and miraculous.
[10] Arendt, *The Human Condition,* 246. I return to the notion of miracle in chapter 6.
[11] Arendt, *The Human Condition,* 207. Arendt dismisses it as of no importance that Aristotle himself identified contemplation as the highest exemplar of *energeia.*
[12] "Freedom as a demonstrable fact and politics coincide and are related to each other like two sides of the same matter." Arendt, "What is Freedom," 149. On the Arendtian politics as autotelic —"neither contingent nor value-driven, but rather relative to the structure of action," see Guido Parietti, "On the Autotelic Character of Politics," *European Journal of Political Philosophy* 11 no. I (2011): 59–81.

performance, free action is endowed with a relational and material plentitude that is often overlooked in critical interpretations. Along with the *energeia* of an individual's freedom, the moment of action contains the (re)formation of her relations with multiple others, the constitution and maintenance of the public realm as such, and the halo of power that results.[13] These aspects of a realized politics can be disaggregated in theory but are inseparable in practice. Moreover, free action transpires through the care of some worldly object(s). The realia of common interests that lie between (*inter-est*) the actors concretizes their world-in-common, undergirding its intangible, ephemeral web of relations with a binding force.[14]

It is crucial that the relational web generated by action (like the freedom that inheres in it, the public it constitutes and the power it gives rise to) is "overlaid" upon or "overgrows" worldly, material objectives. Political relations *take place* through the actors' objective efforts in their care of worldly things, but the actualization of freedom depends on the transcendence of these concerns.[15] Contrary to common interpretations of her work, Arendt was explicit that the content of politics, the objects of public deliberation and action, are historically variable.[16] As an end in itself, what matters for freedom is the realization of an autopoietic public through the enactment of a properly political relational form among co-actors: Arendtian freedom is an epiphenomenon of primary importance. Worldly objectives are the scaffold upon which the twining vines of political relationality grow, and freedom, as *energeia*, blooms.

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[13] Halo is Agamben's term, signifying the indetermination of the limit of a sign or thing, a supplemental possibility, and may not be the right word here. See Giorgio Agamben. *Potentialities: Collected Essays in Philosophy* trans. Daniel Heller-Roazen (Palo Alto, CA: Stanford University Press, 1996): 56.

[14] Arendt, *The Human Condition,* 182–183.

[15] This is not to say that motives and aims are not important factors in every single act, but they are its determining factors, and action is free to the extent that it is able to transcend them." Arendt, "What is Freedom," 150. A predominant line of critical interpretation focuses on the impossibility of thinking politics without goals. As Parietti puts it, "Such misunderstandings have been corrected many times." (63) See James T. Knauer, "Motive and Goal in Hannah Arendt's Concept of Political Action." *American Political Science Review* 74 no. 3 (Sep. 1980): 721–733.

[16] Hannah Arendt, "On Hannah Arendt," in *Hannah Arendt: The Recovery of the Public World*, ed. Melvyn Hill (New York: St. Martin's Press, 1979).

If not manifest in action, freedom cannot be properly said to exist. In another sense, however, it abides. Arendt posits that freedom is latent as a faculty, a capacity for initiative that every individual has. In multiple texts, she refers to this capacity as a "gift."[17] Unlike freedom in its actuality, the faculty of freedom, its potential being, is a persistent and universal aspect of human life.[18] Extending the application of the Aristotelian category, I read this as freedom's potentiality or *dunamis*, consistent with Aristotle's description of potentiality as a thing having within it a "source of change in something else (or in itself qua other)," or, in its specific relation to *energeia*, as its capacity to be in a different and more completed state.[19] In keeping with Arendt's refusal to posit a human nature, it must be possible for this gift for freedom to remain quite latent in the course of a life. However, its status as given implies an ontological basis—not as natural right or essential nature, but as *dunamis*. The faculty of freedom, its inherent potentiality, arises from the human conditions of plurality and natality, to which I now turn.

The condition of plurality is twofold: On one hand, it indicates human beings' factical uniqueness, and consequent irreducibility to one another. This "distinction" is a reciprocal condition of the capacity for self-expression in speech: if everyone were essentially similar, gestures and sounds of pain or pleasure would suffice.[20] Distinction is coupled with a correspondingly essential equality. Humans are alike in the sheer fact of their mutual distinction: no one is any less unique than anyone else. Equals in this difference, human beings are capable of understanding each other, seeing from the perspectives of others, deliberating and responding in kind, coming to decisions together. Plurality also enables and inclines people to plan for the

[17] On the concept of the given, see Jean-Luc Marion, *Being Given: Toward a Phenomenology of Givenness* (Stanford University Press, 2002).
[18] Arendt, "What is Freedom" 169, 144.
[19] Aristotle, *Metaphysics*, 1046a12, 1048a37. Arendt refers only to power as a potentiality in the Aristotelian sense.
[20] Arendt, *Thinking* in *The Life of the Mind* (New York: Harcourt Brace Jovanovich, 1981): 34; *The Human Condition,* 176.

future and make provisions for the existence of persons who will not be known, but who will be similar in this respect.[21] So, plurality is the twofold condition of equality and distinction—the fact that "men, not man" [sic] inhabit the earth.

The possibilities of initiative action and of organization by means other than biological necessity or behavioral laws—i.e., the possibilities of freedom and politics—exist because "we are all the same, that is, human, in such a way that nobody is ever the same as anyone else who ever lived, lives or will live."[22] This unique mode of collective being is possible only because our distinction from one another can be registered in speech and our equality enables mutual understanding. Through free action, politics realizes this paradoxical condition of plurality: As Linda Zerilli puts it, "plurality names not a *passive* state of ontological difference but an *active* and…*imaginative* relation to others in a public space."[23] For the political life to be maintained, the actors must retain a semblance of formal equality, even as they continually distinguish themselves in speech and action.[24]

The gift of freedom is also rooted in natality, the human condition of being born. Natality is related to plurality, in that it takes on a special significance due to our singular nature as plural beings. Each individual comes into the world as potentiality, unknowable and uniquely positioned by her inborn traits and worldly situation: this singularity qualifies each birth as an event, as distinct from the generally cyclical reproduction of biological life. The gift of freedom is the capacity to "confirm and take upon ourselves the naked fact of our original physical appearance."[25] In this view, Arendt is deeply committed to the Augustinian insight that "Because

[21] Arendt, *The Human Condition*, 175–176.
[22] Arendt, *The Human Condition*, 8.
[23] Linda M. G. Zerilli, *Feminism and the Abyss of Freedom* (Chicago: University of Chicago Press, 2010): 145.
[24] Arendt, *The Human Condition*, 215.
[25] Arendt, *The Human Condition*, 176. On the "figural and corporal" insistence of Arendt's writing on natality see Jeffery Champlin, "Born Again: Arendt's 'Natality' as Figure and Concept," *The Germanic Review* 88 (2013): 150–164.

he *is* a beginning, man can begin; to be human and to be free are one and the same."[26] The birth-event is paradigmatic of an abiding capacity "to call in something into to being which did not exist before, which was not given, not even as an object of cognition or imagination, and which therefore, strictly speaking, could not be known."[27] Free action is a performance of natality: it discloses the individual in the world and gives impetus to a chain of events that just as well could not have been, whose results can't be predicted or controlled.

It is because human being is conditioned by natality and plurality, conditions discernable in the existence of politics as such, that freedom is intelligible as a potentiality. Under conditions of political atrophy, though, it is experienced as a hidden gift, a buried talent:

> What usually remains intact in the epochs of petrification and foreordained doom is the faculty of freedom itself, the sheer capacity to begin, which animates and inspires all human activities and is the hidden source of production of all great and beautiful things. But so long as this source remains hidden, freedom is not a worldly, tangible reality; that is, it is not political…in such circumstances.[28]

Unless plurality and natality are assumed and realized in acting together with others, freedom will not come into being as actuality.[29] Its being requires a world constituted so as to do justice to plurality, and a public that functions as a space of appearance.[30] Political worldlessness, or as Patchen Markell puts it, "the erosion of the contexts in which action makes sense," forecloses, or at least radically diminishes, the reality of freedom.[31]

Foucault: Ethical Freedom

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[26] And again, "God created man in order to introduce into the world the faculty of beginning [natality]: freedom. Arendt, "What is Freedom,"166. See also "Labor, Work, Action" in the *Portable Hannah Arendt,* ed. Peter Baehr (NY: Penguin, 2000): 181.
[27] Arendt, "What is Freedom" 150.
[28] Arendt, "What is Freedom."
[29] Arendt, *The Human Condition,* 7.
[30] Arendt, *The Human Condition,* 176.
[31]Patchen Markell, "The Rule of the People," in *Politics in Dark Times,* ed. Seyla Benhabib, (Cambridge: Cambridge University Press, 2010): 79.

Although he does not take up the Aristotelian paradigm as Arendt does, Foucault's ethical account of freedom can also be framed in terms of *dunamis* and *energeia,* potentiality and actuality. This division is one way of organizing the movement of the concept from the "early" to the "late" Foucault. The claim for freedom as *dunamis* (potentiality) rests on Foucault's assertion that the freedom of the subject is the irreducible basis of the relation of power.

The Foucauldian "power relation" is an ensemble of actions upon the possible actions of another.[32] Foucault's refutation of the general understanding of power as something that can be possessed is among the best known and most crucial insights of his analytic.[33] "Power," then, is manifest only in its application, its realities observable through the effects it produces. Its effects include, in a deep and complex way, the form of the individual subject. Foucauldian analyses of how relations of power constitute the subject destabilize cherished, seemingly unassailable categories of individual identity, and are ruthless in their exposure of the relations of power inherent to seemingly benign or objective social forms. Thus, many readers associate this story with a kind of determinism or nihilism: because we are "trapped in" relations of power, there is no hope for freedom at all.[34]

This interpretation, however, fails to appreciate how central freedom is to the relation of power. A power relation is possible insofar as there is an effort to affect the *actions* of an individual—an individual who will respond to those efforts in unexpected ways. Thus, a relation of power involves an active subject, not a passive object. "Power is exercised only over free

[32] Michel Foucault, *The History of Sexuality* vol. I, trans. Robert Hurley (New York: Random House, 1978).
[33] See *Discipline and Punish*, trans. Alan Sheridan (New York: Vintage, 1988): 26-8; *The Punitive Society: Lectures at the* Collège de France, *1972-1973* (New York: Palgrave, 2015): 227.
[34] Readers inclined to privilege the early works may be pausing, taking issue with the claim to find an "account" of freedom in Foucault's analytic. This reasonable suspicion persists despite a growing tendency to read Foucault as a theorist of freedom. See Johanna Oksala, *Foucault on Freedom* (Cambridge: Cambridge University Press, 2005).

subjects, and only insofar as they are 'free.'"[35] The potential resistance of the subject, the possibility of noncompliance, constitutes the power relation *as such*.[36] In Foucault's words: "The power relationship and freedom's refusal to submit cannot therefore be separated…. *At the very heart of the power relationship, and constantly provoking it, are the recalcitrance of the will and the intransigence of freedom*."[37]

If there is power everywhere, it is because there is freedom everywhere: neither can be understood as property.[38] In itself, this freedom is no guarantee that the subject of the unequal power relation will resist. But the potential to do otherwise abides, and is often realized, ensuring that the power relation is maintained in a state of possible flux—it always contains the seed of its own reversal.

Because the subject is always already saturated by (is brought into being through) power relations, this germinal freedom is legible as a given potentiality.[39] The persistence of this germinal possibility, in itself, does not conflict with the archaeological exposition of the subject-position in *The Archaeology of Knowledge* and *The Order of Things*, or the genealogical accounts of subject formation through the human sciences in *Madness and Civilization, Birth of the Clinic* and *Discipline and Punish.* Indeed, it helps us to account for the fact of continual variation in each of the fields of knowledge Foucault describes.

[35] Michel Foucault "The Subject and Power" in *Power: The Essential Works of Foucault 1954–1984*, ed. James Faubion, series ed. Paul Rabinow, trans. Robert Hurley et al. (New York: New Press, 2000): 342.
[36] This terminological specificity is important, as we will see in the forthcoming discussion of domination.
[37] Foucault "The Subject and Power."
[38] Michel Foucault, "The Ethics of the Concern for the Self as Practice of Freedom" in *Ethics: Subjectivity and Truth: The Essential Works of Foucault 1954-1984*, ed. Paul Rabinow, trans. Robert Hurley et al. (New York: New Press, 1997): 292. See also Foucault, "Sex. Power and the Politics of Identity" in *Foucault Live: Collected Interviews 1961–1984*, ed. Sylvere Lotringer. (New York: Semiotext(e), 1996): 386.
[39] On *liberté* as an ontological condition, see Erinn Gilson, "Ethics and the Ontology of Freedom: Problematization and Responsiveness in Foucault and Deleuze," *Foucault Studies* 17 (April 2014): 76–98.

Seeing the occult centrality of freedom as potential resistance in the Foucauldian analytic of power clarifies Foucault's interest in the individual's actualized capacity to affect herself as an acting subject, as elaborated through the techniques and discourses which occupied his hermeneutic attention in his later works. Here, there is an intensified focus on the subject and their capacity to modify themselves through certain forms of reflective practice both over and against as well as through the relations of power they identify in the world. Like the "truth games" associated with disciplinary and biopolitical technologies and the human sciences, these techniques are to be understood in terms of their bearing on the subjective form. But conversely, they "permit individuals to effect by their own means, or with the help of others, effects on their own bodies and souls, thoughts, conduct and way of being, so as to transform themselves."[40] Fabienne Brion and Bernard Harcourt suggest that Foucault's interest in this transformation was, at least in part, an effort to articulate the parameters of a discourse that could "undo" the subjective identities through which we are governed.[41]

The key association of freedom with the use of such technologies in practices of the self comes in the late interview "The Ethics of Concern for the Self as a Practice of Freedom."[42] Foucault's characterization of freedom here is direct:

> Q: You say that freedom must be practiced ethically.
>
> MF: Yes, for what is ethics if not the practice of freedom, the conscious [*réfléchie]* practice of freedom?
>
> Q: In other words, you understand freedom as a reality that is already ethical in itself.

[40] *"*Technologies of The Self*"* (Seminar) and "Sexuality and Solitude" (Lecture) in *Ethics*, 225, 177. Foucault called this a "historical ontology in relation to ethics through which we constitute ourselves as moral agents." See "On the Genealogy of Ethics," *Ethics* 262.
[41] Fabienne Brion and Bernard Harcourt, "The Louvain Lectures in Context" in *Wrong-Doing and Truth-Telling*, eds. Fabienne Brion and Bernard Harcourt (Chicago: University of Chicago Press, 2014): 305.
[42] Foucault, "The Ethics of Concern for the Self" in *Ethics*, 281–2.

> MF: Freedom is the ontological condition of ethics. But ethics is the considered form that freedom takes when it is informed by reflection.

Ethics, then, both has its grounds in freedom and is a form of freedom's manifestation. This statement—the condition of the phenomenon and the form it takes as a practice—clearly resonates with the account of potentiality and actuality, above.[43] We must pause now to consider what constitutes ethics as the free practice of the self, and how it can be consistent with Foucault's insistence that we remain, inextricably, within relations of power.

Schematizing his late work, Foucault defines ethics as *rapport a soi*, the relationship through which the one constitutes oneself as the subject of one's actions. He posits four aspects, independent but operating in relation to the others:[44]

> 1. The ethical substance, the aspect of self or behavior that is taken to be the substrate of ethical judgment;
>
> 2. The mode of subjectification, the "way in which people are invited or inclined to recognize their moral obligations" (we might think of this in terms of values or ideals);
>
> 3. The self-forming activity [*pratique de soi]*, or means by which people work on the ethical substance;
>
> 4. The *telos*, the kind of being one aspires to be when one undertakes this ethical work.

In thinking about the actuality of Foucauldian freedom, the third element is of particular interest. The question of *pratique de soi* is "What are the means by which we can change ourselves to become ethical subjects?"[45] These means will be determined by which aspect of being is identified as ethically relevant, the standards by which it is judged, and the end that is to be achieved. This complex is meaningless, though, without the self-formative *activity* that realizes

[43] On freedom as actualized in practice, see Oksala, *Foucault on Freedom*, 160.
[44] Foucault, "The Genealogy of Ethics" in *Aesthetics: Method and Epistemology: Essential Works of Foucault 1954–1984, Vol. 2*, ed. James Faubion (New York: The New Press, 1998): 263. This schematic is drawn from genealogical work on the sexual ethos as it shifted in antiquity, and the author often cites its applicability to other examples of ethics.
[45] Foucault, "Genealogy," 265.

the ethical self-relation. While some techniques of the self are primarily inwardly directed –the Buddhist effort to quench desire, say, or the application of the categorical imperative to decisions—as *ethos*, they are not meaningful unless born out in the subject's external actions, alone, with others and in public.

It must be emphasized that none of the component parts of ethics Foucault identifies has its spontaneous origins in an innate human nature. Ethics always takes its departure from a socially extant game of truth.[46] In this respect, there is no such thing as the subject outside power relations—nowhere in the Foucauldian analytic is there hope, or even desire to get "free of" power. Action upon the self remains firmly enmeshed in an extant network of actions upon possible actions, which have constituted the subject as such. But in the possibility of resistance and of adoption or rejection of an ethics, we also see the ramification and realization of the potential freedom of the actor within these relations of power. In this ethico-political paradigm, the subject is not free *of* power relations, but in and through them.

Bearing in mind these two channels in Foucauldian theory—the "potential" freedom of the subject at the heart of the relation of power and the actualization of freedom in deliberately self-formative activity—should render Foucault's late references to a "practice of freedom" less surprising. The potential for resistance and actuality of *askesis* (self-formation) provide a theoretical basis for the elaboration of freedom as ethical practice: a person practices freedom insofar as she is engaged in a certain kind of relation to herself as an agent.

Within the Foucauldian analytic of power relations, then, freedom is a potential to "do otherwise" that may be actualized through conscious or reflexive [*réfléchie*] action, action that gives a considered form to the self. There remains a question of whether we might consider this

[46] See also Foucault "The Ethics of Concern for the Self" in *Ethics,* 291.

ethical practice an *entelechia*, an end in itself, as would be necessary if we are to think the freedom it actualizes as *energeia*. The presence of the *telos* in the ethical schematic might give us reason to doubt this. However, the function of the *telos* is not an end to be finally accomplished, allowing for the final achievement of a state of being and the consequent cessation of activity. Rather, it fixes a horizon to motivate an ensemble of critical principles for the evaluation of conduct in the work of self-formation.

It is also significant that there is not a positive content associated with Foucauldian freedom.[47] Freedom itself is the capacity and activity that allow for individual determination of content in ethical life, and effort to conduct the self in conformity with it, which gives form to the self over time. Freedom, in its actualization, is just the movement—the *energeia*—of the practice of self. While Foucault offers no decisive statement as to whether the "undefined work of freedom" can be taken as an end in itself, his frequent and allusive attempts to counterbalance a concern for freedom with a suspicion of universal or totalizing normative statements offer support for this view.

Freedom as Practice

Both theorists, then, conceive of freedom not as something one has, but rather something one does. This similarity is meaningful on face in that both paradigms preclude the potentially passive possession of freedom discernable in many iterations of liberal political theory, and the associated fixation on ideal institutional arrangements. Interpreters of both Arendt and Foucault

[47] The genealogical accounts of ethical practice trace the changes in various aspects over time, see especially *The History of Sexuality* v. II & III. Like Arendtian freedom, Foucauldian freedom fails to offer reassurances regarding the normative content of its manifest practice.

are critical of this type of normative tilt toward closure and the instrumental logic it tends to exhibit.

As a given potential, there is no guarantee that freedom will be actualized; if it is, it might be accidental, a spontaneous gesture of public courage or resistance. It is apparent, though, that in their accounts of ethics and politics, Foucault and Arendt have in mind something more sustained and resolute—what Tully correctly identifies as a practice.[48] Arendt's understanding of freedom is akin to Foucault's in its difference from most liberal conceptions, an observation that is in itself significant for our view of conceptual constellations in political theory.

II. Non-sovereign Freedom and Critiques of the Sovereign Subject

This emphasis on practice raises a lurking and troublesome question—how, exactly, are we supposed to think of the agent here? Nancy identifies this as the second limit to thinking about freedom: thinking freedom reaches its limit at the limit of the ontology of subject.[49] The question of the subject, and the desire for a universal foundation for it, motivate a general anxiety regarding the foundation of politics and the risks of Arendtian and Foucauldian approaches to political questions.

In chapter 1, I argued that liberal theories of politics tend to conceive the free subject as a sovereign subject, and elaborated sovereignty as both a boundary concept and a theological concept. As a boundary concept, sovereignty simultaneously establishes the basis for and

[48] As noted, Foucault himself characterized freedom as a practice. On freedom as practice in Arendt's work, see also Zerilli, *Feminism and the Abyss of Freedom,* 16.
[49] Nancy, *The Experience of Freedom,* 5.

delimits the legitimate exercise of power. In many liberal theories of politics, the notion of subjective sovereignty serves to specify a realm of life wherein the state does not have legitimate authority—a realm that can be subject only to the control of the individual. In this sense, freedom *qua* sovereignty draws a border to keep the political, here understood as the State, out: it establishes and maintains itself by means of this border. As a theological concept, sovereignty figures the irresistible or conquering will, a notion traceable from God, to the state, to the individual. Within the legitimate sphere of subjective sovereignty, the will of the individual is (or by right ought to be) the determinant force.

Sovereignty is a metaphorical figure of a political ideal. It carries with it potent metaphysical implications, depending, for its coherence, on the coherence of a certain kind of agential subject. In her survey of contemporary liberal theories of freedom, Katrin Flikschuh draws two conclusions regarding their shared conceptual features. First, that there is "the notion of a necessary connection between a person's freedom and others' non-interference with that person." Second, such theories rely on "*some* conceptual link between freedom and the normativity of reason"—links that are often not explicitly thematized.[50] As noted in chapter 1, these elements are drawn together in the logic of freedom as self-sovereignty. "Internal" self-sovereignty plays an important role in holding the boundaries that define "external" sovereignty. Thus, the freedom of the liberal subject depends on the satisfaction of both the external criterion—that the free subject not be forcibly (or, for some, even circumstantially) deprived of necessary and sufficient agency—and also on an implicit or explicit internal criterion linked with the quality of the agency itself.

[50] Flikschuh, *Freedom* (Cambridge: Polity, 2007): 171–172.

Here, I examine the contrast between this free sovereign subject and the possibility of non-sovereign freedom as Arendt and Foucault conceive it. Beginning from their respective critiques of sovereignty and concurrent destabilizations of the subject who could be described as sovereign, I argue that in the reception of both critiques, and of the propositional visions tied to them, there is an evident need for another conceptual model of subjective freedom.

Critiques of Sovereignty and Unruly Subjects

Arendt and Foucault articulate trenchant and influential critiques of sovereignty, which identify the sovereign vision of freedom as a futile illusion whose maintenance depends on and perpetuates certain forms of violence.[51] Among interpreters who read their work as propositional, though, there has been difficulty in moving from these critiques of sovereignty to a non-sovereign conception of the freedom of the subject. As we will see, the resultant problematics in the critical literatures exhibit a rough thematic parallel, pointing to the tenacity of sovereignty as the "world-picture" of freedom and the difficulty of thinking about free subjectivity in a different way.

Foucault: Critique of the Juridical Subject

Foucault's critique of agential sovereignty is implicit throughout his body of work but is especially evident in his analytic of power relations.[52] He advances a historical critique with

[51] Amy Allen conducts a comparative analysis of the authors' critiques of sovereignty in "Power, Subjectivity, and Agency: Between Arendt and Foucault," in *The Philosophy of Hannah Arendt* 2 (2002): 131–149.
[52] See Michel Foucault, *The History of Sexuality, Vol. I: An Introduction*, trans. Robert Hurley (New York: Random House, 1978): 81–102. See also Foucault's late 1970's lecture courses on the development and consolidation of state forms, especially *Society Must Be Defended: Lectures at the* Collège de France, *1975–1976*, trans. David Macey, ed. Mauro Bertani et al. (New York: Picador, 2003); *Security, Territory, Population: Lectures at the* Collège de France, *1977–1978*, trans. Graham Burchell, ed. Michel Snellart (New York: Picador, 2009); and *The Birth of Biopolitics: Lectures at the* Collège de France, *1978–1979*, trans. Graham Burchell, ed. Michel Snellart (New York: Picador, 2010). Summary accounts can be found in "The Subject and Power" in *Power: The Essential Works of Foucault*

ontological implications—a "historical ontology." This disciplinary joke is also a provocative claim: the formal organizing concepts of human subjective experience are not given, but rather subject to change over time due to shifts in relations of power and knowledge. These changes can be rendered visible through the historical methods of archaeology and genealogy.

Genealogy challenges our typical conception of power as a repressive force that takes the form of a law. Foucault argues that power cannot be understood as a quantum of repressive force traceable to a central agential source (be it the law of the father, the king's body, or the body politic). Political power is much more chaotic and dimensional than this picture, which Foucault calls the "juridical notion" of power, would suggest. It is diffused through a network of often-unrecognized and heterogeneous operations; it has no origin, but rather is immanent to every relationship, and works through multiple channels and relays in the course of our ordinary lives. Stating that in questions of power we have not yet "cut off the head of the king," Foucault shorthands the imperative to view power as a diffuse and decentralized network of relations.[53]

This view of power has profound implications for putative knowledge of the human subject. Foucault posits that power relations do not merely legitimately protect or illegitimately oppress natural subjects, but constitute those subjects themselves—and, crucially, foster their exercise of certain forms of agency. Relations of power "subjectify" the individual directly and indirectly, by means that are juridical and extra-juridical, visible or, more often, unrecognized. In Foucault's lecture courses, this mode of analysis is applied to the juridical subject of right, and to the sovereignty of the state.[54] Just as the determinate "sexuality" of the individual came to be

1954–1984, ed. James Faubion, series ed. Paul Rabinow, trans. Robert Hurley et al. (New York: New Press, 2000): 326–348, and "Clarifications on the Question of Power" in *Foucault Live: Collected Interviews 1961–1984*, ed. Sylvere Lotringer (New York: Semiotext(e), 1996): 255–263.

[53] Foucault, *History of Sexuality Vol. I*, 89.

[54] Foucault, *Society Must Be Defended*, Ch. 3, Lecture of 21 January, 1976, 43–64.

constituted in and through discourses that have new mechanisms of power immanent to them, and the identities which emerge from discourses of sexuality serve in turn as a scaffold for those mechanisms, the natural subject of right is constituted in and through juridical discourses, as a scaffold for newly consolidated state power.[55]

Foucault's analytic of power and conception of the subject destabilize the model of freedom-as-sovereignty. First, the contention that power is diffuse undermines the negative-liberty qualification of external non-interference, which implies sovereignty as a boundary concept, delimiting a legitimate sphere of individual control. It is assumed that the subject of right is free within this sphere of sovereignty, insofar as his rightful prerogatives (natural or drawn from cultural convention, and subsequently respected by law) are not violated.[56] But this model is premised on the idea that the free subject can get "outside power"—that it is possible to delimit a sphere of action not subject to interference by others or the state. The Foucauldian analytic precludes this possibility: if relations of power are subtle and ubiquitous, then in thinking about a political power that threatens freedom, we cannot restrict our focus to the state's respect for the legitimate border of individual control. Interpenetrated by power relations at every level, the subject cannot be free from power in the sense of unconstraint. From this perspective, sovereignty ceases to be a meaningful way to understand the status of the individual with respect to the state.

[55] Foucault contends that sovereignty (of the subject and of the state) is a historical concept that emerged as a consolidation of relations of force. While denying that the idea of freedom-as-sovereignty presents an adequate reflection of reality, Foucault and many interpreters assert that it has done a considerable amount of real work in recent history to quietly entrench modes of governance and reinforce the relational asymmetry of disciplinary- and bio-power.

[56] As discussed at length in chapter 1 section I, much of the discursive work of liberal theory strives to determine where governmental sovereignty ends and individual sovereignty begins, and where to draw the line that state power may not legitimately transgress.

Foucault's archaeologies of knowledge and genealogies of power also reveal the contingency of the sovereign subject of right whose consent, real or imagined, legitimates the state's sovereign authority. His work, and the proliferation of post-Foucauldian scholarship, make a strong case that what we are, want, and do are the outcomes of countless power operations, which we will never be in a position to authorize or insulate ourselves from.[57] The political subject is itself a sedimentation of "interferences," and the fact of interference is so pervasive that to conceive a state of non-interference, or to qualify and disqualify instances of normatively legitimate interference, becomes very difficult if not impossible. The network of power relations forms a fine and dense mesh, which constitutes the political subject by enclosing it. Brought into being in and through relations of power, the individual subject is not conceivable as sovereign.

The subject's constitution by power relations also renders the (implicit or explicit) demand for rational agential control in liberal theories problematic. In making claims on behalf of a sovereign subject, it is difficult to avoid the postulate of a coherent and selfsame "seat" of individual personhood, a self that is, in one or another way, fixed. The free sovereign subject is supposed to be discernable over and against the forces that threaten it, and capable of a more or less pure autonomy of the will. From a Foucauldian perspective, which understands the subject and its will to be constituted in and *through* power, this formulation is not tenable. To paraphrase

[57] In Foucault's account, the subject-form is an effect of power relations and the knowledge-producing discursive ensembles associated with them: examples include, among others, the mad subject produced by regimes of medical knowledge; the "delinquent" brought into being by the discourse of criminology, and the regulated, docile, post-industrial worker molded by carceral tactics; the citizen-subject of sovereign power; the "sexual subject" produced by the psychological discourses and the medicalization of sexuality; and "*homo economicus*," the value-maximizing entrepreneur of the self-induced by neoliberal economic forms. These figures are elaborated in Michel Foucault, *Madness and Civilization*, trans. Richard Howard (New York: Vintage, 1988); *Discipline and Punish*; *The History of Sexuality*, vol. I; and *The Birth of Biopolitics: Lectures at the* Collège de France, *1978–1979.*

Gertrude Stein, if an individual somehow could escape relations of power, there would be no there there.

Clearly, the Foucauldian subject is not conceivable as a sovereign subject, but the matter becomes more complex when the subject is considered through the lens of its potential freedom, a lens opened up elliptically throughout Foucault's body of work and more explicitly in later texts and interviews, where he develops the thematic of subjective self-formation. Johanna Oksala summarizes the resultant problem:

> Foucault thus refuses to develop any general and invariant understanding of the subject of ethics and politics, while at the same time he locates ethics in the reflexive practices of the self. The questions that follow are questions about the 'freedom' of the subject. How can we understand the capacity of the subject for critical self-reflection? How is the constituted subject capable of engaging in truly critical practices?[58]

We are left with the challenge of conceiving self-formative activity, in its association with resistance in power relations, outside a paradigm of autonomous self-mastery.

Arendt: Free Action Precludes Sovereignty

Like Foucault's, Arendt's conviction that the subject cannot be sovereign in its freedom follows from a social phenomenology that asks us to see power and politics unconventionally. Foucault situates this argument within his various critiques of a naturalized subject, which set the parameters for how we are to think his conception of freedom; Arendt's claim is made as part of critique of a model of freedom, with implications for her conception of the subject.

Arendt's disidentification of freedom and sovereignty is overt, asserted so bluntly that it is potentially under-read: "If men wish to be free," she writes, "it is precisely sovereignty they

[58] Michel Foucault, *Foucault on Freedom* (Cambridge: Cambridge University Press, 2005): 192.

must renounce."[59] According to Arendt's genealogy, the political identification of freedom with sovereignty is the "pernicious and dangerous" consequence of the philosophical equation of freedom and free will, as well as the philosophical tradition's antipathy for politics. As a result, she argues that from within the tradition of Occidental philosophy it is difficult to see that *non*-sovereignty is the condition under which freedom is given: individual freedom is possible only within a thick interpersonal context, which precludes the quasi-theological absolutism of the will or secure individual boundaries that sovereignty denotes.

It bears repeating that Arendt's conception of freedom breaks from the philosophical tradition in that it is essentially, rather than accidentally political.[60] Because freedom is manifest in political action, freedom and politics come to be in and through each other and depend on one another. Here, politics proper is understood to be a mode of collective being organized according to the shared initiative of its members. Free action is specifically political, in that it depends on the presence of others who co-constitute the community as political by taking up individual actions as departure points for actions of their own. So, to say that freedom is experienced in action always means "acting and in associating *with others.*"[61] Freedom depends on a certain form of collective existence which is made possible by the human plurality and capacity for this action, which is always interaction. Arendt's location of freedom within this structure of action, her specification of its political nature, makes freedom dependent not only on agential capacity but also on a particular kind of interactive context. It depends on what the individual says or does, but just as much on how their words or deeds are taken up by others.

[59] Arendt, "What is Freedom?" in *Between Past and Future* (New York: Penguin, 2006): 163.
[60] "Freedom as a demonstrable fact and politics coincide and are related to each other like two sides of the same matter." Arendt, "What is Freedom?" 147.
[61] Arendt, "What is Freedom?" 161, my italics.

The incompatibility of freedom and sovereignty is best understood in terms of this irreducibly plural, political context. Whereas freedom *qua* sovereignty figures a boundary that limits the legitimate intrusion of others (as individuals or through the state) into private life, here freedom depends on co-actors' uptake of others' words or deeds. This gives freedom a public rather than private quality. Action, and thus freedom, is structurally reliant on its reception by others who take it as a point of departure for actions of their own—actions which can reverberate indefinitely. Freedom cannot be thought in terms of an ideal boundary, because action has a boundless quality.[62]

The theological concept of sovereignty is even more immediately relevant to Arendt's critique. Because freedom in action depends largely on others' reception, its effects are out of control of the initiating individual. The words or deeds that constitute my free action may be taken up in ways that I do not intend, or be taken up as I expect and have effects that I did not desire. Consequently, the effects that I will cannot be expected to follow immediately from the action: the desired end of a free action is rendered non-essential to its status as such. Thus, the free actor is precisely not like a God or a master, whose will is irresistible and whose sovereignty is understood in terms of its enactment.

The sovereign prerogative of determining and pursuing my own ends, for myself, and on my own terms is, to say the least, troubled in this conception of politics as plural and contingent. The criterion of rational self-control is similarly troubled, because the problem of unruly causality echoes in both directions. The authentic freedom of the rational actor's will founders on the confluence of desires, impulses and circumstances that motivate action. Thus, writes Arendt, freedom becomes an insoluble problem no matter which "horn" of the argument you grab: upon

[62] Arendt, *The Human Condition*, 190–191.

reflection, both motivations and effects reveal the acting individual to be unfree, if their freedom is understood in terms of sovereignty. Sovereignty as the guiding ideal of freedom is therefore pernicious and dangerous because it leads either to a denial of human freedom, (if the factical impossibility of sovereignty is acknowledged) or to the insight that the freedom of one individual, group or body politic comes at the expense of others: "Sovereignty is an illusion that can be maintained only by the instruments of violence, that is, with essentially nonpolitical means."[63]

Non-Sovereign Freedom: What Vision, on What Grounds?

We have, then, two potent and complementary critiques of subjective sovereignty and the freedom it would entail. The wide influence of these two theorists can be attributed, in part, to how deeply these critiques strike at the heart of the dominant normative paradigm of Occidental politics. Sovereignty is crucial in the liberal conception of freedom because it has a bidirectional force that specifies both the relation of the individual to political order and to its own being. Freedom as an external relation of the individual to others and to the state—the right of self-determination within a given boundary—is predicated on an internal self-relation of rational self-sovereignty, which as noted, affords its normative grounds. The popular discursive force of the notion of sovereignty is not unrelated to the satisfying scope of its ideal vision: it offers a correspondence between the internal (self-self) and external (self-other and self-world) conditions of its achievement. In destabilizing sovereignty as a normative paradigm, Arendt and Foucault call this ethical and political ideal into question *tout court.*

[63] Arendt, "What is Freedom?" 163.

However, it is significant that the language of both authors *maintains* the figures of freedom and the individual subject. This is true of the critiques they advance, and also the alternative value paradigms they propose—visions of non-sovereign freedom both theorists describe in abstraction, and by reference to recent history, and to the ancient past. Another reason for their influence in political theory is that their disturbingly prescient analyses of the challenges of contemporary politics do not foreclose the possibility of freedom or make it contingent on some quasi-messianic event, but hold out this possibility like a spark that need only be kindled by actions of which we are all capable. In doing so, in their different ways, they suggest the promise of an invigorated political imaginary.

But there is a constraint immanent to both of their projects: to specify the formal terms that qualify the freedom of the individual subject is to risk an ends-oriented political logic—the type of logic that both theorists critique. The lack of specification here, the parsimony of the accounts, is not accidental. Both Arendt and Foucault are at pains not to *reify* the subject, not to specify a human essence that could be isolated independent of context. To do so would entail the kind of metaphysical closure that both view with suspicion, to say the least. With specific regard to their critiques of sovereign freedom, the impossibility of freedom as a sphere of subjective autonomy or non-interference follows from the premise that the free subject cannot be understood in its determinacy, prior to its political context.

This being so, why pursue a more definite figuration of the subject in its freedom? In articulating their visions of freedom as a practice, I hope to highlight their comparable understandings of what the free individual *does*. If this account holds, what benefit is there in elaborating a conception of how individual free-being *is*? There are at least two good reasons to pursue this line of thought, both of which are legible in the critical literature on Arendt and

Foucault. The first concerns a problem with how to ground non-sovereign freedom in the absence of a conception of the free subject. The second, perhaps the other face of the same coin, concerns how to imagine it.

In the first place, whether it is rooted in human nature or properly rational procedure, freedom conceived as sovereignty is primarily a matter of right. Given the fulfillment of certain criteria, the right to exercise the will within appropriate bounds is taken to be universal; thus, the figure of the sovereign subject is inseparable from its normative grounds. Self-grounding in its nature, the free subject is able to securely ground liberal theories of politics: A legitimate politics depends on the proper preservation of the boundaries within which the free subject can exercise his will. But this straightforward calculus is not possible if freedom is non-sovereign. Neither Arendt nor Foucault understands a right to be a subjective *a priori,* but rather something far more tenuous and complex—an achievement rather than a given—and inseparable from its factical political context. Moreover, freedom is not reducible to a right that secures the boundaries of the sovereign will, insofar as it is not a property of the subject but a practice in which one engages.

Although the authors differ in their particular characterizations, there is crucial continuity in that neither conception of the free subject implies universal normative foundations. These issues—the status of the subject and the scandal of grounds as they pertain to right and freedom—form analogous constellations in the critical literature surrounding Arendt and Foucault. In both cases, we see the difficulty of conceiving a free but non-sovereign political subject and its fraught relationship with political normativity. In different ways, this assessment holds among critics of Arendt and Foucault, those who seek to advance their political projects, and those who have initiated attempts to put the two into dialogue.

In the case of Foucault, a primary round of criticism reads his destabilization of the sovereign subject as indicative of a pessimism, or even a nihilism, that renders his analytic unsuitable for ethico-political thought.[64] In this reading, the possibility of individual or collective free-being and action requires a coherent subject that can be thought about "outside" relations of power, and/or a motivating imperative that would serve to orient political action. Thus, Foucault's understanding of power is determined to be politically dangerous, due not only to his genealogical destabilization of traditional normative frameworks, but also to the lack of a paradigm for understanding how a subject formed by power relations could be capable of freedom.

Other interpreters affirm Foucault's critique of the sovereign subject, endorsing a vision of freedom that is, in essence, an emancipation from the subject-form and understanding this vision as central to his work. Such readings vary in their radicalism and in the acuity of their analysis. Some readers, including William Connolly and Jon Simons, emphasize the possible connection between Foucault's understanding of freedom as a practice of the self and democratic political practice.[65] Others, like John Rajchman, focus on the aesthetic elaboration of the subject-form and posit that the resistance to normalizing power relations that such elaboration entails is political in itself.[66]

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[64] See Nancy Fraser, "Foucault on Modern Power: Empirical Insights and Normative Confusions." *Praxis International* 1 no. 3 (1981): 272–287 and "Michel Foucault: A Young Conservative?" in *Feminist Interpretations of Michel Foucault*, ed. Susan Hekman (University Park, PA: Pennsylvania State University Press, 1996); Jurgen Habermas "Some Questions Concerning the Theory of Power: Foucault Again" in *Critique and Power: Recasting the Foucault/Habermas Debate*, ed. M. Kelley (Cambridge, MA: MIT Press, 1994): 79–107; The problem of lack of subjective identity of the subject of freedom is emphasized in Charles Taylor "Foucault on Freedom and Truth" in *Foucault: A Critical Reader, Reader*, ed. David Couzens Hoy (Oxford, UK: Blackwell, 1991): 95–97.

[65] Jon Simons, *Foucault and the Political* (London: Routledge, 1995); William Connolly, *The Ethos of Pluralization* (Minneapolis: University of Minnesota Press, 1995). See also Thomas Dumm, *Michel Foucault and the Politics of Freedom* (Thousand Oaks, CA: Sage, 1996).

[66] John Rajchman *Michel Foucault: The Freedom of Philosophy* (New York: Columbia University Press, 1985). See also James Bernauer, *Michel Foucault's Force of Flight: Toward an Ethics for Thought* (Humanities Press International,1990).

The most radical iteration of this interpretation conceives Foucauldian freedom as inhabiting the space of the abject, as a fundamental negativity that resists, and escapes, the determinations of discourse, identity, and sociopolitical order.[67] Somewhat ironically, this can be cast as a (re)affirmation of freedom as subjective sovereignty *vis à vis* power, only now figured as a pure refusal at the limits of political order, a preservation of potentiality that takes the form of critical passivity. This reading in particular affirms freedom as an escape from power, rather than in/as power.

Other critics assert that sovereignty reappears in its more traditional guise in Foucault's late work: they read his concern with self-formation as a tacit admission of the indispensability of the sovereign subject to an ethico-political project.[68] As Ben Golder explains,

> Depending on the commentator, Foucault's seeming apostasy from the post-structuralist project betokens on his part either a failure of genealogical nerve and a retreat from his more properly political concerns of the 1970s, or a belated acceptance of what had been missing from his discourse all along: some manner of properly agentive human subjectivity.[69]

While Golder convincingly contests this view, his own argument regarding the Foucauldian subject of right becomes quite gestural, even vague at the propositional moment—a common problem for politically-oriented accounts of Foucault's free subject. This difficulty in locating the free subject figured in Foucault's late work within a political context opens again onto a

[67] See Sergei Prozorov, *Foucault, Freedom and Sovereignty* (London: Routledge, 2016); Shannon Winnibust, *Queering Freedom* (Indiana University Press, 2006), ch. 6. Giorgio Agamben articulates this thesis in terms of "whatever-singularity:" See Giorgio Agamben, *The Coming Community*, trans. Michael Hardt (Minneapolis: University of Minnesota Press, 1993).
[68] See Eric Paras, *Foucault 2.0: Beyond Power and Knowledge* (New York: Other Press, 2006); Peter Dews, "The Return of the Subject in the Late Foucault" *Radical Philosophy*, 51: 37–41; Richard Wolin, 'Foucault the Neohumanist?,' *Chronicle of Higher Education*, September 1, 2006, 106.
[69] Ben Golder, "Foucault and the Unfinished Business of Human Rights," *Law, Culture and the Humanities* 3 no. 6 (2010): 356.

critique of his anti-foundationalism, now made in terms of aesthetic decisionism, "private dandyism," or solipsistic hyper-subjectivism.[70]

Unlike Foucault, Arendt's work does not explicitly concern the formation of the subject. Thus, while similar questions regarding agency, aestheticism, and the normative foundations of politics surround her thought, they are less often couched in discussions of the subject as such—although that is often precisely where they lead. As with Foucault, some early critical responses emphasize the danger posed by her refusal to explicitly ground or limit political action within a normative framework.[71]

In 1996, Seyla Benhabib defined the parameters of the conversation developing around this question.[72] Clearly stating her opposition to "antifoundationalism" in ethical and political theory, she identifies both the absence of individual motive or capacity to engage in political action and judgment and the difficulty of anchoring Arendt's politics in public institutions with a "normative lacuna" in her thought.[73] Benhabib insists that "a strongly grounded normative position in universalistic human rights, equality and respect" would be required in order to give motive force to Arendt's conception of politics. She finds the beginnings of this foundation in Arendt's "anthropological universalism" but argues that grounding political co-recognition of

[70] See Lois McNay, *Foucault and Feminism: Power, Gender and the Self* (Cambridge: Polity Press, 1992); Michael Walzer "The Politics of Michel Foucault" in *Foucault: A Critical Reader*; Richard Wolin "Foucault's Aesthetic Decisionism" in *Telos* 67 (1986): 71–86. Richard Rorty "Moral Identity and Private Autonomy" in *Essays on Heidegger and Others* (Cambridge: Cambridge University Press, 1991): 193–198. Rorty affirms a private/public distinction and locates Foucauldian freedom in private.
[71] See Martin Jay, "Hannah Arendt," *Partisan Review* 45 (1975): 348–68; George Kateb, *Hannah Arendt: Politics, Conscience, Evil* (Totowa, N.J.: Rowan and Allenheld, 1984); Jurgen Habermas, "Hannah Arendt's Communication Concept of Power," *Social Research* 44 (1977): 3–24.
[72] Seyla Benhabib, *The Reluctant Modernism of Hannah Arendt* (Thousand Oaks, CA: Sage Publications, 1996): 193–195. Kimberly Curtis identifies the parties of this debate as the "consensualists," proponents of a consensual communicative politics, and "agonists" who argue for a more agonistic performative politics. See Kimberly Curtis, *Our Sense of the Real: Aesthetic Experience and Arendtian Politics* (Ithaca, NY: Cornell University Press, 1999): 18–19.
[73] Benhabib (1996): 193-194.

moral equality in likeness of condition among members of the human species will require a revisionist approach to her work. Some theorists seek to address these concerns through analytical or more proceduralist channels,[74] while other pursue a psychoanalytic elaboration of the Arendtian subject.[75] In doing so, they seek the enabling conditions of political agency—and so freedom—outside of Arendt's account of action and judgment.

On the other hand, Arendt's "antifoundationalist" interpreters accept and endorse an aesthetic vision of her politics, and the performative, agonistic, and underdetermined subject that animates it.[76] For these thinkers, Arendt's reticence regarding normative universals signals her far-thinking contemporaneity and the unique promise of her political theory; they are less interested in the possibility that Arendtian political actors will run amok, and more invested in the notion that her thought might invigorate an anemic public realm, whose deficiency is due (at least in part) to the insufficiency of a proceduralist understanding of politics. The potential importance of a clearer normative paradigm is overlooked.

Arguably, both the vehement denial of a need for grounds among some interpreters and the dogged insistence upon those grounds among others are motivated by the same anxiety. Like

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[74] A good example of an attempt to ground Arendt's politics in "what humans are factually like" can be found in Jeremy Waldron's "Arendt and the Foundations of Equality" in *Politics in Dark Times: Encounters with Hannah Arendt*, ed. Seyla Benhabib (Cambridge: Cambridge University Press, 2010).

[75] Julia Kristeva, *Hannah Arendt* (New York: Columbia University Press, 2001); Peg Birmingham, *Hannah Arendt and Human Rights: The Predicament of Common Responsibility* (Bloomington: Indiana University Press, 2006); Anna Yeatman, "Individuality and Politics: Thinking with and beyond Hannah Arendt" in *Action and Appearance: Ethics and the Politics of Writing in Hannah Arendt,* eds. Anna Yeatman et al. (New York: Continuum, 2011): 69–86.

[76] See especially Dana Villa, *Arendt and Heidegger: The Fate of the Political* (Princeton, NJ: Princeton University Press, 1996) and Dana Villa, "Beyond Good and Evil: Arendt, Nietzsche, and the Aestheticization of Political Action," *Political Theory* 20.2 (1992): 274–308; and Bonnie Honig, "Toward an Agonistic Feminism" in *Feminist Interpretations of Hannah Arendt,* ed. Bonnie Honig (University Park, PA: The State University of Pennsylvania Press, 1995): 142–145. This interpretation is often advanced in the context of Arendt's influence by Heidegger or Jaspers and accompanied by some worry about how to attribute moral force to the Arendtian political actor. See for example Trevor Tchir, "Daimon Appearances and the Heideggerian Influence in Arendt's Account of Political Action" in *Action and Appearance: Ethics and the Politics of Writing in Hannah Arendt* eds. Anna Yeatman, Charles Barbour, Phillip Hansen, Magdalena Zolkos (New York : Continuum International, 2011); Lewis P. Hinchman and Sandra K. Hinchman, "Existentialism Politicized: Arendt's Debt to Jaspers" in *Hannah Arendt: Critical Essays,* eds. Hinchman and Hinchman (Albany, NY: SUNY Press, 1994).

the discussion surrounding Foucault, this debate is structured by an antipodal opposition between closure (a free subject whose action is both enabled and constrained by essential and knowable aspects of their being), and openness (a free subject that acts and judges according to aesthetic criteria and so brings themselves into being as such).[77] In the first instance, freedom follows upon a fact of subjectivity; in the second, subjectivity follows upon the fact of freedom.

While partisans of both views find ample textual evidence for their positions in Arendt's body of work, the debate itself—whether to seek a universal boundary principle that would ground and limit political agency or define this kind of agency in opposition to such a principle—reflects how the framework of agential sovereignty hobbles our efforts to think about politics in other ways. The question of sovereignty is always primarily a question of *rule:* its basis and its limits. Markell considers this theoretical tendency in terms of Arendt's analysis of how the meaning of action has changed since antiquity. In the classical Greek and Roman conceptions, political action was understood as twofold, consisting in the combined efforts of its initiation and its being carried out. Over time, this duality was progressively subsumed under the single concept of rule. He concludes that

> the whole matrix of oppositions that structures democratic theory (between rule, stability, continuity and order on one hand, and freedom, change, novelty and openness on the other), is itself an artifact of the ongoing dominancy of political theory and practice by a set of background assumptions about what ruling is and how it works, including especially the assumption that stability, continuity, order and related phenomena are to be understood as the products of the exercise of supreme authoritative control.[78]

This control is figured as individual self-governance with respect to others, according to norms that can be derived from a human essence. Critical responses to Arendt's conception of freedom

[77] Markell formulates this problem with respect to two related interpretive questions, the paradox of democratic rule and the purity of political action from motive. See "The Rule of the People: Arendt, *Archê* and Democracy" in *Politics in Dark Times,* 61–62. This important concept is addressed further in Chapters 3 and 4.
[78] Markell, "Rule of the People." The subordination of the classical model of political action is reflected in the distinction between the subject subordinate to the control of a ruler, and the subject of action as both initiator of and subject to its effects. See Arendt, *The Human Condition,* 189.

and her critique of sovereignty tend to reflect some anxiety over the need for this kind of agential control or celebrate her perceived dismissal of its apparent fiction.

When theorists have brought Foucault and Arendt together to consider their mutual implications for political theory, the status of the acting subject has been important in these conversations. The encounter can be framed as a critique. For example, Frederick Dolan interprets Foucault to counter the Arendtian assertion that the increase in governmental concern with the socioeconomic maintenance of life has effected a withdrawal of politics. He contends that biopower's extension of overtly political lines of force into previously private affairs has increased opportunities for political resistance (and thus liberty) in individuals' lives, because for Foucault, power relations depend on the basic liberty of their intended subjects.[79] His analysis avoids the relevant questions regarding the impetus to resistance that actualizes this liberty as freedom, or what would realize the "potential publicity" of contestation.[80]

Conversely, Ella Myers critiques the Foucauldian identification of these very sites of potential contestation not because it improperly politicizes "social" questions but insofar as it offers the possibility of resistance at the level of the individual rather than the public.[81] For this reason, from an Arendtian perspective, Myers argues that a vision of freedom that is motivated by a concern for the subject is insufficient for a democratic politics. But her account downplays, seemingly intentionally, Arendt's emphasis on the pleasure of self-disclosure in free action, making the ethical sufficiency of political action contingent on the authenticity of its motive

[79] Frederick Dolan, "The Paradoxical Liberty of Bio-Power: Hannah Arendt and Michel Foucault on Modern Politics" *Philosophy and Social Criticism* 32 no. 3 (2005): 369–380.
[80] Dolan, "Paradoxical Liberty" 375–377.
[81] Ella Myers, *Worldly Ethics: Democratic Politics and Care for the World* (Durham, NC: Duke University Press, 2013), chapter 1, especially 44–52.

concern—care of the world. Strangely, specifying the primary motivation of the willing subject becomes central to the question of viable political agency, while the way in which the relevant relational structures (self-self, self-other, self-world) are to be adjudicated in the absence of normative absolutes remains unclear.

In effect, these opposing critiques reproduce the contrast that theorists sympathetic to both authors identify when they read them together in hopes of a mutually corrective dialogue:[82] Arendt has an insufficient understanding of contemporary forms of power, while Foucault can't account for solidarity. These readings emphasize the many critical similarities between the two authors, and how their subjects emerge in and through relationships with others, relationships that are "political" in each author's sense of the word. But they don't move much further than that to address the basic problematic: the possibility of a subject that is both free, and political, outside the paradigm of sovereignty.

Two attempts to do so bear mentioning, as they illustrate the apparent difficulty of articulating a non-sovereign freedom. Melissa Orlie is explicitly concerned with the nexus of self-relation and political action, and she formulates the problem of the subject concisely: "Once we acknowledge the discursive dependence of the subject, it is far from clear how a subject of social rule can be a political actor."[83] Seeking resources for ethical political action in the face of socially produced necessity, Orlie juxtaposes Foucault and Arendt. But she ultimately responds to the crisis of the acting subject in quasi-transcendental terms, casting the authors' shared concern with thinking in terms of the spirit and prioritizing the soul's engagement of "invisible

[82] See Amy Allen, "Power, Subjectivity and Agency: Between Arendt and Foucault," *International Journal of Philosophical Studies* 10 no. 2 (May 2002): 131–149; Neve Gordon, "On Visibility and Power: An Arendtian Corrective of Foucault," *Human Studies* 25, no. 2: 125–145; Jakub Franěk, "Arendt and Foucault on Power, Resistance, and Critique," *Acta Politologica*: PRVOUK Project No. 17:294–309; Vikki Bell, "The Promise of Liberalism and the Performance of Freedom" in *Foucault and Political Reason*, ed. Nikolas Rose et al., (London: Taylor & Francis, 1996).
[83] Melissa Orlie, *Thinking Ethically, Acting Politically* (Ithaca, NY: Cornell University Press, 1997).

powers" in thought to clear ground for challenges to normative convention.[84] Thus, the subject is located at a distance from its appearance in action, the kernel of subjective freedom rooted at a remove from action itself.

This approach stands in stark contrast to that of Miguel Vatter, who reads Foucault and Arendt together to develop the Arendtian notion of natality in the direction of a politics of bare life, an affirmative biopolitics.[85] Leaving aside the extent to which this runs against the grain of Arendt's overarching claims, it is a telling move: reading action as a quasi-theological "emancipation of nature" or "freeing of life" avoids the problematic of the subject by means of an Agambenian, post-humanist route. Orlie and Vatter, then, find political hope by locating the motive force of politics beyond the actuality of the acting subject, in the radicality of spirit and of bare life, respectively.

Orlie's and Vatter's treatments of this problematic open onto a second reason to seek a more tangible conception of the non-sovereign free subject. There is reason to suspect that the appeal of the alternative horizons Arendt and Foucault propose may be inhibited by the absence of such a figure. It is possible that the lack of a recognizable paradigm of non-sovereign freedom limits the political imaginary. This is especially true insofar as an alternative vision of politics (understood as the ordering structures and institutions of our collective existence) is inextricable from the agential self-understandings of the individuals that would animate it. In other words, any politics always already entails an ethos. And every ethic has implicit to it a notion of the self. *The metaphorical figure of the free subject unites the ethical and political qualifications of free agency, and thus renders it intelligible as a form of life.* On one hand, both Arendt's and

[84] Orlie, *Thinking Ethically,* 163–168.
[85] Miguel Vatter, "Natality and Biopolitics in Hannah Arendt," *Revista de Ciencia Política* 26 no. 2 (2006): pp 137 – 159.

Foucault's visions of subjective freedom preclude the possibility of their determinate qualification; on the other, their lack of a recognizable paradigm of "the free subject" has potentially diminished the discursive traction of their political proposals.

This problem can be seen in Wendy Brown's recent work on neoliberalism, which, while it deploys a Foucauldian critical methodology, laments the diminishment of the conception of individuals as sovereign political actors as the loss of a bulwark against the economic rationalization of all spheres of life.[86] In Brown's analysis of how the logic of neoliberalism has hollowed out the democratic imaginary, the self-sovereign individual is the high modern iteration of *homo politicus,* which survives and prevails over and against the increasing economization of individual subjectivity and collective life. In this telling the individual's sovereignty, here figured in terms of "deliberation, self-direction and restraint" and an aim to "procure for, gratify and secure" oneself, is a self-evidently political quality.[87] For Brown, this figure is continuous with Aristotle's political animal, and the trajectory she describes is intended to illustrate a stark contrast with the contemporary predominance of *homo oeconomicus,* the economized subject conceived as human capital: at least, in the work of Mill, Smith and Bentham, "*homo politicus* still lingers in the subject's relation to itself."[88]

Brown argues that the loss of *homo politicus* in our subjective imaginary is crucial, because, *in its democratic form,* it is our chief resource for opposing the increasing encroachment of a neoliberal logic of existence. However, on her own terms, the self-sovereign individual is an unconvincing candidate for this role. The subject of politics is "a demotic subject, which cannot be reduced to right, interest, individual security or individual advantage."[89] But considered in

[86] Wendy Brown, *Undoing the Demos* (Brooklyn, NY: Zone Books, 2015).
[87] Brown, *Undoing,* 93–97.
[88] Brown, *Undoing,* 33.
[89] Brown, *Undoing,* 87.

terms of its boundaries and its will, there is nothing *necessarily* demotic about the self-sovereign subject; its political life is defined with respect to the state it legitimates, and its participation can be described in the just these terms.[90] Moreover, self-sovereignty is in many ways an excellent fit for neoliberalism's self-conception as human capital. This conception of the self allows for a wide range of choice about how best to realize oneself as an individual—indeed, the maximization of individual choice is key to the logic of privatization and market rationality. The content of subjective self-investment is not specified: the non-negotiable aspect is the formal trajectory of tireless "growth" within a structure of incessant competition. The self-sovereignty of the subject has no necessary connection to the common, or to the normative contestation whose loss is Brown's motivating concern.

Thus, when Brown concludes, "In letting markets decide our present and future, neoliberalism wholly abandons the project of individual or collective mastery of our future," she overlooks the extent to which, in Foucault's analysis, the paradigm of mastery, with its inexorable fixation on the achievement of ends, is implicated in market logics. Foucault was clear in his insistence that

> If one wants to look for a non-disciplinary form of power, or rather, to struggle against disciplines and disciplinary power, it is not towards the ancient right of sovereignty that one should turn, but towards the possibility of a new form of right, one which must indeed be antidisciplinarian.[91]

Brown's return to the imaginary of sovereignty reveals the profound difficulty of such a turn without an alternative conception of the subject in its freedom—a problem intimately linked with the critical destablilization of normative grounds. It is this difficulty that motivates my

[90] Throughout, Brown elides the distinction between the sovereignty of the state—the "illegitimate sovereign ever-present in liberalism (207)" and the popular sovereignty that she seeks to redeem in the face of neoliberal logics.
[91] Foucault, "Two Lectures" in *Power/Knowledge: Selected Interviews and Other Writings 1972–1977*, ed. C. Gordon (New York: Pantheon, 1980): 78–108.

introduction, in chapter 4, of the concept of play into the conversation surrounding non-sovereign freedom. Play provides a model—a conceptual paradigm or anthropological heuristic—for thinking about how an ethico-politics can be grounded in the mode of its activity, rather than a prior quality of the acting subject or the law that delimits action. In the player, we catch a glimpse of a subjective freedom that does not depend on the internal or external guarantee of sovereignty.

III. Freedom, Power, and the Critique of Violence

The questions surrounding the subject and the sovereign imaginary open directly onto the issue at the heart of these thinkers' genealogical projects: Arendt and Foucault contend that freedom as individual sovereignty and the subject that would possess it are figures that, holding each other up, also maintain a dangerous, often violent, ethico-political framework and social apparatus. This claim drives their critiques of late modernity.

Determining freedom's relation to violence in the realm of politics is at least as vexed as the subject-question, and no less normatively significant. Consistent with Arendt's diagnosis of the Western tradition and Foucault's analysis of the narrative predominance of the logic of sovereignty, there is a common theoretical tendency, on the left and the right, to posit violence as the ground of politics. In chapter 1, I identified the third horizon of liberal political freedom as its being "static"—a state of being, maintained by the State. This conception of freedom is structurally reliant on violence: conceived as being under constant threat of violence, the political subject's freedom is predicated on the protective/coercive force of the state. This tacit narrative is echoed in the analysis of sovereignty, above. However, liberalism, especially contemporary

liberalism, stands out for its relative quietude regarding the historical and theoretical centrality of violence to its project.

Looking outside the critical framework of the dissertation, other theories of politics are more forthcoming regarding the foundational political role of violence.[92] Violence is the center of gravity for Max Weber's political realism,[93] and for the mytho-poetic realism of Carl Schmitt, whose vision constructs its politics on the bloody ground of sovereign decision. Through a funhouse mirror one finds the politics of Giorgio Agamben, who sees the long shadow of a similar edifice in the light of metaphysics[94] and imagines a different order of communal being.[95] Chantal Mouffe and Slavoj Žižek harbor more attenuated notions of an irredeemably violent politics, on the basis that the impulse to aggression cannot be eliminated and must instead be channeled and controlled—that violence that cannot be refused, but only managed: for Mouffe, freedom is the irreducible antipode of equality on this field, while Žižek despairs of its public prospects and locates it instead in love.[96] In each case, the inherent relation of violence to politics determines the possibility of political freedom—the circumscription of politics by violence entails an essential link between violence and freedom thought in political terms.

Foucault and Arendt stand apart by virtue of the fact that, each in their own way, they draw an analytical distinction between violence and power. For both theorists, violence marks

[92] For an extended critique of these positions and a Foucauldian argument that violence is external to politics, see Johanna Oksala, *Foucault, Politics and Violence* (Evanston, IL: Northwestern University Press, 2012). Chapters 2 and 3 assert a distinction between relations of power and violence in positing ground of politics. In the interpretation of Foucault, the sundry differences between Oksala's position and my own are more scholarly than substantive. However, she reads Arendt alternately as a liberal theorist of consensus and a "polis ideologist" who associates bodily necessity with violence, critical interpretations refuted both in this chapter and in the dissertation as a whole.
[93] Arendt takes Weber, together with Jouvenel, as exemplary of the tendency to ground politics in violence: Arendt, "On Violence" in *Crises of the Republic* (New York: Harcourt Brace, 1969): 134–136.
[94] Giorgio Agamben, *Homo Sacer*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998).
[95] Giorgio Agamben, *The Coming Community*, trans. Michael Hardt (Minneapolis: University of Minnesota Press, 1993).
[96] At least, this is his most publicly intelligible iteration of his position. See: https://www.theguardian.com/commentisfree/video/2014/dec/03/slavoj-zizek-philosopher-what-is-freedom-today-video

the limit of power as such. For this reason, the act of violence bears no essential relation to the relation of power or to "politics" in the strict (*not* the colloquial) sense.[97] However, rather than imagine a secular order without violence, they give careful attention to its actual political effects, contemporary and historical. This is a crucial component of what Foucault terms diagnosis of the present and Arendt calls thinking what we are doing. Their careful considerations of the factical relations between power and violence—the phenomenological or epistemic (grounds) of violence, how violence is instrumentalized by power, and the potential rationality of this use—cast a harsh light on transcendentally inclined interpreters of their work and critics who see their visions as utopian.

While unstinting in their realism, Arendt and Foucault both, in their separate ways, posit freedom as the conceptual antipode of violence. This radical commonality is the crux of the potential in their dialogue; they open channels for thinking a specifically political freedom that does not logically depend on its exercise, actual or threatened.

For Foucault and Arendt, the possibility of freedom is shaped by the *extrinsic* relation of violence to politics. How might it be possible to think political freedom in this way without ignoring violence as a phenomenal reality? Seeing this possibility will require a closer look at how they think about violence. Getting both of their theoretical and historical/material perspectives into view will enable a clearer account of the relation between violence and non-violent freedom as a political principle. To this end, I will consider what constitutes violence for

[97] In the case of Foucault, this discussion is complicated by Foucault's use of war as a conceptual model for power relations in the lectures of 1975-1976, which are discussed at length in my chapter 5. In these lectures Foucault posits his famous inversion of Clausewitz, stating that politics might be considered the continuation of war by other means. To adequately address this question falls outside the scope of this work at present. However, there might be several ways to approach it. First, there is the conceptual significance of the phrase "by other means." Second, I would posit that it is not the martial nature of warfare that primarily interested Foucault, but rather the implication of ongoing resistance. Finally, there is the question of his eventual abandonment of this paradigm. See "*Society Must Be Defended:" Lectures at the* Collège de France, *1975-1976* eds. Fontana and Bertani (New York: Picador, 2003):15-16; 47-8.

Arendt and Foucault; its conceptual, material and historical relations to power; and finally, the specific qualifications of freedom within this framework. This will prepare the way for a detailed consideration of the authors' critiques of State violence in chapter 5, and my final conceptual proposal in chapter 6, that freedom in this paradigm is best understood as an event.

Arendt: Violence as Predicate of Mastery

Discussion of violence in Arendt must be situated in the phenomenological context of the *vita activa*. While I am primarily concerned here with its political implications, Arendt's conception of violence will be more clearly visible against a broader backdrop of how human life is conditioned by material being. In drawing distinctions among the modes and motives of human activity, including strength, force, violence, and power, Arendt lays the groundwork for a more nuanced account of their modern development.

Force, for Arendt, describes the basic experience of being compelled to activity. Arguing against the conventional use of the term to mean coercive violence, Arendt narrows the definition of force to include only those compulsions which are independent of individual human agency, and impervious to it—the force of nature and the force of circumstances, of events in motion.[98] The force with which human beings are most intimately acquainted is that exerted by the metabolic requirements of our bodies. The compulsive force of necessity operates because of and through the physical organism, whose basic needs must be met to ensure its continued

[98] "On Violence," 44–45. Between *The Human Condition* and *On Revolution*, Arendt comes to describe force more narrowly. In the former work it seems to designate any kind of immediate compulsion, including one person's effective physical coercion of another: if strength is a capacity, as will be discussed below, force describes a certain mode of its enactment (e.g. strength copes with violence through stoic withdrawal and endurance or by consenting to fight and so itself enact violent force). Taken out of context, Arendt's account of life in terms of force in *The Human Condition* would almost seem to foreshadow a vitalism in the vein of Bergson or Nietzsche (as she reads him). While her opposition to this position becomes immediately and vehemently clear through her discussions of the conditions of worldliness and plurality, the idea of force must still be understood as basic to Arendt's ontology and crucial to the question of violence in her work.

functioning. Individuals may have the strength to withstand greater or lesser degrees of physical hardship, but all human beings are ultimately subject to the same necessity: we starve if we do not eat and dehydrate without water, we must relieve ourselves of waste, and without sleep we rapidly lose our faculties. The force of necessity compels human beings to continuous interaction with nature in the production of "necessities," perishable goods fit for consumption. It is met and matched by the superabundant life-force that the body exerts in labor: Arendt describes the fertility of labor as a kind of impersonal agency that enables the production of more than we are able to consume alone, and the generation of new life.[99]

Force, then, describes the imperative motive of embodied biological life: bodily necessity "possesses a driving force whose urgency is unmatched by the so-called higher desires and aspirations of man," always "first among man's needs and worries."[100] Arendt compares the urgency of necessity's drive to torture, likening it to a human being's utter helplessness before the concerted application of violence.[101] This is an important equation which also tells us something about violence: the experience of violence is an experience of being compelled, which reduces the human being to a body in the moment of subjection to physical necessity. In this way, violence and the force of necessity have similarly leveling effects.

In stark contrast to the impersonal tide of force stands the individual's quantum of strength. In general, strength describes the individual's capacity for independent activity. Its most salient characteristic is its being singular, belonging to an individual, and maintaining them apart from others. It is "nature's gift to the individual,"[102] "the property inherent in an object or person…which may prove itself in relation to other things or persons, but is essentially

[99] *The Human Condition*, 112.
[100] *The Human Condition*, 70.
[101] *The Human Condition*, 129.
[102] *The Human Condition*, 103.

independent of them."[103] Strength can be possessed or held in reserve, indicating that it may exist independent of its exercise. However, it cannot be shared or divided, as it seems to depend on the individual's physical vitality, mental acuity, and the quality of the person's self-relation: Arendt shorthands this ensemble of features as "character."[104]

Arendt repeatedly emphasizes how strength is optimally effective in isolation. This emphasis highlights and clarifies strength's affinity with work: considered in its distinction from labor and action, the work of making *qua* reification of an ideal must in some sense be carried out alone.[105] Arendt specifically associates strength with the capacity to fabricate durable goods: solidity is not a given, but is the result of strength.[106] This association of individual strength with the activity of fabrication is of utmost importance, because strength's valuation over and against collective power sits at the heart of Arendt's diagnosis of the problem of modern politics. It is crucial for her project in *The Human Condition*, and for the associated question of violence at issue here, that strength is basically the capacity for the production of *objects*.[107]

With these preliminaries in place we will be better able to make sense of violence as Arendt understands it. To begin, the most crucial defining feature of violence is its instrumental

[103] "On Violence," 45.
[104] "On Violence."
[105] *The Human Condition*, 161. Apropos Arendt's caveat that her phenomenal distinctions are not meant as pure descriptions of lived reality, strength does not seem wholly irrelevant to life or politics. Regarding biological life and the activity of labor it conditions, the definition of strength and the way it encounters violence (*The Human Condition*, 203) capture something of the individual's capacity to bear up against the force of necessity or endure pain. More controversially, I would posit that strength also does not seem irrelevant to action: Although Arendt describes at length how the power of action-in-concert threatens the strong, strength of character appears of a piece with public excellence or virtue: while these qualities always sit in uneasy tension with equality in the public realm, it would seem very odd to associate the capacity for *archê* and *prattein* with individual weakness.
[106] *The Human Condition*, 140.
[107] *The Human Condition*, 201.

character.[108] This definition clearly echoes Walter Benjamin's "Critique of Violence;" Arendt's diverse discussions of the meaning of violence are all on some level in dialogue with Benjamin's claim that human violence must be understood as either law-establishing or law-preserving. For Arendt, "instrumentality" has a double valence. Violence is instrumental in that it involves the utilization of instruments to multiply human strength. Violence is the enacted material intensification of this natural capacity and is therefore phenomenologically close to strength.[109] As she defines it in passing in *On Revolution*, violence is "the multiplied strength of the one."[110]

Violence is also instrumental for Arendt in that it can only function as a means to an end.[111] In addition to its being dependent on implements, it is itself an implement. Violence always stands in need of some purpose, meaning, or justification external to itself.[112] This qualification sharpens the distinction between a violent act and properly political action: action generates power, which is an end in itself. It is closely linked to the other major qualification of violence, which is its muteness. As pure means and purely material, enacted violence is incapable of the speech by which shared means are articulated.[113]

The most elemental experience of violence is not interpersonal, but rather characterizes the relation of human beings to nature in fabricating a world. This relation both proceeds from and enables the human condition of worldliness, the "unnaturalness of human existence"[114] according to which life transpires within a human-made artifice. Our "world of things" is

[108] For a helpful discussion of the relation of this claim and Heidegger's "The Question Concerning Technology" and of the crucial significance of violence in Arendt's thought see Annabel Herzog, "The Concept of Violence in the Work of Hannah Arendt," *Continental Philosophy Review* 50 (2017): 165–179.
[109] "On Violence," 46. In this analysis, we see the conceptual loss entailed by the restriction of the definition of force from *The Human Condition* to *On Violence*. In the paradigm of *On Violence*, where force is defined as a wholly impersonal phenomenon, there is no language to account for instances of impersonal abuse without the use of implements.
[110] *On Revolution*, 142.
[111] Violence as its own end would perhaps have another name—cruelty or sadism.
[112] "On Violence," 51, 79; *On Revolution* 9.
[113] *On Revolution*, 9; *The Human Condition*, 26.
[114] *The Human Condition*, 7.

produced by the work of fabrication. Work *reifies* natural materials, giving them an objective reality outside the household of nature—they become use-objects, "there in their own durability."[115] Work consolidates the produce of nature according to an image or model of utility conceived by the human mind. The solid object that results constitutes the "objective," the determinate end of work-activity. The durability of the use-object as determinate end distinguishes the product of work from that of labor, which is destined for consumption or waste and therefore ephemeral, linked to the inexorable process of life in a way that makes the determinacy of an "end" unthinkable. In a quite literal sense, the products of labor can be thought as ends only provisionally.[116]

Arendt suggests that the primary violence of the process of fabrication consists not in the reification of natural materials into durable objects, but in their initial procurement. The material of labor is given in such a way that it can, in a quasi-Lockean imaginary, be gathered "without changing the household of nature"[117]—not the case with material to be worked:

> Material is already a product of human hands which have removed it from its natural location, either by killing a life-process, as in the case of the tree which must be destroyed in order to provide wood, or interrupting one of nature's slower processes, as in the case of iron stone or marble, torn out of the womb of the earth. This element of *violation and violence is present in all fabrication,* and *homo faber*, the creator of the human artifice, has always been a destroyer of nature.[118]

What qualifies violence in this passage seems to be not just the destructive quality of the activity—the killing, destroying, and tearing which accord with the sense of the term's Latinate etymology—but also the fact of interference into a natural process that otherwise would be

[115] *The Human Condition*, 138. For Arendt, the world itself has an objective character (94).
[116] *The Human Condition*, 143–4.
[117] *The Human Condition*, 136; 139.
[118] *The Human Condition*, 139, my italics.

ongoing. The interference is both spatial and atemporal, as the material is both removed from its natural location and introduced into a different order of time.

Arendt writes, "The experience of this violence [of fabrication] is the most elemental experience of human strength and therefore, the very opposite of the painful, exhausting effort experienced in sheer labor."[119] The experience of strength is bound up with the exercise of violence: it is palpable as such because it is different from the cyclical, processual, and indeterminate activity of labor that necessity compels, whose "end" can neither be chosen nor accomplished insofar as it is the maintenance of life itself. Material violence is thus linked to the calculus of means and ends and enables the construction of the human artifice.

In this accomplishment, *homo faber* (the human being as maker) assumes another order of *mastery*: he [sic] "conducts himself as lord and master of the whole earth."[120] *Homo faber's* strength is primarily identified with his capacity for the production of things.[121] It rests on a foundation of violence, and specifies a distinction between fabrication, on one hand, and the non-violent but distinctive activities of labor and properly political action, on the other. The latter have an inherent process-character which tends to indefinite ongoingness. Consequently, to engage in these activities is always in a sense to be subject to them, regardless of the immediate accomplishments (the full belly, the rhetorical triumph) they may entail.

This clarifies Arendt's association of fabrication with mastery. Neither the life-process which conditions labor nor the plurally equal and distinct others who condition action can be rendered objects and remain what they are. By contrast, the bringing into being of things with an object-character, whose durability *qua* stasis can be counted upon, is the essential purpose of

[119] *The Human Condition*, 140.
[120] *The Human Condition*, 139.
[121] *The Human Condition*, 207.

fabrication. Work is the only realm of activity to which the relation of subject-to-object is really proper. Thus, as Arendt suggests, the relation of mastery is also proper to it, as is a certain form of reason, the reckoning of means and ends.[122] Fabrication entails the elemental experience of violence because it is prerequisite to rendering something object.

Violence, then, has a primary phenomenal affinity with the human condition of worldliness. It is most closely related to *homo faber* and the basic activity of fabrication because the realization of an objective end requires the appropriation of material to be worked. Accordingly, the exercise of violence is a variation on the exercise of strength, i.e., its instrumental amplification. However, violence also has complex associations with the political realm (as will be discussed below) and with the condition of life and the activity of labor.

The concerns of *animal laborans* are linked to violence not as it is exercised, but rather as it is experienced. In *On Revolution,* Arendt elaborates her assertion from *The Human Condition,* that being subject to bodily necessity is akin to being subject to violence. Necessity is writ large, encompassing the forces of both biological life and history as well as the tangled interplay between them in revolutionary theory and practice. These forces are most saliently conjoined in what Arendt somewhat confusingly terms the "social question," a euphemism for the problem of poverty. Poverty is understood here as the experience of bodily necessity rendered coercive by the fact of its going unmet:

> Poverty is more than deprivation, it is a state of constant want and acute misery whose ignominy consists in its dehumanizing force; poverty is abject because it puts men under the absolute dictate of their bodies, that is, under the absolute dictate of necessity as all men know it from their most intimate experience and outside all speculations.[123]

[122] *The Human Condition*, 144.
[123] *On Revolution*, 50. Arendt paraphrases Demosthenes: "Poverty forces the free man to act like a slave. (*The Human Condition*, 64)."

Among her more controversial claims is Arendt's argument, here as elsewhere, that acting out of this state of duress is inevitably fatal to freedom. However, buried in the discussion, she also entertains the Marxian prospect "that poverty itself is a political not a natural phenomenon, the result of violence and violation rather than scarcity."[124]

To put the matter in Arendt's terms from *The Human Condition*, the young Marx accounted for the evident failure of the counterforce of human fertility, the superabundance of labor power, to meet the force of natural bodily necessity. Through the use of violence, the natural necessity of embodied life which constitutes an inexorable but discrete aspect of the human condition is alleviated for some and experienced as an overwhelming and dehumanizing force by others.[125] Arendt asserts that in "unmasking" the unalloyed experience of abject necessity as human-made violence, his innovation was the denouncement of socioeconomic conditions in political terms.[126] By revealing that there was nothing "natural" in the experience of poverty, Marx aroused a sense of injustice which had the effect of spurring action in response. Having introduced it with an allusion to "the many authentic and original discoveries made by Marx," Arendt leaves the threads of this argument hanging in the vehemence of her opposition to the direction in which the link between political violence and natural necessity would ultimately be developed.

Arendt observes that slavery was Marx's explanatory model for the causal relation between politics and necessity.[127] Slavery's extreme mode of domination exhibits the classic tandem function of violence and power. Within this analytic of labor and fabrication, the basic

[124] *On Revolution*, 53. Note the contrast with Hobbes, for whom scarcity and violence are the natural, pre- and apolitical conditions of human life. See my chapter 5.
[125] Arendt likely has in mind here not only primitive accumulation but also the order of the nascent nation-state: see *Origins*, 123, 148. Cf. *The Human Condition*, 88.
[126] *On Revolution*, 54.
[127] *On Revolution*, 53.

purpose of all tools is to blunt the force of necessity. Slavery is the violent "fabrication" of a human tool whereby a person is forcibly appropriated as material and cast as an *instrumentum vocale.*[128] In being used as an instrument, the slave is never not subject to the compulsion of violence. This enables the slaveholder to "master" their own bodily necessity. The biological force of necessity is displaced onto the slave by physical coercion and assumes (to the extent possible) an objective character, insofar as it can be stably determined and its processual compulsion to activity reliably diminished.[129]

According to this analysis, it would be a mistake to think that power—and by extension, freedom—is somehow necessarily pure in Arendt's conception. With Hegel's shadow as a backdrop, Arendt contends that the organized violence of the system of slavery rests on a political structure: even multiplied by instruments, the individual strength of the slaveholder would not be enough to found or maintain the relation without the political organization of the class: "Single men without others to support them never have enough power to use violence successfully."[130] In essence, "Everything depends on the power behind the violence."[131] Alongside her designation of Marx's discovery of violent expropriation as a denouncement of socioeconomic conditions in *political* terms, the analysis of slavery highlights the troubling tendency of the powerful to use violent means to further private ends, and the possibility that exclusionary political power can scaffold the maintenance of a violent socioeconomic system.[132]

On the other hand, when taken together these analyses indicate that guarding a political realm from the force of necessity does not require, *ipso facto*, the deployment of violence. For if

[128] *The Human Condition*, 121–22.
[129] *The Human Condition*, 119–20.
[130] "On Violence," 50–51. See also "On Violence," 40–41; *The Human Condition*, 200.
[131] "On Violence," 49.
[132] In this case, Arendt posits that the use of violence by power tends to have "backlash" or "boomerang effects" whereby its instrumental means infect the body politic itself: See "On Violence," 53, 81, as well as the "Imperialism" chapter of *Origins of Totalitarianism*.

these are *political* arrangements they can with certainty be said to be neither natural nor necessary. This point returns us to Arendt's argument with the late Marx. Arendt endorses the contention that there is a relation between necessity and violence—now visible as socioeconomic *and* politically maintained. Insofar as it has served as a means to overcome bodily urgency, violence is "a function or surface phenomenon of an underlying and overruling necessity."[133] Accordingly, violence has historically engendered the experience of poverty, material abjection in the fullness of its force. However, she disputes the notion, which she attributes to the late Marx and his interpreters, that the reverse follows, that the experience of bodily necessity can be simply identified with violence: it "can never be simply reduced to and completely absorbed by violence and violation."[134] A certain form of socioeconomic relation can be seen to follow from the experience of factical embodiment, but that basic experience is not predicated on a form of socioeconomic relation. Nor would the violent abolishment of socioeconomic violence necessarily inaugurate a realm of freedom. Perhaps most crucially, such developments are not subject to laws of *historical* necessity.[135]

While the political violence of slavery is motivated by desire for mastery of the condition of life, violence also enters the public realm due to the desire to master politics itself, when the logic of fabrication is applied to human affairs. Like life, action has a process-character; beyond this, it also exhibits an inherent unpredictability that further frustrates the possibility of objective accomplishment. Arendt emphasizes the longstanding discomfort with this phenomenon in the Western tradition of political thought, and the traditional efforts of reason to substitute making

[133] *On Revolution*, 55.
[134] *On Revolution*, 55.
[135] *On Revolution*, 104; *The Human Condition*, 129–135; "On Violence," 56.

for action.[136] Where the practice of being together in speech and action takes on the aspect of fabrication, violence enters politics under the banner of reckoning means and ends.

Bearing in mind that violence is a *necessary condition* for fabrication because it requires the procurement of material,[137] it is clear how common and yet disastrous this logic has been in the course of human events.[138] Arendt contends that this tendency intensified in modernity due to a "conviction that man can know only what he makes, that his allegedly higher capacities depend on making and that he therefore is primarily *homo faber* and not *animal rationale*," i.e., the human persona who understands himself as lord and master.[139] It is meaningful that Arendt calls Hobbes—whose location of violence at the ground of freedom will be further discussed in chapter 5—the greatest representative of the political philosophy of the modern age.[140]

Consequently, violence "which has always played an important role in political schemes and thinking based on an interpretation of action in terms of making," came to be emphasized as the predominant means by which human affairs are "made" and glorified as such—especially in revolutionary politics.[141] Even when this is not the case, when the instrumentality of violence is qualified by platitudes of its appropriate restraint, all interpretations of "the realm of human affairs as a sphere of making" imply violence, and cannot contain the principle of their own limitation: "As long as we believe that we deal with ends and means in the political realm, we shall not be able to prevent anybody's using all means to pursue recognized ends."[142]

[136] *The Human Condition*, 226–30.
[137] *The Human Condition*, 228.
[138] *The Human Condition*, 188n.14.
[139] *The Human Condition*; 293–8; 144. This analysis is complicated by the introduction of the concept of process into making, whereby the "objective" becomes the facilitation of social processes which can be reckoned objectively but also proceed predictably and indefinitely in time (301; 294–313).
[140] *The Human Condition*, 300.
[141] *The Human Condition*, 228, "On Violence," 48.
[142] *The Human Condition*, 229.

This prospect, the simultaneous banality and extremity of its fulfillment, brings us to Arendt's understanding of the complex relations of violence to power and politics proper. In the words of Beatrice Hanssen, Arendt understands violence and power as related, but in a "nondialectical and asymmetrical relationship."[143] The nondialectical nature of their relationship indicates that one does not give rise to or find its reconciliation in the other.[144] Its asymmetry means that violence and power are variable in their proportions and do not increase or diminish in tandem. In other words, violence and power are not essential to one another. Nevertheless, they are related: as thought-objects, they are opposing modes of conduct of human affairs; as observable phenomena, they often go together.[145]

In *On Violence,* Arendt significantly shifts the emphasis of her typology of activity as presented in *The Human Condition* by positing violence as a form of action.[146] This classification is helpful in that it highlights how, while violence does not generate power or constitute a proper politics, violence is not "natural"; it is political in that it belongs to the realm of human affairs.[147] Like the free action that generates power, interpersonal violence is a response to plurality, the human condition of equality in diversity. As instrumentality, violence in human affairs treats plural human beings as an obstacle to the accomplishment of ends, rather than as grounds for the enactment of the most uniquely human capacity; in doing so, it simultaneously denies and overrules plurality by the application of the leveling force that reduces persons to bodies.

Internal to the act of violence there is a perverse inversion of the self-revelation achieved in free action.[148] Rendering the other object, the agent not only effaces their individuality but

[143] Beatrice Hanssen, *Critique of Violence: Between Postructuralism and Critical Theory* (London: Routledge, 2001): 25.
[144] "On Violence," 56.
[145] "On Violence," 52.
[146] "On Violence," 80; cf. *The Human Condition*, 180–180.
[147] "On Violence," 82.
[148] cf. *The Human Condition*, 175-181.

reveals themselves only as a "what," that is, as one who would perpetrate violence. This is largely a function of the fact that violence is pure deed, incapable of speech. Accordingly, the objective relation of force constitutes no interest and fosters no mutually acknowledged world. One is "for or against" rather than "together with" others[149]—in political terms, it is a non-relation. The combination of muteness and dissolution of worldly interest combine to give the act of violence its inherent meaninglessness: meaning can only be sought *post-facto,* in a context where the story can be told and heard. For these reasons, Arendt calls violence anti-political action.[150] As action, violence initiates processes, but these tend to involve continual and reciprocal action in its own mute, instrumental image: "The practice of violence, like all action, changes the world, but the most probable change is a more violent world."[151] Violence can destroy power by severing its web of relations and shattering its world. It cannot substitute for power, cannot produce power because where power holds people together, the most that can be accomplished by violence is to hold them in place.[152]

Ephemerality and vulnerability are inherent to free politics. These frustrations have traditionally been compensated for by the valuation of making over action, and the proliferation and technical intensification of government bureaucracy have progressively elevated the political status of violence. In practice, the temptation to violence increases as power is lost.[153] What is meant by this statement, too often addressed at the level of platitude in the critical literature, is that the less relational basis there is for the objective interests of a community to be addressed through reciprocal initiative, the more likely common questions are to be determined by

[149] *The Human Condition*, 180.
[150] "On Violence," 64.
[151] "On Violence," 80. See "On Violence," 82; *The Human Condition*, 323.
[152] *The Human Condition*, 202; "On Violence," 53.
[153] "On Violence," 54.

instrumental, and ultimately individual, means. The weight of this somewhat dry formulation is only discernable when other people are reckoned among the obstacles to or materials for their accomplishment.

The status of violence matters for the question of Arendtian freedom because freedom is the capacity for, and individual correlate of, political power. Interpreters who read her vision as utopian overlook the realism in her view of historical and contemporary events—violence shadows power like an ungifted but ambitious understudy.[154] Moreover, Arendt is unambiguous that violent action can be justified by immediate goals,[155] and even serve, in the case of revolution, as a conduit to political foundation.[156] What is at stake in her strong distinction between violent and free action is the assertion of a political principle. By refusing to dignify a mode of action that denies the dignity of human being and locate violence at the ground of communal life, Arendt posits a necessary and unambiguous conceptual backstop to the chain of means-ends reasoning that would normalize its use.[157]

This is the force of her distinction between the justification of violence and its legitimation. Violence can be justified with respect to immediate goals ("the danger is not only clear but also present"[158]) and under these circumstances is a rational course of action.[159] But

[154] For a full-throated critique of Arendt's distinction between violence and power, see Keith Breen, "Violence and Power: A Critique of Hannah Arendt on the 'Political'" *Philosophy and Social Criticism* 33 no. 3 (2007): 343–372. Breen simplifies Arendt's position by running together violence and agonism, and by taking Arendt's observations of the coincidence of violence and power as inconsistencies or admissions of error; he neglects to consider how an "intimate relation" between two phenomena can still be contingent (363. Arguing for control of violence by moderation in its use, he does not confront the challenge of Arendt's critique, i.e, the potential for "murderous consequences" when political violence is legitimized (*The Human Condition*, 229).
[155] "On Violence," 63–64.
[156] *On Revolution*, 24.
[157] *The Human Condition*, 154.
[158] "On Violence," 52.
[159] "On Violence," 66.

violence can never be legitimate:[160] as a strategic approach to life in common, it can only refer to an uncertain future end, and will never find extant ground on which to operate. Power is legitimate in that it constitutes its own ground, which is just the factical action-in-concert of plural individuals, that is, their having actualized their freedom. Quietly, then, and with utmost circumspection, Arendt disagrees with Benjamin. Having taken from him the definition of violence as essential instrumentality, she holds out as an alternative hope not the messianic violence of the divine miracle, but the miraculous *human* capacities to begin something new and to forgive in light of what has come before.

What, then, of the common reading that violence is an irreducible feature of embodied life that must be forcibly confined to the private realm, which has motivated so much criticism of Arendtian politics? As we have seen, the association of necessity and privacy with violence has for Arendt the status of a historical observation, not an ontological absolute. Arendt does unambiguously argue that claims of necessity—historical or bodily—are deleterious to free political association. Politics must thus be protected from necessity. However, bodily necessity is not violent in and of itself—"neither violence nor power is a natural phenomenon."[161] The use of private domination as a means to master necessity is itself a political arrangement. It follows that interpersonal violence is not *necessarily* the means by which necessity's force is muted so as to allow for freedom's exercise. However, in seeking to discern the effects of violence in a community, the political arrangements by which necessity is managed are a good place to start.

Foucault: Violence as Instrument of Domination

[160] "On Violence," 52.
[161] "On Violence," 82.

Foucault generally is concerned not with the given conditions of human life, but rather with the tactics of its strategic conditioning; to adopt Arendt's terms, he is interested in how events come to be determined as knowledge and to constitute artificial conditions of behavior. The discursive and material struggle over this determination constitutes the Foucauldian domain of the political. Accordingly, Foucault's discussion of violence is located on a considerably different field of inquiry: questions of violence and politics are framed in politico-epistemological not politico-phenomenological terms.

For Foucault, all human relations involve relations of power. As noted above, some readers have interpreted him to mean that all relationality is saturated with violence. With the whole of Foucault's body of work in view, matters appear much more complex. Relations of power are not reducible to violence. To the contrary, the power relation proper reaches its limit in the act of violence. However, past or threatened violence frequently factor into relations of power over time. Complicating this equation, there are two notions of violence at work in Foucault's thinking: the enacted violence of physical determination and the "epistemic violence" of language, which often flow together in disciplinary practice.

As discussed in the preceding sections of this chapter, freedom is too conceptually imbricated with power relations for them to be thought in oppositional terms. In his late-career essay "The Subject and Power," Foucault foregrounds the concept of domination in his interpretation of the arc of his scholarly development. In that essay and some other late *dits et écrits*, domination appears as freedom's opposing term. Here, I will consider the concept of domination and its mechanisms in order to clarify the relationship among freedom, violence and power. I propose that with respect to persons, domination can be identified with, but not reduced to, the exercise of physical and/or epistemic violence. For Foucault, freedom's actualization is

not a historical end-game or ontological universal. Rather, its likelihood is legible in the unpredictable development of power relations in their material specificity over time. Its wildest hope lodges in the idea that games of truth and power can be strategically maintained in their openness, and, in the likely event that they are not, that some tactics of resistance will open onto successful strategies toward their reversal.

Power Relation, Domination and Violence

As discussed in Section I, "power relation" describes an ensemble of actions upon the possible actions of another. "Power" is thus a shifting field of force relations, which includes within it various relational possibilities. One possibility is a bidirectional strategic struggle that is manifest over time as a dynamic flux, which we can associate with agonism (and also possibly, with friendship). When "stable mechanisms replace the free play of agonistic relations" and one party consistently "wins" in its efforts to conduct the conduct of another, an asymmetrical relation is established. This situation, more typically associated with Foucauldian power, is at once the fulfillment and suspension of the strategic contest.[162] However, the relation of power always carries within it the seed of its own reversal—the potential free agency of the subordinate party— and is in this way inherently unstable.

As its effective tactics concatenate into stronger strategies, a relation of power might crystallize, stabilizing so as to become a "strategic situation more or less taken for granted and

[162] "The Subject and Power," 347. In general, this analysis draws heavily from two late texts: "The Subject and Power" in *Power: The Essential Works of Foucault 1954–1984*, ed. James Faubion. (New York: New Press, 2000), originally published as an appendix to Dreyfuss and Rabinow's *Michel Foucault: Beyond Structuralism and Hermeneutics*; and "The Ethics of Concern for the Self as Practice of Freedom" in *Ethics: Subjectivity and Truth: The Essential Works of Foucault 1954–1984*, ed. Paul Rabinow, trans. Robert Hurley et al. (New York: New Press, 1997), an interview for *Concordia* magazine conducted in January of 1984 shortly before Foucault's death. These texts consist largely in self-interpretation and seek to draw connections between Foucault's earlier published work and the systems and concerns that occupied him near the end of his career.

consolidated, within a long-term confrontation between adversaries." Through the development of discursive, affective, and material supports, relations calcify and are constituted as hegemonies so that the actions of one party are determined by the other with relative certainty: this is a state of domination. In a state of domination "power relations are fixed in such a way that they are perpetually asymmetrical and allow an extremely limited margin of freedom," where efforts at resistance are "only stratagems that never succeeded in reversing the situation."[163] It is important to bear in mind that domination is not synonymous with power but one of power's "terminal forms," a potential feature of a much broader field.[164] In the first volume of *The History of Sexuality*, Foucault warns the reader against understanding these points of relative rigidity as the source from which power emanates, or its theoretical lynchpin.[165]

Effective domination is a stubborn and complex phenomenon, observable in a "general structure of power whose ramifications and consequences can sometimes be found reaching down into the fine fabric of society."[166] However, states of domination remain on the broader spectrum of power relations insofar as the possibility of resistance is implicitly acknowledged and accounted for in the development of tactics. Again, power relations depend on the recognition of the subject's agential capacities, and on the extant potential for their enactment:

> A power relationship…can only be articulated on the basis of two elements that are indispensable if it is really to be a power relationship: that "the other" (the one over whom power is exercised) is recognized and maintained to the very end as a subject who

[163] "Ethics of Concern," 292.
[164] Foucault, *History of Sexuality, Vol. 1,* 92.
[165] He speaks in similar terms in the second lecture of his 1975–1976 course, urging the student of power to begin at the bottom, at the level of power's "infinitesimal mechanisms," and to follow these up toward more generalized "forms of overall domination." "Overall domination's not something that is pluralized and then has repercussions down below" (*Society Must Be Defended,* 30). Power relations operate less like a descending net, and more like the roots of a tree or the mycelia of a fungus. Foucault's recurrent methodological precaution is against identifying a social hegemon, such as the emergent seventeenth century bourgeoisie, and positing it as the unitary origin of, for example, the exclusionary confinement of the mad, or any other instance of relatively fixed power relations.
[166] "The Subject and Power," 348.

> acts; and that, faced with a relationship of power, a whole field of responses, reactions, results and possible inventions opens up.[167]

In essence, a relation of power involves "the conduct of conducts"—etymologically and in common usage, *conduire* implies guidance without brute force, a kind of steering. The exercise of power is an attempt to structure the field of possible actions, not immediately determine them.[168]

Thus, Foucault draws a clear distinction between power and violence. Violence is the determination of another's action by means of physical force—the simplest iteration of effective control. A relationship of violence "acts upon a body or upon things; it forces, it bends, it breaks, it destroys or it closes off all possibilities. Its opposite pole can only be passivity, and if it comes up against any resistance it has no other option but to try to break it down."[169] In a state of domination, the field of possible actions is rigidly structured so as to narrowly limit their scope, but in the case of violence that field disappears altogether or narrows to a line that the subject must toe, with immediately compulsive consequences for stepping over. Foucault terms this kind of relationship a "physical relationship of constraint" or one of "physical determination."[170] The subject is acted upon as an object. If freedom does not entirely vanish under these circumstances, it is perhaps brought to a zero point at which the price of resistance is death.

Violence occupies an important place in Foucault's mature analytic because it represents the limit of the power relation. As with Arendt, but in a different way, the use of violence marks the absence or failure of power. However, this may be momentary, as the use and threat of violence may be factors in relations of power or domination over time and are often crucial

[167] "The Subject and Power."
[168] "The Subject and Power," 341–343.
[169] "The Subject and Power," 340.
[170] "The Subject and Power," 342.

components of their establishment. Like Arendt, Foucault understands violence as basically instrumental. The uses of violence are "instruments or results" of the power relation, not elements essential to its being: "they do not constitute the principle or basic nature of power…*it is always a way of acting upon one or more acting subjects by virtue of their acting or being capable of action*."[171]

In actu, violence is a limit to the relation of power. *Ex post facto,* it can be understood as a material tactic which pushes the power relation toward a state of domination. Where violent tactics are observed, then, one should suspect a dominative tendency. But to think the relation between power, violence, and freedom clearly, we must grapple with the idea that domination remains a power relation, and within a power relation there is always the possibility of resistance.[172] This being the case, it would seem that there is no such thing as a *true* state of domination. How can the "intransigence" of freedom be reconciled with "frozen" or "permanently blocked" relations of force?

One possibility is that the state of domination exists simply where, in spite of its possibility, there is no *effective* resistance. Effective resistance would open up some play between governing and being governed—possible, even typical within an asymmetrical power relation. For example, although the power relation between us is radically asymmetrical, my toddler successfully conducts my conduct even as I conduct hers. Concerning her food, play, and clothing, her sleep, our staying in or leaving a place, even her childcare, it is or would be possible for her to shape my shaping of her actions through a variety of tactical interventions. But, as immediately regards her will to stand on the kitchen table, a state of domination is in place. She is simply not allowed to stand on the table—I physically remove her. Regarding this

[171] "The Subject and Power," 341.
[172] "Ethics of Concern," 292.

strongly willed action, no effective resistance is possible. This, in spite of the fact that prohibition has indeed intensified her will, and she tries all the time. I could choose to similarly determine her actions in the other areas of her life, until it was a more or less perpetual state between us and no act of insubordination on her part would cause me to conduct her conduct in a different way. Then, it would make sense to characterize our overall relation as one of domination, in a way that it currently does not.

This example shows how an asymmetrical power relation can be marked by *moments* of domination that differentiate themselves from a broader field that may also include *agon*/play of force. It also sheds light on the close link between the power-play in a state of domination and the material application of physical force. I can truly dominate her action only because I can pick her up and put her on the floor. This is where "physical relationship of constraint" or "physical determination" come into play: having these strategic options at my disposal makes domination possible. As she gets bigger and reasons better, this kind of outright domination will cease to be an option within our relationship, because I will no longer find it ethically acceptable to move her physically as if she were an object: our power relation will become less asymmetrical, will likely eventually reverse, and the tactical play between us will become more intricate. Her eventual subjectification as a non-table-stander, *or not,* will result in part from these past domination-events.

A similar situation can be imagined inside a totalizing institution, such as a prison or mental hospital. The institution is dedicated to the conduct of inmates' conducts, and the relation of power is asymmetrical. Doubtless, there is some play of force, and the inmates deploy a variety of tactics to conduct the conduct of the wardens, too. However, this relational field of stable power mechanisms, while dotted with instances of play, is saturated with moments when

the relation of power threatens to become, and becomes, a relation of physical determination or violence. Even if one looks past the ward's initial confinement, weighing the prospects of physical intervention by the warden will indicate that a state of domination is in place. There is only infinitesimal possibility for resistance that would effectively change the power relation. Resistance is more likely to get you put in a chokehold, and then solitary confinement. The field of action is blocked.

In trying to identify a state of domination, it may be important to isolate the moments where the power relation reveals its capacity to "tip" into violence. In these moments, the tremendous difficulty of reversing the specific power relation in question is revealed. Considering the preponderance of these moments in space and time, when there is an omnipresent possibility that the relation of power will become a relation of violence, it seems right to characterize the overall relation as a state of domination. As discussed above, in the immediate moment of violence, when the victim is physically constrained or in pain, tactical possibilities are by and large closed off.[173] The essence of the calcified asymmetry in some states of domination is that the dominator's action upon the action of the dominated is always reinforced by the capacity to act immediately and effectively upon their body and render them passive, whereas the dominated can only seek to act upon the actions of the dominator.

In addition to instrumental physical determination, Foucault also follows Nietzsche and Heidegger in using the word violence to characterize the operation of knowledge. Knowledge "can only be a violation of the things to be known" insofar as language imposes a symbolic order

[173] Of course, the tortured prisoner may refuse to speak, but does so knowing the price of resistance may be death. Torture should be thought about further within this analytic, as a limit-case.

that is necessarily partial and perspectival.[174] In keeping with Foucault's primary concern with knowledge as it relates to the subject and power, I will term this *epistemic violence*. Johanna Oksala contends that although they tend to scaffold one another, the fundamental violence of language (for her, "ontological" violence) must be bracketed, strictly held apart from physical violence in order to avoid rendering the term meaninglessly broad.[175] To the contrary, Slavoj Žižek, invoking Heidegger, posits the necessary partiality of language ("symbolic" violence) to be both the ground and the last resort of, all enacted physical (ontic) violence—the fundamental ontological status of violence precludes a politics of its refusal.[176]

While both of these positions have their merits, they also seem to me to miss something about the subtle multiplicity of ways in which we use language. From his earliest scholarly works—his doctoral theses, *Madness and Civilization* and *Introduction to Kant's Anthropology*—and on through his studies of biopolitics, Foucault was explicitly concerned with the danger implicit in the seemingly objective pursuit of "scientific" knowledge of human being. This danger was evident for him in the way that through rational discourse and its associated institutions and material apparatus, subject-categories defined by implicit hierarchies and exclusions were brought into being and came to define the subjectivity of the individuals to whom they were applied. Language can be a game one is caught in, rather than a game one plays with others.[177] The fundamental perspectivism of language is legible as epistemic violence insofar as it lays claim to "objective," determinate, and determinative knowledge of human beings. In this way, Foucault echoes on the plain of epistemology Arendt's social-phenomenological concern with objective determination.

[174] "Truth and Juridical Forms" in *Power: The Essential Works of Foucault 1954–1984*, 9.
[175] Oksala (2012), 36–7.
[176] Žižek, *Violence: Six Sideways Reflections* (New York: Picador, 2008): 49-62.
[177] See this work, chapter 4.

In considering the relation of violence to political freedom, epistemic violence is worth taking seriously not only insofar as it motivates and justifies instrumental violence, but also insofar as it bears directly on states of subjective domination. I have considered domination as a state marked by the *material impossibility of effective resistance* within a specific relation of power due to immanent threat of violence. We might also consider the prospect of domination as *perceived* impossibility of resistance. Foucault writes:

> Humanity does not gradually progress from combat to combat until it arrives at universal reciprocity, where the rule of law finally replaces warfare; humanity installs each of its violences in a system of rules and thus proceeds from domination to domination.[178]

The violence implicit in the rule can show itself on bodies and in certain spaces, as described above. But it can also hide itself in the subtlety and density of its strategies. In *Discipline and Punish,* Foucault demonstrates how the disciplinary subject is made to take up the work of self-submission; the resulting "docile body" is as labile as the subject who submits to violence, or even more so.

Foucault posits that "any kind of power relation which, regarding its goals and values, can be judged from a rational point of view as efficient" is a state of domination.[179] Efficiency is smoothness of operation, a lack of friction that allows for the accomplishment of maximum ends through the minimal application of force. As a descriptor of a power relationship, efficiency implies an absence of resistance (as pushback or drag). This clarifies how violence serves as an instrumental tactic, discursive or material, to increase the efficiency of the power relation by dealing with the subject as an object—either an object in the sense of physical determination or an "object" of knowledge whose qualities are understood to be determined.

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[178] "Nietzsche, Genealogy, History" in *Aesthetics: Method and Epistemology: Essential Works of Foucault 1954–1984, Vol. 2,* ed. James Faubion (New York: The New Press, 1998): 378.
[179] 'Problematics' in *Foucault Live,* 416–422.

It is not coincidental that in ongoing relations of immanent violence, the subjugated parties will often be viewed as objects of knowledge, "known" better by the dominators than by they themselves. The putatively objective knowledge of individuals or populations as insufficiently capable of self-determination justifies their physical coercion and violent constraint. Women, children, slaves and colonial subjects, criminals, and the insane are prime examples of populations subject to relationships of violence based on objective knowledge. The power relation is most intelligible as a state of domination where the double-violence of Truth and physical coercion are immanent to it. Epistemic violence does not clearly mark the limit of the power relation, as physical violence does. However, we might entertain the possibility that in cases where the power relation is so efficient as to be rendered invisible or "natural" and the subject has been so fully disciplined as to effectively foreclose the possibility of being-otherwise, an analogous limit has perhaps been reached.

In sum, where there is violence there is a greater tendency toward domination—violent tactics mark points where power relations are congealed or threaten to congeal, paradoxically failing by virtue of their aspirational rigidity.[180] A power relation can be thought as a state of domination even though channels for resistance exist, if it is saturated enough with the potential for effective violence that the effective possibility of reversal disappears. That is, the dominated remain free to spit into the wind—or, to stake their life on their act of resistance. Crucially, dominated individuals may (and likely do) participate freely in other power relations and fields of action, and may themselves even dominate others. This means that no subject is ever *entirely* dominated: There are simply too many relations and fields of action, *including the relation to the self and action upon the self,* to think the individual as without freedom of any kind. This is why

[180] I make this claim bearing in mind Foucault's caveats regarding individual subjectivity and intent (See *History of Sexuality vol. I*, "Method").

it is crucial to consider relations of domination in their specificity. Like Arendtian classifications, these definitions should be thought of in terms of diagnostic strategies, not ontological absolutes.

Assessing his work, Foucault was adamant that the relation of power is not a violence that sometimes hides.[181] This assertion bears heavily on the relationship of freedom to power. For Foucault, that which is "political" in its most basic sense of pertaining to power relations is not essentially violent. To the contrary, the omnipresence of power indicates the omnipresence of freedom, which is its ground. However, as for Arendt, instrumental violence is a perpetual threat, a danger. It marks the limit of the power relation as such, by means of its suspension or its disappearance into the order of knowledge. Violence, not power, threatens the exercise of freedom—by rendering action irrelevant in the moment and contributing to the state of domination over time; by cloaking constraint under the mantle of Truth; by disposing of the subject as an object; ultimately, by ending a life.

In the immediate context of violence, freedom is rendered irrelevant. When violence has fostered domination over time, Foucault states that *practices* of freedom "do not exist or exist only unilaterally or are extremely constrained and limited."[182] However, the first significant implication to be drawn from his thinking on freedom and violence is that even subject to domination, freedom persists as a potentiality—this is its intransigence. Thus, in states of domination, "be they economic, social, institutional or sexual, the problem is knowing when resistance will develop."[183] The question is when, not whether, freedom will assert itself against violence to try and reinvigorate, relax, or overturn the relational terms. Again, we might say that

[181] "The Subject and Power," 341.
[182] "Ethics of Concern," 292.
[183] "Ethics of Concern."

power and violence are in an asymmetrical and nondialectical relationship, now at the level of microphysical political relations rather than constitutive political logics.

It follows that one important way of thinking freedom on a Foucauldian model is to consider whether this or that concrete power relation is one of strategic play, government, or domination, and how this is so.[184] The crucial marker is whether there is leeway subjects have to alter the terms of engagement:

> the important question here, it seems to me, is not whether a culture without restraints is possible or even desirable but whether the system of constraints in which a society functions leaves individuals the liberty to transform the system…[A] system of constraint becomes truly intolerable when the individuals who are affected by it don't have the means of modifying it. This can happen when such a system becomes intangible as a result of its being considered a moral or religious imperative, or a necessary consequence of medical science.[185]

Foucault's endeavor, and the Foucauldian endeavor, entail thought that calls attention to the presence of violence and domination *qua* intractability in extant systems of constraint, including where putative "freedoms" (e.g., of the sexual, political, or economic subject) depend on the retrenchment rather than refusal of violent practice.

In addition to these implications for freedom as potential resistance, the Foucauldian critique of violence also has implications for freedom as a practice. The "practice of freedom," whether viewed as ethical or political, involves the *active* refusal of violence as an instrument of domination. Again, this precludes any essentializing foundation of political freedom on political violence. This claim, will be more controversial as it involves the kind of broad proposition Foucault tended to avoid on principle. However, as is well known and to the chagrin of

[184] "Ethics of Concern," 299.
[185] 'Sexual Choice, Sexual Act" in *Ethics, Subjectivity and Truth: The Essential Works of Foucault 1954–1984*, ed. Paul Rabinow, trans. Robert Hurley et al. (New York: New Press, 1997): 147–148.

interpreters who would prefer a more purely critical Foucault, nearing the end of his life he encouraged these kinds of readings in an uncharacteristically direct manner:

> MF: The problem, then, is not to try to dissolve [power relations] in the utopia of transparent techniques of communication, but to acquire the rules of law, the management techniques, and also the morality, the ethos, the practice of the self, that will allow us to play these games of power with as little domination as possible.
>
> Q: It is a question of playing with as little domination as possible…
>
> MF: I believe that this is, in fact, the hinge point of ethical concerns and the political struggle for respect of rights, of critical thought against abusive techniques of government and research in ethics that seeks to ground individual freedom.[186]

While this is an isolated statement in an interview notable for its direct and surprising self-interpretations, I do not think it can be dismissed on that count—as will be discussed further in chapter 3, Foucault's intellectual work and political life consistently exhibit commitment to creative formation of the self and of relationships with others, and refusal of the kind of constraint that characterizes states of domination. The implicit challenge of this project is in how one might do so in contexts continually saturated with violence, without succumbing to the temptation to utilize the instrumental logic one seeks to combat.

The Non-identity of Liberation and Freedom

Foucault and Arendt share the conviction that the basic question of political freedom is distinct from that of political violence. Freedom is by no means reducible to the absence of violence or the putative legitimacy of its use. But they also share an unsparing realism and acknowledge the question of violence as being perpetually relevant to political relationality—so also to the

[186] "Ethics of Concern," 292.

prospect of freedom's exercise. The basic force and similarity of their claims are clearly legible in their discussions of liberation.

Sensitized to the issue by his scholarship as well as his political engagements, Foucault is consistently skeptical of any politics of liberation that would purport to result in a *condition* of freedom, to unfetter an essential subject that is "trapped" by a prohibitive power. Much of the force of his critical analytic is captured in this skepticism. However, he grants in the *Ethics of Concern for the Self* interview that in a state of domination, liberation may be "the political or historical condition for a practice of freedom."[187] A process of liberation is the instrumental—and potentially violent—loosening of a system of constraint; not the release of an authentic self, but the rupture of a calcified relation so that subject(s) constituted within it might realize themselves in their potential activity.

However, this change in material conditions or revelation of formerly hidden games of truth and power does not necessarily engender freedom within the newly labile power relation. Liberation

> is not in itself sufficient to define the practices of freedom that will still be needed if this [liberated] people, this society, and these individuals are to be able to define admissible and acceptable forms of existence or political society.[188]

Here, Foucault terms these "practical forms of freedom." "Liberation paves the way for new power relationships, which must be controlled by practices of freedom"[189]—the implication is that practices of freedom are bulwarks against domination.

Addressing the same topic in *On Revolution*, Arendt writes,

[187] "Ethics of Concern," 283. The specificity of the article is crucial here: *a* practice of freedom, not *the* practice of freedom. Like relations of power, practices of freedom should be considered, to the extent possible, in their specificity.
[188] "Ethics of Concern," 282–3.
[189] "Ethics of Concern," 283–4.

> It may be a truism to say that liberation and freedom are not the same; that liberation may be the condition of freedom but by no means leads automatically to it; that the notion of liberty implied by liberation can only be negative, and hence, that even the intention of liberating is not identical with the desire for freedom. Yet if these truisms are frequently forgotten, it is because liberation has always loomed large and the foundation of freedom has always been uncertain, if not altogether futile.[190]

In contrast with her misgivings in *On Violence,* in this work Arendt is clear-eyed regarding the probable violence of liberation from oppression.[191] But the force of her claim is that if the foundation of freedom threatens futility, violent rebellion absent an attempt at its constitution is more futile still.

[190] *On Revolution*, 19–20.
[191] *On Revolution*, 133.

CHAPTER THREE

FREEDOM AS PRACTICE

In this chapter I consider more closely what it means for freedom to be understood as a practice. In chapter 2, I introduced this idea in the work of Arendt and Foucault by emphasizing how both their conceptions of political freedom entail its actualization. This is a definitive point of contrast with the property notion of freedom, a definite refusal of the notion that the enjoyment of freedom might consist in the passive receipt of its administration.

However, between Arendt and Foucault, there remains much to be considered. First, it would be helpful to begin to fill out the context of the autotelic act, to get a better sense of how freedom can be enjoyed, and can be proper to a person if not as a property. There is also the matter of the apparent distinction between free action as Foucault and Arendt understand it—*prima facie*, as action upon the self vs. action in the world—and the relation it gives rise to. There are many plausible implications, including the idea that work on the self is a necessary (or sufficient) condition for participation in a pluralist politics or, conversely, that the turn to ethics diminishes the impulse to political agency, or that authentic practice of one form of freedom might preclude the other.

Without dismissing any of these concerns out of hand, in this chapter I find resources in the life and work of both authors to argue that there is a subtler, less contestatory relation between ethical and political practice, which comes into view when what it means to be a *practice* is kept in mind. In ordinary language, practice does not denote just any kind of activity. The kinds of activity we understand as practices tend to be arts, including performing and martial arts, and also the healing arts, as well as spiritual exercise. This amplifies the resonance with *entelechia*, as discussed when the concept of practice was introduced. It also suggests that the

moment of practical enactment is embedded in a longer developmental process that is important for its realization. Alasdair MacIntyre has defined the term in this way:

> By 'practice' I am going to mean any coherent and complex form of established cooperative human activity through which goods internal to that activity are realized in the course of trying to achieve those standards of excellence which are appropriate to, and partially definitive of, that form of activity, with the result that human powers to achieve excellence and human conceptions of the ends and goods involved, are systematically extended.[1]

Lest this definition be dismissed on account on its Aristotelian ring, I will draw attention to the fact that no necessary content is specified here, and to how closely it accords with Foucault's schematic account of ethics from "The Genealogy of Ethics," which I summarized in chapter 2 and to which I return below.[2] The Arendtian and Foucauldian ideals share a homologous structure that renders both "practices of freedom" legible as such: both accounts involve dialectics of worldly activity and receptive reflexivity in time, resulting in a sustained *energeia* that progressively iterates the form of the self in the world they inhabit.

In both cases the "coherence and complexity" of the practice of freedom consists in a reciprocal movement of activity and corresponding reflection, such that future activity is shaped in turn. I contend that for both Arendt and Foucault, this kind of reciprocal movement is important for freedom's sustained enjoyment. Moreover, this structure suggests a tandem concern for acting on the self *and* in the world in the work of both authors, which is clearly born out when the scope of their lives and work is considered in its fullness. A closer consideration of free action and the reflexive activity that ballasts it in both authors complicates the contest for supremacy between ethical and political practices: their reinforcement of one another is more

[1] Alasdair MacIntyre, *After Virtue* (South Bend, IN: Notre Dame Press, 1981).
[2] It bears mentioning, too, that Foucault's concept of ethics was profoundly influenced by the work of Pierre Hadot, who conceived of ancient philosophy in terms of *askesis*, the spiritual practices or exercises by which one gave form to one's life. See Arnold Davidson, "Spiritual Exercises and Ancient Philosophy: An Introduction to Pierre Hadot," *Critical Inquiry* 16 (Spring 1990): 475–482.

common and ultimately more meaningful than their (equally real) potential for conflict *in extremis.* In short, both Foucault's and Arendt's accounts indicate the mutual relevance of "ethical" and "political" practices of freedom, and the permeability of the border that would separate them.

The Duality of Practice

In "What is Freedom" Arendt emphasizes the active moment in the practice of freedom as she understands it: "to be free and to act are the same." This active moment coincides with the actualization of a worldly potential, as described above. Crucially, for her, action is always in and through association with others; she is at pains to distinguish freedom, as she understands it, from the question of a free or determined individual will in isolation.[3] This distinction hangs on a difference between the I-will (whose emphasis always signals the co-presence of an I-will-not), and the I-*can*: actualized freedom is a performance that subsumes the question of the will.[4] This actualization in performance echoes the phenomenological link to appearance and "natality" described above, and grounds Arendt's close association of political action with the virtuosity of the performing arts.[5]

In its directness, though, Arendt's equation of freedom and action might mislead us into thinking that's all there is to it—and perhaps even shade into worry that her emphasis on the "shining greatness" of public action has a fascistic ring.[6] To the contrary, attention to Arendt's

[3] See Arendt, "What is Freedom?" 157; *Willing,* in *The Life of the Mind* (New York: Harcourt, 1978).
[4] Following Montesquieu, Arendt argues that the capacity to act is essential aspect of freedom, regardless of whether the incapacity results from within or without. "What is Freedom?" 159.
[5] Arendt, *The Human Condition* 187–188, 207. *Thinking*, 131, "What is Freedom" 154. For a discussion, see Ilya Winham, "Rereading Hannah Arendt's "What is Freedom?": Freedom as a Phenomenon of Political Virtuosity," *Theoria*, 59 no. 131 (June 2012): 84–106.
[6] For concerns about the normative implications of her model, see Martin Jay, "Hannah Arendt: Opposing Views", *Partisan Review*, 45 no. 3 (1978): 348–380.

phenomenology of action-in-concert—what I referred to before as the plentitude of the moment of free action—reveals that sheer self-disclosive initiative can't comprise in itself a practice of freedom. *As a practice,* it also requires receptivity and reflexivity. In the first place, this is because to do is to suffer: our actions are irrevocable, but due to the irreducible plurality of perspectives, we do not control how they are taken up and the consequences they engender.[7] Every action, then, entails the consent to bear its result—an openness, even vulnerability to unanticipated processes and outcomes.[8] The action "acts back" on the actor, in that the effect will become part of her story. Plurality makes action possible but also necessitates a receptive correlative.

A receptive and reflexive orientation toward the initiative *of others* is likewise fundamental to freedom's existence as a worldly, tangible reality. Freedom depends on a space of appearance, whose coming into being is coterminous with the performance of free action. But appearance itself depends on the presence of equals, and politics on reciprocity in action, as individuals move from initiating action to the taking-up and carrying-through of others' initiatives.[9] This returns us to the significance of Arendt's extended discussion of the etymological status of action in antiquity: in the archaic understanding, "initiating" (Greek, *archein,* Latin *agere*) and "carrying through" (Greek, *prattein,* Latin *gerere*) were understood as

[7] Arendt describes the paradox of how the "human capacity for freedom, which, by producing the web of human relationships, seems to entangle its producer to such an extent that he appears much more the victim and the sufferer of than the author and doer of what he has done. Nowhere, in other words. . . does man appear to be less free than in those capacities whose very essence is freedom and in that realm which owes its existence to nobody and nothing but man." *Human Condition,* 234.

[8] See Patchen Markell, "Anonymous Glory" *European Journal of Political Theory* 16 no. 1 (2015): 77–99. In Markell's words, "the point of Arendt's idiosyncratic and anti-reductive conception of action is precisely to hold these contradictory elements together—to insist, as she says in *The Human Condition*, that 'to do and to suffer are like opposite sides of the same coin.'"

[9] Arendt, *The Human Condition,* 188. "Action and speech are surrounded by and in constant contact with the web of acts and words of other men."

component parts of action.[10] To "take initiative" then, has a double meaning: it applies to one's own opportunity and the opportunity afforded by the actions of others—even when the "taking" is for the most part a "taking-up" and a "bearing."

This dual movement, by which the autotelic nature of politics is realized, is reflexive not only in that actors take up others' actions, but also in that they judge them. Responding to the actions of another entails the judgment of both the actor and her initiative in terms that will be meaningful for the shared world that both hope to maintain.[11] Insofar as actualized freedom is meaningless without affirmation in judgment, we might go so far as to consider judgment a component part of freedom's overall practice, if not constitutive of free action in itself.[12] The inseparability of action and reflective judgment finds support in Arendt's early essay "Understanding and Politics":

> A being whose essence is beginning may have enough of origin within himself to understand without preconceived categories and to judge without the set of customary rules which is morality. If the essence of all, in particular political, action is to make a new beginning, then understanding becomes the other side of action, namely that form of cognition, distinct from many others, by which acting men…can come to terms with what irrevocably happened and be reconciled to what unavoidably exists.[13]

Because the formal conditions of plurality (equality and distinction) must be maintained, or at least attempted, as the basis of properly political life, reception and judgment of others' initiatives as must be considered as integral to the performance of free action.[14]

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[10] *The Human Condition,* 189. In both languages, the achievement component became the general word for action, while the initiating aspect became associated specifically with leadership and rule.

[11] Thinking the practice of freedom through this duality of activity and receptivity softens the tension between Arendt's statement in *The Human Condition* that actors constitute the public realm *qua* space of appearance, and her later assertion in the *Lectures on Kant's Political Philosophy* that it is constituted *not* by actors and fabricators, but by spectators and critics. See *Lectures on Kant's Political Philosophy,* Ronald Beiner, ed. (Chicago: University of Chicago Press, 1992): 63. On receptivity as a condition of judgment, see Jennifer Nedelsky, "Receptivity and Judgment" in *Ethics and Global Politics* 4 no. 4 (2011): 231–254. On the Arendtian politics as autotelic —"neither contingent nor value-driven, but rather relative to the structure of action," see Guido Parietti, "On the Autotelic Character of Politics," *European Journal of Political Theory* 11 no. 1 (2012): 59–81

[12] See Zerilli, *Feminism and the Abyss of Freedom*, Ch. 4, especially p.126.

[13] Hannah Arendt, *Essays in Understanding 1930–1954*, Jerome Kohn ed. (New York: Schoken, 1994): 321.

[14] *Essays in Understanding*, 145.

Also not explicit, but nonetheless important for a freedom that is realized as practice, these active and reflexive moments unfold over time.[15] This consideration is complicated by the ephemerality of deeds and words, and will be obscured if the moment of action is emphasized to the exclusion of other relevant factors. However, again bearing in mind action's plentitude, it becomes apparent that the thick material, and spatial and interpersonal context of action implies a temporal situation as well. Several of Arendt's qualifications of action call this to our attention. For one, there is the emphasis on the notion of virtuosity in freedom's enactment.[16] As a descriptor of performance, virtuosity is something that comes into being only over time, suggesting consistency in and repetition of the practice.

Arendt's identification of promising and forgiveness as the phenomena that redeem free action from the contingent quality that is the price of its freedom is also important here.[17] Through their forward- and backward-gazes, promising and forgiveness locate the action to which they pertain in a present that can only be thought between past and future. Most telling, Arendt identifies these redemptive phenomena in her discussion of the need for a space of appearance that will persist in time; she is constantly concerned for the *maintenance* of a public realm that will facilitate freedom's sustained enactment. Thus, while freedom's meaning inheres in the event of its performance, the *practice* of freedom requires a sense of this temporal dimension. To be enjoyed by an individual community, rather than experienced as a passing phenomenon, its performance must be situated in the context of a practice.

[15] This reading runs counter to interpretations of Arendt that critique the ephemerality of her conception of freedom. See Mary Dietz, "The Slow Boring of Hard Boards" in *Turning Operations* (New York: Routledge, 2002): 172–175.
[16] "What is Freedom?" 151–152.
[17] *The Human Condition* 235–236.

The active aspect of the Foucauldian ethical practice is likewise easy to discern. Returning to the schematic account of ethics outlined above, recall that ethics is a *rapport à soi* (self-relation) through which the individual constitutes herself as the subject of her actions, taking her departure from a socially extant game of truth. Ethical activity is the means of giving form to the subject.[18] It requires the affirmation of some means of recognizing a part of the self as key to ethical judgment ("ethical substance") and of the particular obligations we have with respect to such, and the *active deployment* of those obligations through a "practice of the self," toward the attainment of a certain kind of being.[19] Accordingly, Foucauldian ethical practice, like Arendtian political practice, must begin from the assumption of an I-can.[20] The relevant question is not of a free or determined will, but of the actions the individual undertakes in daily life to give form to that life, and to herself as the one who lives it. Situating this activity within an ensemble of extant power relations reveals another aspect of its active quality: unless the ethical *telos* is perfectly in line with the prevailing norms and sociopolitical imperatives, it will entail some form of resistance within the relevant power relations.

This ethical activity of self-care is enabled by ongoing reflexivity. Recall that Foucault was emphatic in defining ethics as the *réfléchie* practice of freedom. The late works and many interviews painstakingly detail the modes of reflection predominant in antiquity, most notably

[18] "Ethics of Concern for the Self as a Practice of Freedom" in *Ethics: Subjectivity and Truth,* 291. Arnold Davidson observes that "As the modern prison serves Foucault as a reference point to work out his analytics of power, so ancient sex functions as the material around which Foucault elaborates his conception of ethics." Arnold Davidson, "Ethics as Ascetics: Foucault, the History of Ethics, and Ancient Thought" in *The Cambridge Companion to Foucault,* ed. Gary Gutting (Cambridge, UK: Cambridge University Press, 2005): 123.
[19] See especially "On the Genealogy of Ethics: An Overview of a Work in Progress," in *Ethics: Subjectivity and Truth,* 263; "Preface to History of Sexuality, Volume Two" in *Ethics: Subjectivity and Truth,* 199.
[20] Foucault's practice of freedom is an active practice that in certain respects encompasses, but also self-consciously departs from Christian practices of self-renunciation. Foucauldian ethical freedom should not be confused with the location of freedom in the will that Arendt critiques: His genealogical project similarly sought to trace how an active principle of human conduct was subsumed in the development of Christian morality, a project that was never completed.

keeping a journal (self-writing) and talking with a friend.[21] The presence of another person is important for *pratique de soi*—the role of the interlocutor is participation as to speak truly and without reservation and so to aid in the ethical progress of the hearer. However, it is also possible to think of *askesis* being undertaken alone, through reflective practices (by a hermit or a prisoner for example). Reflection facilitates the judgment of actions according to the mode of subjectification.

The freedom of the individual is actualized in the uptake, application, and innovation of some mode of subjectification in a practice of the self; freedom is manifest in and actualized through the subject's self-formation as such. This is distinct from resistance within a relation of power in that it is intelligible only as a processual work over time.[22] In particular, function of the *telos* and implies this temporal dimension. Practice of self means taking up a mode of subjectification and deploying it in order to give a specific form to the ethical substance *qua* salient feature of the self. This work is not a "one and done" type of activity: Foucault affirms his affinity with the Nietzchean thought that "One should create one's life by giving style to it through long practice and daily work."[23] As a *practice*, it unfolds over the course of a successive series of actions, undertaken in hopes of a certain result, and then reflected upon after the fact. Thus, returning to a key distinction drawn in chapter 2, while liberation can remove prior barriers to freedom's actualization, if it persists it is because it is *practiced*.[24]

[21] "On the Genealogy of Ethics" 253–280; "Self Writing," 207–222; and "Technologies of the Self" 223–279, all in *Ethics: Subjectivity and Truth.*
[22] See "Sex. Power and the Politics of Identity" in *Foucault Live*, 385; "The Hermeneutics of the Subject" in *Ethics*, 95–97. On the other hand, we might consider the sudden alteration and/or reaffirmation of the subject's form through Foucault's account of the limit-experience. It would be interesting, though beyond the scope of the present inquiry, to consider the relation between the limit-experience and ethical practice (cf. "The Subject and Power" in *Power*, 242).
[23] From Nietzsche, *The Gay Science*, no. 290 in "Genealogy of Ethics, 262.
[24] Foucault, 'Space, Knowledge, and Power' in *Power*, 354–355.

The Two-World Theory and the Value of Appearance

Freedom then appears in both structures as a given potentiality that can be actualized through a certain mode of formative (self-changing or world-changing) action; as practice, this actualization (I-can) is inseparable from an attendant mode of reflexive reception, and is realized over time. The apparent structural affinity between the models sharpens the question of their relation: clearly, these conceptions of freedom are not identical, but an either/or between them does not necessarily follow.

In a late interview, Foucault stated that the relation to the self is *ontologically prior* to the relation to others, and thus ought to be attended to first.[25] On its face, this statement would seem to be in keeping with a logic that looks for a ranked relation between freedom as self-relation and freedom in the world. But the assertion that the relation to oneself is ontologically prior does not settle the question of ethics' position relative to politics. Our thinking on this topic will be aided by Arendt's reading of the "two-world theory" in *The Life of the Mind* Vol. I.

Arendt contests a metaphysical fallacy, dominant in the history of philosophy, which leads thinkers to seek a truth of existence concealed by the phenomenal world. This project presumes that the ground is *a priori* more important, significant, or consequential —*truer*—than that which appears. She writes:

> The belief that a cause should be of higher rank than the effect (so that an effect can easily be disparaged by being traced to its cause) may belong to the oldest and most stubborn metaphysical fallacies."[26]

Somewhat surprisingly, Arendt challenges this perspective through the work of a biologist, Adolf Portmann; reading his findings on the apparent importance of appearance in the animal world, she takes up Portmann's argument that "the inner, non-appearing organs exist only to bring forth

[25] "The Ethics of Concern for the Self,' in *Ethics*, 287.
[26] *Thinking*, 25.

and maintain the appearance" and applies this finding metaphorically to human life.[27] Arendt forcefully *reverses* the metaphysical fallacy: "Since we live in an appearing world," she asks, "is it not much more plausible that the relevant and more meaningful in this world of ours should be located precisely on the surface?"[28]

Thus, to posit a ground of appearance—an ontologically prior phenomenon—does not automatically imply that it is ultimately more important than the appearance to which it gives rise. As we will see, there is reason to believe that Arendt herself understood the self-self relation as both *prior to* and *for the sake of* appearance in action. And, given Foucault's famous concern for surface, we might expect him be sympathetic with this view. Reading the ontological priority of the relation to the self in this light gives impetus to a reconsideration of what ethical self-relation might mean for political action. With this distinction between priority and importance in view, we can more subtly pose the question of how the ethical and political paradigms of freedom are related. When the two authors' accounts of freedom are read in their broader contexts—contexts that Foucault and Arendt themselves identified as relevant to the topic at hand—ethical and political practices of freedom appear to demand each other.

Arendt: The Importance of Thought for Action

Arendt developed an account of the self's relation to the self in her last completed works, *The Life of the Mind,* Volumes I and II. These texts have a somewhat aporetic quality, and both hold out a general interpretive temptation to read them as investigations of anti- or apolitical phenomena: Vol. I, *Thinking*, on the philosopher's withdrawal from the world of appearance, and Vol. II, *Willing*, on the action-hobbling philosophical equation of freedom with the will,

[27] *Thinking,* 27.
[28] *Thinking.*

especially in the Christian tradition. These analyses, elaborations of themes introduced in *Between Past and Future* and *The Human Condition,* are certainly pillars of Arendt's project in *The Life of the Mind.* However, just as something important is lost when we read *The Human Condition* as a taxonomic exercise in hierarchy, we will miss the point if we read these final works as wholly exclusive of activity and its related concerns. *Thinking*, the volume that one might expect to be the least action-oriented, was in fact motivated by a political concern: the figure of Eichmann, and the banality of evil that Arendt observed during his trial.

In the courtroom and in his life before the war, the preponderance of Eichmann's behavior was not remarkable—his heinous acts did not seem to be motivated by radical malevolence, wickedness or vice. On the contrary, Arendt was inclined to attribute them to a manifest shallowness: his only outstanding characteristic was his *thoughtlessness*. Arendt writes that as a consequence of this observation (and, we might presume, of the public's reaction to her judgment), she began to wonder whether evil acts might indeed take root and grow not only from "base motives," but also from the absence of thought.

> The question that imposed itself was: Could the activity of thinking as such, the habit of examining whatever comes to pass or to attract attention, regardless of results and specific content, could this activity be among the conditions that make men abstain from evil-doing, or even "condition" them against it?[29]

"Thinking," then, was in part an examination and defense of the concept "banality of evil," an attempt to investigate its phenomenal basis. Moreover, she writes that the experience revitalized "certain doubts" that lingered in the aftermath of *The Human Condition*—the work she had intended to call *The Vita Activa.* These doubts prompted her to end the work with a quote that

[29] *Thinking,* 5.

Cicero ascribed to Cato: "never is a man more active than when he does nothing, never is he less alone than when he is by himself."[30]

Consonant with the statesman she references, Arendt recognizes that mental life has an active quality, and follows up this intuition by asking what we are "doing" when we do nothing but think. Her assertion of the active quality of thought is something of a rejoinder to a philosophical tradition that unfavorably contrasts the insecure toil and trouble of life in the world with the quiet, ideal calm of contemplation. Arendt gives a twofold reply to the tradition: in *The Human Condition*, by validating the active life that had been denigrated by comparison, and in *The Life of the Mind*, by confirming the restless activity to which Cato referred. Complicating the hermetic distinction between politics and thought, she ventures that thought is enabled by political freedom, and that under tyranny, thought is more endangered than action.[31] Knowing what we do when we think, it seems, will be important for our efforts to "think what we are doing."

In accompanying other activities and representations—that is, from the point of view of the world—thought is the sheer awareness of the self as a continuity, of an I-am-I that unites manifold experiences, representations and memories across time. But considered as an activity in its own right, thinking is revealed as a kind of invisible and unworldly intercourse, distinct from rational calculation in its lack of a determinate object. Arendt's simplest definition of thought is "the soundless dialogue of the I with itself."[32] The life of the mind is constituted by reflexive

[30] *Numquam se plus agere quam nihil cum ageret, numquam minus solum esse quam cum solus esset." The Human Condition,* 325, *Thinking,* 5. This quotation and the thought associated with it seem to have assumed a growing importance in Arendt's work over time. After appearing in the essay "Ideology and Terror" in 1953, it was added to the revised edition of *The Origins of Totalitarianism*, where it appears in the concluding pages. See Hannah Arendt, "Ideology and Terror: A Novel Form of Government" *The Review of Politics* 15 no. 3 (1953): 324.
[31] *Human Condition,* 324.
[32] *Thinking,* 74–75.

activity—by action of the self on the self.[33] *Persons* are constituted and given to themselves in thought.[34]

Like the other mental activities, the "dialogue" of thinking takes place in speech; this, for Arendt, separates them from affect, the pathos of the soul.[35] Individual uniqueness is expressed in speech, and so conditioned by an experience of the self as duality in thought. For Arendt, this reveals plurality not only to be the condition of political life, but also of our inner life, insofar as it can be called a "life" at all.[36] The experience of thinking shows that human beings exist *essentially* in the plural.[37] It should not be surprising, then, that despite the fundamental distinction between mental and political activity, public action appears to depend in certain crucial respects on the action of the self on the self. This relation can be approached from several angles.

Arendt's account of appearance in *The Life of the Mind* opens one lens on the relation between ethical and political freedom. In *The Human Condition,* Arendt emphasizes that the individual's appearance to others in action—the disclosure of the "who"—is not achievable as a willful purpose. In the later work though, she foregrounds the *deliberateness* of appearance—the "enterprise of self-presentation."[38] In choosing to appear in one way and not another, "I am not merely reacting to whatever qualities may be given me; I am making a choice among the various

[33] "Mental activities themselves all testify by their *reflexive* nature to a *duality* inherent in consciousness: the mental agent cannot be active except by acting, implicitly or explicitly, back on himself." *Thinking,* 75.
[34] See Coline Covington, "Hannah Arendt, Evil and the Eradication of Thought" *International Journal of Psychoanalysis* 93 (October 2012), 1215–36.
[35] *Thinking,* 31–32
[36] *Thinking.* 74; "Socrates" in *The Promise of Politics,* ed. Jerome Kohn, (New York: Schocken Books, 2005): 22.
[37] "Nothing perhaps indicates more strongly that man exists *essentially* in the plural than that his solitude actualizes his merely being conscious of himself, which we probably share with the higher animals, into a duality during the thinking activity." *Thinking,* 185.
[38] Arendt, *The Human Condition,* 179; *Thinking,* 36–37.

potentialities of conduct with which the world has presented me."[39] The characterizations of self-disclosure in the two works are not necessarily at odds, but rather offer two perspectives on the same phenomenon. Self-presentation depends on the reflexive character of mental activities, in that public action realizes an inner act of choice among potentials of conduct. However, the choice of actions does not simply encapsulate the given qualities of the individual (the "unchangeable substratum of gifts and defects peculiar to our soul and body structure"), or account for the vagaries of the situation and others' judgment of one's response to it.[40] The chosen course of action will appear differently to oneself than it appears to others.

Thus, the "who" revealed in action is at once deliberate and beyond the individual's control. In a passage that resonates with Foucault, Arendt writes that while some choices about how to appear are determined by culture—that is, made to please others (or, we might add, at their pleasure)—some choices are not: "we may make them because we wish to please ourselves, or because we wish to set an example, that is, to persuade others to be pleased with what pleases us."[41] No less than any other self-disclosive action, free political action will depend on such a choice.

We get a deeper treatment of this topic in *Willing*, through Arendt's discussion of Duns Scotus. Scotus stands apart from other philosophers of the will in her assessment: she asserts that his "genuine new insights. . . . could probably be explicated as the speculative conditions of a philosophy of freedom."[42] These insights include an embrace of contingency as the price that must be paid for freedom, and, unlike other Christian philosophers she treats in her history of the

[39] *Thinking*, 36–37. "This "would not be possible without a degree of self-awareness—a capability inherent in the reflexive character of mental activities and clearly transcending mere consciousness, which we probably share with the higher animals."
[40] *Thinking*, 37.
[41] *Thinking*, 36
[42] *Willing*, 145–46.

will, a conception of the will that does not founder on the problem of its brokenness—the "deadly struggle" between *velle* and *nolle*, I-will and I-nil. Where the scholastic tradition maintains that this broken faculty can be repaired only through divine grace, Scotus cuts the Gordian knot by asserting, in Arendt's reading, that the will heals itself in action.[43] She seems to endorse this assessment of the will as a mental *potency,* whose conflict with itself is resolved in action, just as the doubled I-am-I of the thinking ego becomes one in the company of others.[44]

Unredeemed by action, threatened by contingency and deadlocked with necessity, a freedom located in the faculty of the will is irreconcilable to Arendt's politics and anathema to her understanding. The Scotian free will, however, has a less determinate status. As she reads him, Scotus' conception of the will, experienced by the thinking ego as a "powerful I-can," sits flush with the contingency and initiative of political action—"only the willing ego knows that 'a decision actually taken need not have been taken and a choice other than the one actually made might have been made.'"[45] For Scotus, though, the free action that resolves a divided will is apparently *not* a political phenomenon: "it is the possibility of resistance to the needs of desire, on the one hand, and the dictates of intellect and reason, on the other, that constitutes human freedom."[46] This possibility can be fulfilled only in the action that resolves the divided will. Arendt's exploratory endorsement of Scotus' account opens an interesting margin of possibility that some aspect of freedom may be conceivable in self-relation. More certainly, her reading of Scotus highlights the political relevance of mental activity as action on the self.

[43] *Willing,* 141.
[44] *Willing,* 149.
[45] (quoting Scotus' meditations); *Willing,* 142.
[46] Or, taking a temporal view, the will's openness to contraries and to subsequent indifference, in light of another volition "is a testimony to human freedom, to the mind's ability to avoid coercive determination from the outside." Arendt, *Willing,* 142.

Standing opposite these immediate forms of self-reflexive activity, free action is also linked to thought through principle. Principle is underdeveloped in Arendt's analysis, but she consistently appeals to it to explain what gives rise to action, outside of the calculus of ends.[47] Action "springs from" or is "inspired by" principle, and serves as a standard of judgment for the community's deeds and misdeeds.[48] As distinct from motive, principle is inexhaustible and universal, in the sense that it is held independent of particular ends.[49] This transcendence of particulars highlights the link between principle and thought, which is concerned for the general, and moves among universals.[50] Arendt states this relation directly: despite the radical opposition between thought and action, "the principles by which we act and the criteria by which we judge and conduct our lives depend ultimately on the life of the mind."[51]

Principle denotes a kind of ground, but without the necessarily totalizing abstraction of a moral norm: Simply put, there is no truth-claim inherent to action on principle.[52] Rather, as an

[47] Principle was, until recently, largely neglected in Arendt scholarship as well. Winham (2012) and Parietti (2011) treat principle at length and it has now received a full exposition by Lucy Cane. Cane's paper, which focuses productively on the development of principle in *On Revolution*, makes it the hinge-point of a "distinctly political ethics. But her contention, which I take to be correct, that principles are open to radical rearticulation and must be renegotiated over time, skirts the reflexive work of thought that is necessarily attendant to that process, short-changing the ethical component. See Lucy Cane, "Hannah Arendt on the Principles of Political Action," *European Journal of Political Philosophy* 14 no. 1 (2015): 55–75.

[48] *Willing*, 201.

[49] "What is Freedom?" 151. Principles vary according to form of government— examples include glory, honor, and love of equality, distinction or excellence, also fear, distrust or hatred. Their universality, then, is not in the Kantian sense of the term.

[50] *Thinking*,75; 199.

[51] *Thinking*, 71, my italics. It is telling that Arendt speaks in her own voice here, rather than reviewing the position of another thinker.

[52] The principle implies neither truth of reasoning nor truth of fact. This is important, given the fraught relation Arendt identifies between truth and politics, and the tension between truth and free action, due to the compulsive nature of truth. See *Thinking*, 59–61, "Truth and Politics" in *Between Past and Future*. Truth, as "what we are compelled to admit by the nature either of our senses or of our brain," is the provenance of scientific rationality, itself an intensification of common sense, which fits our five senses into the world we share with others and, through their testimony, verifies what we find there. Taking up the Kantian distinction between *Verstand* and *Verunft*, Arendt insists on a distinction between the *knowing* associated with either kind of truth, and the *thinking* that quests after meaning. The quest for meaning is "meaningless" to common sense reasoning; Thinking requires the *loss* of common sense, which allows for the abstraction of a concept from exemplars. While all of our abstract nouns fall under the rubric of concepts ("thought-words') and thus into the realm of thought, the examples Arendt cites are especially noteworthy: "justice, truth, courage, divinity and so on."

inspiration and a standard of judgment, principle serves as a conceptual basis of *meaning*: when Arendt appeals, in *Thinking,* to the questions of meaning around which communities are organized, principle seems the most likely referent. Insofar as such questions are decided in advance, we might take principle to be an artifact, rather than an object of thought. Even so, it is apparently important for the kind of action that results—the inspiring principle determines whether human initiative gives rise to freedom or its opposite.

Related to principle, thought is also linked to action in that it liberates judgment, the faculty of judging particulars without subsuming them under general rules and the most obviously political aspect of the life of the mind.[53] Judgment, which allows one to say "this is wrong" or "this is ugly," is distinct from thinking in that worldly particulars, things close at hand, whereas thinking deals in abstractions and representations. To say judgment might need liberation, implies its potential restriction: Arendt identifies this situation with political emergencies, "when everybody is swept away unthinkingly by what everybody else does and believes in."[54] The tidal pull of mass activity relies on the absence of a "stop-and-think"; the rationale for everyone's acts—their meaning—and the conformity of particular imperatives with that rationale are simply assumed. We can say judgment is in need of "liberation" insofar as factors of this kind inhibit its exercise.

In such cases, according to Arendt, the thinking person will refuse to go along, and so becomes a conspicuous actor despite herself. Even in the absence of public engagement, through this abstention, the actions and activity of others become more visible as what they are. The reflexive action of thought can destroy unexamined *doxa*—opinions, doctrines, convictions and values, reinvigorating sclerotic questions of meaning (thought's special concern), without

[53] *Thinking.*, 192.
[54] *Thinking*.

providing an easy rule for an answer.[55] These claims are deeply resonant with Foucault's argument for the political relevance of thought. Arendt contends that acts of judgment that had been inhibited are stimulated when the meaning of public events and activities is thus put into play. In these instances, then, the "manifestation of the wind of thought" is a capacity for judgment, which realizes thinking in the world of appearances.

This brings us to a final angle on the political importance of thought: Arendt argues that the quality of the individual's self-relation both shapes the character of the world and is crucial for the inhibition of evil in it. Ethical reflexivity bears on political reality, because my expectations of others are largely determined by my experience of the self with whom I live. Returning to thought as an experience of plurality, we find a kind of mirror-effect (which is not to say identity*)* between the inner space brought into being by thought and the public brought into being by co-action. Arendt illustrates this claim with the example of a murderer, who, because he lives with himself as a murderer, sees others in the image of his own deeds and so lives in a world of potential murderers.

> It is not his own isolated act that is of political relevance, or even the desire to commit it, but this *doxa* of his, the way in which the world opens up to him and is part and parcel of the political reality he lives in. In this sense, and to the extent that we still live with ourselves, *we all change the human world constantly, even if we do not act at all*.[56]

I will expect of others in the public world no more than what I expect for myself. Arendt maintains that the reflexive activity of thought has its most direct bearing on politics due to a property inherent in the activity.[57] Thinking retards political evil because the unthinking person doesn't have to live with themselves and their actions, and will therefore act with impunity,

[55] *Thinking*, 177, 192.
[56] Arendt, "Socrates," 22–23, my italics; Cf. *Thinking,* 188, which uses this example to open the discussion of conscience.
[57] *Thinking,* 180.

whereas the thinking person, who must keep company with themselves, will not. Taking these two factors together, it is apparent how ethical bankruptcy *qua* thoughtlessness enables mass political evil: living with myself as one who foregoes judgment in favor of normative convention, who never pauses to consider the meaning of principle, and whose actions accord with that shallow logic, I live with others in the same way.

So, while "action, in which a We is always engaged in changing our common world, stands in sharpest possible opposition to the solitary business of thought," the actualization of individual freedom through politics is also deeply conditioned by the reflexive experience of thinking and of the will as a potency.[58] Support for this proposition comes in the conclusion to *The Origins of Totalitarianism*, where we learn that the most radical effect of totalitarian politics is that it deprives people of solitude, the condition of thought, and throws them back on a lonely inability to be in one's own company: "self and world, capacity for thought and experience are lost at the same time."[59] This loss, Arendt posits, cripples the capacity for thought and so, clears the ground for the a-politics of domination.

For this reason, despite its apparent tension with her phenomenology of action there is no mystery in Arendt's statement that "Absence of thought is indeed a powerful factor in human affairs, statistically speaking the most powerful, not just in the conduct of the many but the conduct of all."[60] Thinking is not the special provenance of philosophers: if the ability to tell right from wrong depends on it, we must be able to "demand" its exercise from every sane person, no matter how erudite or ignorant, intelligent or stupid.[61] These considerations have bearing on everyday acts that do not qualify as properly political, but they are especially *pressing*

[58] *Willing*, 200.
[59] Arendt, *Origins of Totalitarianism* (New York: Harcourt, 1951): 477. Cf. *The Human Condition*, 58–59.
[60] *Thinking*, 71.
[61] *Thinking*, 13.

in regards to the world we share. By these lights, there is perhaps nothing more dangerous than the absence of thought and general impotence of the will—conditions that all but guarantee an absence of judgment and action, even without external interference.

*Foucault – Action as the "*Essay" (*Test) of Thought*

Having considered the place of thought as action on the self in Arendt's political understanding, I now turn to how Foucault's understanding of freedom as an ethical reality demands some engagement with the question of political praxis. Although her aim is to dispute the value of Foucault's late work for political thought, Ella Myers' careful analysis of how a concern for associative action seems to motivate his studies of individualizing disciplinary tactics and massifying biopolitical strategies is an excellent point of entry.[62] Foucault's persistent, early worry about how new modes of subjectification shape the possibilities of collective action gives clear evidence of an originary political concern. As with Arendt, there are multiple confluences between freedom in ethics (as self-relation) and (worldly) political action discernable in his life-work. The attention to associative activity in the early work is the first in a series of nexuses between ethical freedom and politics which, taken together, alert us to the essential entanglement of these concerns in the Foucauldian analytic.

For a juncture that both is conceptual and tracks Foucault's shift in emphasis we can look to his 1978 lecture course, *Security, Territory, Population*, best known for its elaboration of governmentality. Arnold Davidson has shown how the March 1 lecture of this course articulates a conceptual "hinge" between the ethical and political axes of Foucault's thought, in the idea of "counter-conduct."[63] "Conduct" is the term that best expresses the modus operandi of

[62] Ella Myers, "Resisting Foucauldian Ethics: Associative Politics and the Limits of the Care of the Self," *Contemporary Political Theory* 7 (2008): 125–146. Myers takes this as fodder for a quasi-immanent critique of Foucauldian care of the self as a "limited resource" for challenging depoliticizing power-effects, a claim I dispute.
[63] Arnold Davidson, "In Praise of Counter-Conduct," *History of the Human Sciences* 24 no. 4 (2011): 25–41.

governmentality, in that it accommodates the double-dimension of conduct as both an interpersonal relation between parties and a manner of behaving attributable to the individual. Foucault turns immediately from this modality of power to what Davidson calls "the correlative counter-movements" that arise in resistance to them. These movements have a corresponding double-dimension, in that they expressly implicate a relation to the governing party and to the self.

The dyad "conduct/counter-conduct" shares many structural features with that of "power-resistance," but foregrounds self-relation as a constitutive component. According to Davidson, "On one hand, the notion of conduct/counter-conduct adds an *explicitly* ethical component to the notion of resistance; on the other hand, this notion allows us to move easily between the ethical and the political, letting us see their many points of contact and intersection."[64] Foucault later returns to the notion of conduct in "The Subject and Power," with explicit attention to its political significance. Thus, in the intervening years between Volumes I and II of *The History of Sexuality*, we find a clear conceptual link between the political focus of the former and the ethical focus of the latter.

Approaching from a different angle, we might take up Foucault's contention that a thinker's "concrete political attitude" must be sought primarily in actual political activity—in lived political *ethos*.[65] Keeping with his refusal to draw a line between philosophy and life, another juncture between politics and Foucault's conception of ethical freedom emerges from a consideration of his political involvement. Foucault's understanding of his own self-care

[64] Davidson, "In Praise," 28.

[65] "The key to the personal poetic attitude of a philosopher is not to be sought in his ideas, as if it could be deduced from them, but rather in his philosophy-as-life, in his philosophical life, his ethos." This assertion comes in the context of a discussion of the Nazi collaboration of notable intellectual figures. It is followed by a refusal of a political identification insofar as politics is "determined by a pre-established political project" or tends toward "the realization of some definite political project." Foucault, "Politics and Ethics: An Interview" in *The Foucault Reader*, ed. Rabinow (New York: Vintage Books, 2010): 374.

precluded any articulation of any theory of politics "which would be at once *abstract* and *limiting"* in favor of concrete but general problematics that "approach politics from behind," and this attitude is born out in his life as an activist.

Foucault lived a political life: He was deeply and consistently engaged in activist struggles, including anti-fascist, anti-militarist and anti-authoritarian movements, and gay political action, although—and this is crucial—he was suspicious of identity as a basis of political mobilization.[66] His activism ranged from high profile public events to the everyday work of mobilizing and community building, to street encounters with police.[67] Best-known is his involvement in the formation of the *Groupe d'Information sur les Prisions*, whose chief aim was to publicize claims and imperatives articulated by prisoners, making them visible to a public that otherwise would ignore them or take their social death for granted. According to David Halperin, Foucault:

> consistently refused to speak for others, working instead to create conditions in which others could speak for themselves, and this driving ethical ambition expressed itself in his resistance to any attempt to subordinate the political efforts of political groups to universalizing or generalizable standards of ethical value.[68]

This approach was hyperconscious of the weight of intellectual "authority" and entailed a rejection of Marxist orthodoxy, continually placing him outside "most of the squares on the political checkerboard."[69]

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[66] Foucault states this position in several of the interviews collected in *Power*, including "Sex, Power and the Politics of Identity" 163–4, 166; "The Social Triumph of the Sexual Will" 157–162; "Interview with Michel Foucault" 279–282.
[67] David Halperin, *Saint Foucault: Towards a Gay Hagiography* (New York: Oxford University Press, 1995): 23–25. See also David Macey, *The Lives of Michel Foucault*, (London: Hutchinson, 1993): 257, 290, 446–448.
[68] Halperin, *Saint Foucault,* 53; See "Interview with Michel Foucault" in *Power,* 288.
[69] For Foucault's reflections on the political criticisms, see "Politics, Polemics, Problematizations" in *Foucault Live*; On the role of the intellectual, see Gilles Deleuze and Michel Foucault, "Intellectuals and Power" in *Language, Counter-Memory, Practice* (Ithaca, NY: Cornell University Press, 1977): 205–217.

But the work was no less political—and no less associative—for its refusal of totalizing doctrines. The absence of a developed *theory* of politics does not amount to a lack of concern for political engagement: to the contrary, the absence of a systematically propositional political theory reflects an ethico-political commitment, a refusal to impinge upon other modes of free thought and action through the development of totalizing accounts. Foucault's lived ethos, then, seems to have required an enacted politics even as it precluded the elaboration of an overarching theory. This peculiar position can be read, in itself, as a juncture between freedom as an ethical and as a political practice.

The question then arises: is there some aspect of Foucault's project that can help us account for this position? One candidate is the overarching concern for domination (and the tendency of power relations toward it) that unites his scholarly trajectory and articulates another nexus between individual ethical freedom and associative political activity. As discussed in chapter 2, the term "domination" is elaborated primarily in Foucault's interpretations of his own work.[70] "Domination" is a calcified state of power relations, where the individual's margin of available action is extremely narrow and she has very little real capacity to affect the play, much less the rules, of the games of power and truth that determine the course of her life. In many cases, domination relies on a claim to truth. The human sciences give rise to subject-forms that can be dominative in that they posit objective knowledge of identity, scaffolding permanently asymmetrical interpersonal relations and foreclosing internally perceived possibilities for self-subjectivation. As "efficient" inducements to action within regimes of power, states of domination inhibit collective action (as Myers describes).[71]

[70] See especially "The Subject and Power" in *Power*; "The Ethics of Concern for the Self as a Practice of Freedom" and "Sexual Choice, Sexual Act" in *Ethics*; and "Clarifications on the Question of Power" in *Foucault Live,* 255–263.
[71] "Problematics" in *Foucault Live*, 417; Myers, "Resisting," 132–134.

The ethical posture Foucault took in his activist life amounts to a horror of domination: a refusal to speak for others, a resistance that strives not to dictate how people ought to speak, behave, or be in any universal sense. This is precisely the ethico-political posture that shapes his scholarly method, which tends to present a historical critique from which the reader is invited to draw her own contemporary conclusions. Regarding the content of his work, Foucault's work along the axis of power-knowledge posits that states of domination operate under the sign of truth, while the later, "ethical" work, especially the final lectures, tracks a potential relation between conscious engagement in games of truth and resistance to domination of and by others.

If the power relation can be thought on a spectrum running from domination on one end to a labile, agonistic play of force on the other, Foucault's normative preference for the latter is so clear as to be self-evident. The difficulty lies in how maintaining such a state requires a delicate ethical operation, a mode of self-relation that can avoid both the drive to dominate and being dominated. This is especially important for a politics that would seek to avoid reproducing the kinds of calcified power-structures to which it is opposed: hence, the ineluctable entanglement of ethical and political concerns.

Foucault's consistent focus on making deep and covert forms of domination legible as such is not an end in itself, but a step toward the modification or reversal of "efficient" or calcified relations of power. In the critical endeavor, we find another juncture between ethics and politics—here, associative politics in particular are brought to the fore. Critique uncovers the hidden thought that drives everyday practices, the rationales taken for granted in established institutions, forms of experience, ways of being. In an interview with *Libération,* Foucault asserts his motives:

> We need to…stop regarding that essential element in human life and human relations—I mean thought—as so much wind. Thought does exist, both beyond and before systems and

> edifices of discourse…Criticism consists in uncovering that thought and trying to change it… *To do criticism is to make harder those acts that are now too easy.*[72]

This statement carries a definite call to a political project. Here, echoing Arendt's concerns, he posits that the "act that is too easy" is performed without thought. Foucault goes on to distinguish between critique and the work of transformation, the actual struggle to modify behavioral and institutional forms toward a new relation of forces. He suggests that the goal of the intellectual is to think in such a way that transformation will be made urgent, and to think radically enough that it will be "deeply inscribed in reality."

In the Preface to *The History of Sexuality,* Vol. II, Foucault considers how this critical project has developed over the course of his career, from forms of knowledge, to power, to the subject's self-relation. Considering each of these dimensions of experience in their historicity, endeavoring to trace the history of thought, opens possibilities for new ways of being. This is so because "thought is understood as the very form of action—as action insofar as it implies the play of truth and false, the acceptance or refusal of rules, the relation of oneself to others."[73] This statement should not be taken to mean that to think is to act (an important distinction to which I will return in chapter 6). Rather, thought in its accretion over time and the critical distance it demands, establishes the formal parameters for what our words and deeds will mean, how they will be regarded and disregarded, and ultimately, the effects that they will have. Foucault's concern for thought entails a concern for action. Ethical inquiry, regarding how the subject understands itself and its possibilities as an agent, is of a piece with the concern for political activity.

[72] 'So Is it Important to Think?' in *Power,* 456, my italics. Arendt also takes up the Socratic association between thought and wind.
[73] "Preface to the History of Sexuality Volume Two" in *Ethics*, 201.

Foucault speaks of his own writing as provoking an experience that will transform the relationship we have with our own knowledge and with collective practice. *Everything I do is done with the conviction that it may be of use*.[74] In the essay "What is Enlightenment?" he is (almost) explicit in his statement of this priority, espousing a philosophical project that "is seeking to give impetus, as far and wide as possible, to the undefined work of freedom."[75] By his own account, he intended to pose political problems so as to preclude resolution by expert fiat—so that "through concrete questions, difficult cases, movements of rebellion, reflections and testimonies, the legitimacy of a common creative action can also appear." Again, we see how the ethical, methodological and activist commitment to non-domination in Foucault's critical project describes the negative space of a normative commitment: prioritization of the others' freedom.

Thus, we see how the work on ethics, emerges at least in part from the question of politics. It also tilts perceptibly toward a return. Far from ignoring the question of politics, Foucault's final work on ethics engages it directly, making the crucial problematic explicit. In his final lecture courses, Foucault highlights the juncture between ethics and politics through a genealogy of how they came apart. The *College de France* courses of 1982–1983 and 1983–1984 elaborate the concept of parrhesia, free or frank speech.

Parrhesia is a mode of elocution by which the speaker binds herself to the content of her statement by staking the relation she has with the hearer(s)—and even her life—on their reception of that content: in the parrhesiatic statement, the speaker *risks* herself by speaking her

[74] Interview with Michel Foucault" in *Power*, 244, 294–295, my italics; The sentences that precede this quote are illuminating (note the collective pronoun): I think there are a thousand things that can be done, invented, contrived by those who, *recognizing the relations of power in which they are involved*, have decided to resist them or escape them. From that viewpoint, all my research rests on the postulate of absolute optimism. I don't construct my analyses in order to say, "This is the way things are, you are trapped." I say those things only insofar as I believe it enables us to transform them.

[75] "What Is Enlightenment?" in *Ethics*, 316.

truth, testing herself and her truth in the process.[76] According to Foucault's genealogy, this concept was, at its inception, political: parrhesia was a foundational element of democracy, a component of the ethical foundation of the political form.[77] The lecture course of 1982–1983 traces the process by which democratic parrhesia came to have an ambiguous meaning, and to be associated not only with agonal speech among equals, but also with rhetoric in pursuit of power. The predominance of this "bad parrhesia" characterized the decline of Athenian democracy; concurrent with it, the term was appropriated into the discourse of philosophy, where it came to denote the speech by which one "tests one's soul" against the soul of another in a friendship relation.

Parrhesia did not lose its political valence altogether but shifted its position outside that field of discourse in its specificity: it moved from the assembly to, on one hand, the soul of the prince (exemplified by Plato's involvement with Dionysius the Younger[78]), and on the other, to the visible public outside the official institutions of politics and society. The heroic figure of this latter movement is the Cynic, who situates himself outside of prevailing norms and lives so as to make his life a testament and provocation to the truths neglected by the public at large. In the figure of the Cynic (and of Socrates, among others), the care of the self coincides with the care of others through a lived incitement to the possibility of their own self-care.[79]

These studies, which articulate a final hinge between ethics and politics, are crucial to understanding how care of the self relates to political ethos. As Frédéric Gros writes, the stake of

[76] Truth, here, should not be understood in its Arendtian register, in its opposition to meaning.
[77] Michel Foucault, *The Government of the Self and Others: Lectures at the College de France 1982–1983*, ed. Frédéric Gros, trans. Graham Burchell (New York: Picador, 2010): 176–177. This discourse entails equality in speech, self-disclosure and shared risk or solidarity among speakers and hearers.
[78] Treated at length in *The Government of the Self and Others*, this development is summarized in the second lecture of *The Courage of Truth* (61-63).
[79] Michel Foucault, *The Courage of Truth: Lectures at the College de France, 1983-1984*, ed. Frédéric Gros, trans. Graham Burchell (New York: Picador, 2010): 313.

the 1984 lectures was to show that care of the self "is also a care for truth-telling, which calls for courage, and especially a care for the world and for others, demanding the adoption of a 'true life' as continuous criticism of the world."[80] This concern accords with that of the prior year's lectures, which in tracking parrhesia's discursive shift, ask "what relation to the self is constructed in the person who wants to direct others and in those who want to obey him?'[81] Gros' summary accounts reflect the inseparability of Foucault's ethics from political concerns. In the words of Nancy Luxon, this late work reflects not an aestheticized solipsism or flight out of the world but a "commitment to a set of ethical practices that would focus individuals squarely on their relations to others, on their own words and deeds, as the necessary substance of ethical work."[82]

Taking the breadth of their work into account, it is clear that Arendt understands action on the self to be important for world-making practice, and Foucault's ethics of self-care is inseparable from politics. But the imbrication of these paradigms of freedom is also reflected in everyday political practice. From a political perspective, one cannot maintain public relations with someone incapable of acting on herself. Think, for example, of a man who passionately dedicates himself to just political concerns but is irate and beats his partner. Surprising, that his efforts to build community with others are troubled, becoming impossible when the fact comes out? Or, think of a community organizer who cannot allow for the agency of the community on behalf of whom she purports to act. Is it strange that her efforts frustrate the very world-making practices at which they aim? These examples demonstrate how political freedom as co-action demands an

[80] Frédéric Gros "Course Context" in *The Courage of Truth*, 349.
[81] Frédéric Gros, "Course Context" in *The Government of the Self and Others*, 389.
[82] Nancy Luxon, *Crisis of Authority*, (Cambridge: Cambridge University Press, 2013), 202.

ability to see, and act upon, oneself as the subject of one's actions. The cultivation of *ethos* may or may not take departure from a political concern, but public practices of freedom will wither in its absence.

On the other hand, the possibility of ethical freedom as a practice does not seem to depend on the practice of politics. There are many exemplars of hermit-ethics, ascetics withdrawn from concern for the world. Of these rare individuals, we might simply say that they practice freedom in another or non-worldly way, and attribute this to their devaluation of the world as such. Regarding everyone else, although a courageous and truthful self-relation does not exactly *require* a lived politics, an active and cooperative effort to act in the world, its absence is suggestive of a certain lack; an inattentiveness the given facts of being *of* the world and *in* relations of power (the facticity that the hermit-ascetic willfully denies). Leaving that willful denial aside, one might question whether an adequately ethical self-relation is possible without the acknowledgment and assumption of those givens—the conditions that constitute the very possibility of "self."

These considerations suggest a complex relationship: ethical and political practices of freedom are both *inseparable from* and *irreducible to* one another.

If there are limits to the ethical paradigm of self-care, there are converse limits to a political ethos that restricts its concern to public freedom. Foucault's work gives us a better sense of the covert force of "frozen thoughts" that inhibit action and judgment, and of the self-relation that might be necessary for actors to inhabit the space between equality and distinction: this is what we gain by locating action-in-concert within a Foucauldian account. On the other hand, Arendt makes us appreciate the effectiveness of power (as she understands it) against violence and force,

and draws our attention to its specifically associational character.[83] Most important, she opens the possibility of a freedom that insists on difference as a condition of possibility rather than a scandal, and comes into the fullness of its being over the time of an individual life, but also in the necessary space of a shared world. To read these thinkers together, however, is always also to read them against each other. The essential tension between them emerges in their readings of Socrates.

Socrates between Two Freedoms

I have argued that striking homologies in the conceptions of freedom developed by Arendt and Foucault might make us suspect an ontological commonality, especially when they are compared with liberal understandings, and that the authors treat the relation between action on the self and action in the world in a way that we cannot regard these two ways of freedom as mutually exclusive normative alternatives. Before concluding, I would like to further complicate this picture by dispelling any suspicion that I find their positions to be reducible to one another, or even to be wholly reconcilable. I will do this through a preliminary treatment of their readings of Socrates, which opens up the paradigmatic contrast between them.

In his interpretation of Socrates, Foucault develops the Delphic "know thyself" as a project of self-care.[84] He foregrounds Socrates' claim, in the *Apology,* to have avoided the political practice of parrhesia after his daemon warned him of the risk of danger to his life if he should enter the political realm—"the famous daemonic ban which restrained him and prevented him from entering public life."[85] This choice is justified not by a fear of death, which Socrates

[83] Arendt, *The Human Condition*, 200–201. Foucault observes this phenomenon, in a way, but does not investigate it: See "Useless to Revolt?" in *Power*, 452.
[84] "The Hermeneutics of the Subject" in *Ethics*, 91.
[85] *The Courage of Truth*, 87.

claims not to suffer, but rather by the divine charge that he care for himself and for others—a "sort of soldier among the citizens, having to struggle at every moment to defend himself and them."[86] In this reading, Socrates cares for others through a parrhesia, different from political parrhesia in development, form, and aim: 1) Where political parrhesia is manifest as someone's assertion that they are capable of truth-telling, Socrates' proceeds as an examination; 2) Where political parrhesia is courageously addressed to the assembly or Tyrant, Socratic parrhesia practices the examination and confrontation of individual (private) souls; 3) Where political parrhesia tells people what they have to do and then turns away, leaving them to manage themselves and the truth, Socratic parrhesia aims at *autou epimeleia*, encouraging people to take care of themselves. This parrhesia is endangered by politics, now marked as a site of the "bad" parrhesia, but useful to the city in that it fosters in the citizens a concern for their reason, truth and soul.

In short, Foucault associates Socrates—before Plato—with the foundation of a discursive mode preoccupied with care of the self. The crucial point here is that the Socratic innovation in free-speaking is the renunciation of any political ascendancy and power over others.[87] As Foucault reads it through these classical texts, despite the foundation of democracy in an ethos of equality and free-speech, politics itself—especially institutional politics—and the associated rhetoric unavoidably come to be defined by the aim of power over other individuals; the political concern for free-speaking which emerges is grounded in this pursuit, and so implies a desired ascendancy, even within a structure of formal equality.[88] Thus, political speech as such is always

[86] *The Courage of Truth*, 86; cf. 110.
[87] *Government*, 319.
[88] *Government*, 300.

over-determined by a desired effect on the hearer, rather than the truth-value of the utterance for the speaker.[89]

Foucault seems to suspect that politics, in its institutional form or insofar as it can be defined as such (as a discursive field unto itself) cannot be separated from the desire for ascendancy over others—not merely in the glorious moment of enunciative action but in persistent relations of power—the web, perhaps—that grows out of it. As care for one's own and another's soul, philosophy cannot collude in this form of rationality, but must remain exterior to politics, but in relation to it, "facing" it, testing its reality in relation to a political practice of governance but not coinciding with it.[90] His reading of Socrates' political activity confirms this view: as a philosopher, Socrates refuses public life, and the orientation to power over others it would entail. But as a citizen, "in the political field not constituted by one's ascendancy over others but by one belonging to a political field," his philosophical form of life requires him to act, and to act in conformity with justice by risking himself in speaking an unpopular truth.[91] In Foucault's reading, this exemplar of ethical self-relation demonstrates how politics serves as philosophy's test of reality, and the fulfillment of a political role can enact self-care, while the ethical subject refuses to invest in the particular game of truth and power that marks the political field as such out from power relations writ large.

Arendt's reading of Socrates also proceeds from the oracular "know thyself," and her interpretation of this statement is similarly emblematic of her thought:

> In the Socratic understanding, the Delphic "know thyself" meant: only through knowing what appears to me, only to me, and therefore remaining forever related to my own concrete existence—can I ever understand truth.[92]

[89] *Government*, 315, 318; Cf. 369, "Rhetoric must therefore be indifferent to the just and the unjust and is justified as a pure agonistic game."
[90] *Government*, 288; *The Courage of Truth*, 78–79.
[91] *Government*, 319. Socrates' experiences under the Thirty and as prytanis under the Assembly suggest that in this respect, democracy was no better than oligarchy.
[92] "Socrates," 19.

In other words, the call is to a knowledge that associates one's truth with one's *doxa* or opinion. For Arendt's Socrates, the two are intimately related. His status as the wisest man is tied to his acceptance of the limitations of truth for mortal individuals, and the adherence of truth to opinion, understood as a situated and particular way of understanding the human world. Truth in *doxa* was a matter of consistency with oneself—the agreement of the two-in-one discussed above.

Like Foucault, Arendt reads the partition between politics and philosophy, and of rhetoric and dialectic, as bound up with Socrates' trial and execution. But she associates this move with Plato, not his teacher, and attributes it to Plato's reactive desire to subject politics to rule by an eternal truth.[93] This distinction permits her to interpret Socrates as a figure for whom there was no essential conflict between political and philosophical life. Indeed, she reads the Socratic enterprise as a political enterprise; not *dialegesthai* but maieutic, midwifery, assistance in the birth of the individual's truth. "The difference with Plato," she insists,

> is decisive: Socrates did not want to educate the citizens so much as he wanted to improve their *doxai*, which constituted the political life in which he took part. To Socrates, maieutic was a political activity, a give and take, fundamentally on the basis of strict equality, the fruits of which could not be measured by the results of arriving at this or that general truth.[94]

In this reading, there is not a split between the ethical subject and the subject of politics: to be concerned for the perspectival judgments and meaning making practices of all comers is to involve oneself in political life. Arendt takes Socrates to have believed that "the political function of the philosopher was to help establish this kind of common world, built on the

[93] "Socrates," 12. Arendt is adamant regarding the distinction between the historical Socrates and the Socrates presented in the dialogues. See *Thinking*, 168.
[94] "Socrates," 15.

understanding of friendship, where no rulership is needed."[95] He appears as a paradigm of being "with others, and neither for or against them."[96]

This analysis, written as part of an unfinished manuscript in the years after *The Origins of Totalitarianism* was published, is consonant with the reading of Socrates in *Thinking*, where she develops his character through three famous similes: the gadfly whose sting rouses the citizens from dogmatic slumber; the electric ray, who stings them into stopping to think; and, again, the midwife. There is a meaningful shift, though, in the third simile—now she interprets the maieutic as a purging of unexamined *doxa* ("wind-eggs") without a guarantee of a live birth.

On the other hand, Arendt can take Socrates to be a political actor when he is in the agora, not just when he fulfills his duties as a citizen, because the domain of politics proper, as she conceives it, is autopoietic through shared initiative and self-disclosure, rather than defined by a discursive form. It can therefore extend beyond governmental institutions to touch other realms of common concern: as a space of appearance where free actors move and act, the marketplace can be political. This tension, regarding the boundaries of politics as such, is perhaps semantic, but it opens onto a more serious problem. It would seem that Foucault's ethics, notwithstanding their necessary relation to political power and work to give rise to associative counter-conduct (in the market and wherever else), cannot admit participation in activities of governance. This position sits at a difficult angle with Arendt's abiding concern with the "constitution" of freedom though institutional arrangements and law.[97] Thus, in the sole instance when he was asked directly about an Arendtian concept of power and the potential for auto-legitimation of ordering structures it entails, Foucault was willing to admit it as a *critical*

[95] "Socrates," 18.
[96] *The Human Condition*, 180.
[97] See *On Revolution*.

principle, but not as a *regulative* principle.[98] The Arendtian power people generate together is still, for Foucault, "neither good nor bad, but dangerous."[99]

I return to this tension in chapter 6. For the moment, it should not prevent our appreciation of the deep, almost strange affinity between these two understandings of freedom, and the attunement to politics that they suggest. This affinity is perhaps most overt in the authors' shared "hostility to the ideology of rule," to the claim of a standard of individual or group conduct that would foreclose the possibility of agential innovation.[100] It comes to the surface almost poignantly in statements where they seem to take up the other's primary concern. On one hand, Foucault, insisting in a final interview that posing a problem to politics forms the basis for a community of action, makes possible the future formation of a "we."[101] On the other, Arendt concluding her rumination on what, exactly, thought is good for: not knowledge, but rather the ability to distinguish between right and wrong, beautiful and ugly. "And this," she writes, "at the rare moments when everything is on the table, may prevent catastrophes, at least for the self."[102]

[98] "Interview with Michel Foucault," in *The Foucault Reader,* ed. Paul Rabinow (NY: Random House, 1984): 377–379.
[99] "The Risks of Security" in *Power: The Essential Works of Foucault 1954–1984,* ed. James Faubion (New York: New Press, 2000): 373.
[100] Here I borrow a felicitous phrase from Markell.
[101] "Polemics, Politics and Problematizations" in *Ethics,* 114–115.
[102] Arendt, *Thinking,* 193.

CHAPTER FOUR

THE FREE SUBJECT IN PLAY

In Chapter 1, I argued that liberal theories of politics tend to conceive the free subject as a sovereign subject, and I considered sovereignty as both a boundary concept and a theological concept. As a boundary concept, sovereignty simultaneously establishes the basis for and delimits the legitimate exercise of power. In many liberal theories of politics, the notion of subjective sovereignty serves to specify a realm of life wherein the state does not have legitimate authority—a realm that can be subject only to the control of the individual. In this sense, freedom *qua* sovereignty draws a border to keep the political, here understood as the state, out: by this border, it establishes and maintains itself. As a theological concept, sovereignty figures the irresistible or conquering will, a notion traceable from God, to the state, to the individual. Within the legitimate sphere of subjective sovereignty, the will of the individual is (or by right ought to be) the determinant force.

Sovereignty is a metaphorical figure of a political ideal. It carries with it potent metaphysical implications, depending, for its coherence, on the coherence of a certain kind of agential subject. In her survey of contemporary liberal theories of freedom, Katrin Flikschuh draws two conclusions regarding their shared conceptual features. First, that there is "the notion of a necessary connection between a person's freedom and others' non-interference with that person." Second, such theories rely on "*some* conceptual link between freedom and the normativity of reason"—links that are often not explicitly thematized.[1] As I noted in Chapter 1, the logic of freedom as self-sovereignty draws these elements together. "Internal" self-

[1] Katrin Flikschuh, *Freedom* (Cambridge: Polity, 2007): 171–172.

sovereignty plays an important role in holding the boundaries that define "external" sovereignty. Thus, while the freedom of the liberal subject depends on the satisfaction of an external criterion, that the free subject not be forcibly (or, to some, circumstantially) deprived of necessary and sufficient agency, it also depends on an implicit or explicit internal criterion linked with the quality of the agency itself.

In this chapter I examine the contrast between this free sovereign subject and the possibility of non-sovereign freedom as Arendt and Foucault conceive it. In light of their respective critiques of sovereignty and concurrent destabilizations of the subject who could be described as sovereign, and of the subject-grounds problem in the reception of both critiques as described in chapter 2, there is an evident need for another conceptual model of subjective freedom.

I propose that that both Arendt's and Foucault's conceptions of freedom understand the free subject as being *in play*. That is, the kind of being that qualifies a subject as free, in the work of both authors, corresponds significantly with the modes of activity and relation that "play" describes. I elaborate the notion of play through various dimensions of its conceptual development in the social sciences and humanities, and then return to the authors' respective accounts of individual freedom to argue that this concept is well-fitted to their accounts of the free subject. By introducing the paradigm of play as a heuristic for the freedom of the subject, my goal is to add dimension to the idea(l)s of individual ethico-political freedom presented by Foucault and Arendt and present what the two theorists have to offer each other from another angle.

Most broadly, my hope is that this figure of non-sovereign freedom might potentially invigorate our political imaginary outside the paradigm of subjective mastery. As discussed in

chapter 2, Brown's return to the imaginary of sovereignty at the conclusion of *Undoing the Demos* reveals the profound difficulty of such a turn without an alternative conception of the subject in its freedom—a problem intimately linked with the critical destabilization of normative grounds. It is this difficulty that motivates my introduction of play into the conversation surrounding non-sovereign freedom. Play provides a model—a conceptual paradigm or anthropological heuristic—for thinking about how an ethico-politics can be grounded in the mode of its activity, rather than a prior quality of the acting subject or the law that delimits action. In the player, we catch a glimpse of a subjective freedom that does not depend on the internal or external guarantee of sovereignty.

Play as a Paradigm of Free Subjectivity

With some notable exceptions, play was subject to neglect and derision in Occidental scholarly discourses during the period coincident with the emergence of modern forms of government. It was associated with dissimulation, frivolity, immaturity, and non-seriousness. Today, the landscape looks very different—the study of play is an academic sub-discipline—but it is nevertheless difficult to define with conceptual precision, due to the number of competing definitions as well as the breadth of phenomena that the term encompasses in its everyday use. The difficulty now is to understand play in a way that will be theoretically useful, precise enough to be meaningful, but not so narrow as to exclude relevant valences of meaning, even when they are challenging.

One entry point to this discussion is to consider some significant philosophical deployments of play as a concept. This will give us a sense of the kind of work play has done in thought, and the unique capacities that have been attributed to it. From there, I will shift my

focus to the social sciences, to consider how the concept of play has been developed out of observed empirical phenomena. Here, there is remarkable convergence with philosophical deployments.

In philosophy, play has a special affinity with paradox; specifically, it describes an active accommodation and mediation of antithetical binaries. These paradoxical qualities are integral to classical definitional attempts, and even legible in Plato's elliptical treatment of the topic in the *Laws*—the Athenian stranger suggests that play be elevated above the serious in the lives of men, and later even characterizes the discourse he and the statesmen have been engaged in as play.[2] Indeed, the most notable uses of the concept of play in philosophy have not been grounded on rigorous attempts at definition. Rather, its use is generally descriptive: Play is introduced to explain and account for the effective mediation of an apparent, and apparently insoluble, paradox. What the author means by "play" is worked out in the application of the term.

Perhaps the most notable example is Kant's use of play to address a problem of aesthetics in the *Third Critique*.[3] In Kant's account of the beautiful, a valid judgment of beauty can be made regarding an object, without the subject's subsumption of that object under any determinate concept—for there is no determinate concept of beauty. But how can aesthetic judgment be valid without being determinate? The idea of play is crucial to solving the problem. In Kant's account, the beautiful object gives rise to a unique, formally specific relation between the imagination (the representative faculty of sense perception) and the understanding (the conceptual faculty). The judgment of beauty is valid when the object in its singularity (in its

[2] See Thomas Henricks, *Play and the Human Condition* (Urbana, IL: University of Illinois Press, 2006): 19.
[3] I am indebted in this reading to Eli Friedlander's helpful exposition in *Expressions of Judgment* (Cambridge: Harvard University Press, 2015): Introduction and Chapter 1.

irreducible uniqueness and indissoluble unity) brings imagination and understanding into a relation of "harmonious free play."

The contemplation of an aesthetic object is a formally unique condition in which the cognition of the subject opens onto the object and is held open. The faculties of imagination and understanding quicken each other in response to the object, yet the contemplation is restful. In the judgment of beauty, concepts may be applied; interpretive possibilities are entertained, and even held. But the case is never closed, in that no one concept can be isolated and fixed as the factor that determines the beauty of the object. The term "play" describes the dynamic movement that constitutes an intermediary between imagination and understanding, subject and object—the space of active judgment.

This dynamic stasis with respect to determining concepts allows for the viewer's disinterestedness, enabling the puzzling "purposiveness without a purpose" that Kant attributes to beauty.[4] Were the object to be judged beautiful through its subsumption under a concept, the judgment would cease to be disinterested; some perspective, taken by virtue of a particular interest, would come to predominate in the judgment, rendering it determinate. But since the concepts of the understanding remain in free play with the imaginative representations, the meaning-making possibility held out by the object remains perpetually open.

In Eli Friedlander's reading, this possibility is indeed "held out," in that the play of imagination and understanding transpires *between* the subject-observer and the aesthetic object: Kant terms this holding-open of that space in play the 'presentation of form.' It is precisely *here* that beauty is located, and the feeling of disinterested pleasure which serves as Kant's subjective-

[4] As Friedlander explains, "It is in relation to this coming together of concepts purposively, yet without an overarching determination of the end, that one would open enough space for play that involves both imagination *and* understanding."

universal criterion for the beautiful consists precisely in the subject's disinterested delight in feeling her capacities active in such a way. Through the aesthetic object, the individual becomes present to herself as a judging subject, in play.

Friedrich Schiller took up Kant's understanding of play in his argument for aesthetic education as a means of reconciling the passions to reason in political life. For Schiller, knowing the faculties in play through aesthetic judgment capacitates an analogous mediation between the physical/sensual and moral/rational qualities of human being, enabling the individual's reasoned reconciliation to state authority.[5] Kant's deployment of play to describe an intermediary function is also developed by Hans-Georg Gadamer, whose interpretation is akin to Friedlander's reading, in that it locates play beyond the subject.[6] Play serves in his work as an exemplar of an event of self-presentation that draws the engaged person in: it is his key metaphor for the experience of the beautiful in nature or art,[7] as well as the phenomenon of hermeneutics, as the play of language draws the players into language itself.[8]

But there are other important examples from well outside the tradition of Kantian aesthetics. Two especially bear mention here. First, there are significant aphoristic gestures to play in the work of Friedrich Nietzsche, most notably in *Zarathustra* but also in *Ecce Homo* and the writings published as *Will to Power*.[9] The capacity to play is a crucial figure of the

[5] Friedrich Schiller, *On the Aesthetic Education of Man*, trans. E.M Wilkinson and L.A. Willoughby (Oxford: Clarendon Press, 1967). See especially Letters 9, 13–15, 18, and 20. While he seems to conclude that the passage through the play of the aesthetic is an intermediary stage on the road to full autonomy, the work also includes the quite striking statement "man only plays when he is in the fullest sense of the word a human being, and he is fully human only when he plays (107)."
[6] Hans-Georg Gadamer, *Truth and Method*, trans. J. Weinsheimer and D. Marshall (London: Bloomsbury, 2004): 102.
[7] Gadamer, *Truth*, 108–110, 20.
[8] Gadamer, *Truth*, 505–506.
[9] "But say my brothers, what can the child do that the lion could not do? Why must the preying lion still become the child? The child is innocence and forgetting, a game [also play, *spiel*], a self-propelled wheel, a first movement, a sacred "Yes." For the [*spiel*] of creation, my brothers, a sacred yes is needed: the spirit now wills his own will, and he who had been lost to the world now conquers his own world." Friedrich Nietzsche, *Thus Spoke Zarathustra*,

affirmative principle. When play is read through the Dionysian, the performance or *schauspiel,* and the dance, the consistency of the theme becomes apparent. In his reading of Nietzsche, Georges Bataille emphasizes play as the watchword of "the object grasped in immanence."[10] The paradox of a going-beyond or self-overcoming that refuses transcendence is accommodated by the phenomenal exemplar of play.

We can also look to the work of Ludwig Wittgenstein, whose theory of language is elaborated through the metaphor of *spiel.*[11] This figure is a dominant theme in the *Philosophical Investigations,* where it opens onto the problematic of how language can hold together without a determinate essence. Most striking for our purposes here is Wittgenstein's declamation regarding what is desirable in a concept:

> One can say that the concept of a game [*der Begriff 'Spiel'*] is a concept with blurred edges—'But is a blurred concept a *concept* at all?'—Is a photograph that is not sharp a picture of a person at all? Is it even always an advantage to replace a picture that is not sharp by one that is? Isn't one that isn't sharp just as often what we need?[12]

Common to all these deployments of play are its use as a descriptive paradigm for a kind of immanent resolution of apparent paradox that is brought about in and through the sustenance of dynamic and yet self-stablilizing movement. We might think of play as the optimal figure of "chiasmic unity," the possibility of opposite terms being held together without synthesis or subordination, each maintaining its specificity.[13] And, in each case, the simultaneous opening

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trans. Walter Kaufmann (New York: Viking Press, 1954): 27. It should be noted that the German "spiel," which has been translated as "game," also means play.

[10] Georges Bataille, *On Nietzsche* (New York: Paragon House, 1994): 151–152.

[11] What has been translated as "language game" might also have been "language-play." Wittgenstein uses formal games, such as chess, as well as more open-ended play to illustrate his claims. It is interesting to consider how the choice of "game" in translation might have influenced Wittgenstein's Anglophone reception.

[12] *Philosophical Investigations*, eds. P.M.S. Hacker and Joachim Schulte, trans. G.E.M Anscombe et al. (Oxford, UK: Wiley-Blackwell, 2009): §71.

[13] On the notion of chiasmic unity, see Friedrich Ulfers, "Introduction to Friedrich Nietzsche" in *The Dionysian Vision of the World* trans. Ira Allen (Minneapolis: Univocal, 2013).

and stabilization of grounds for this unity in play undoes or precludes the reification of the opposing terms. These conceptual features of play make it particularly suited to the characterization of the mode of being of the free subject between openness and closure, outside the paradigm of sovereignty.

Play in the Social Sciences

This affinity with paradox, a simultaneous holding-open and holding-together, is no less apparent in the preponderance of social scientific efforts to define play; very often, there is an insistence on the inclusion of at least two opposing terms, and sometimes more. The elusiveness of a standard definition is apparently related to the fundamental ambiguity of the phenomenon. Johannes Huizinga, widely held to have initiated contemporary social scientific inquiry into play, proposed a prototypical definition that includes play's being at once rule-governed and free, chaos-courting and order-generating.[14] Very recent definitions employ similar binaries of openness and closure.[15] Attempts to define and understand play position it at the juncture of tension and relaxation, goal-orientation and non-purposiveness, seriousness and frivolity, meaning and meaninglessness, creation and destruction, self and world, even the juncture between the material and spiritual realms. That the conceptualization of play requires its situation between opposite terms points to its phenomenal uniqueness. One might venture that the resultant dynamic tension accounts for play's singularly pleasurable affective quality—its *fun*—

[14] Huizinga, *Homo Ludens: A Study of the Play-Element in Culture* (New York: Roy, 1950 [1938]): 13.
[15] For summary accounts see Henricks, *Play*, Ch. 2; Miguel Sicart, *Play Matters* (Cambridge, MA: MIT Press, 2014): Ch 1; Stuart Brown, *Play: How it Shapes the Brain, Opens the Imagination and Invigorates the Soul* (New York: Penguin, 2009): 17–18; Brian Sutton-Smith, *The Ambiguity of Play* (Cambridge, MA: Harvard University Press, 1997): Ch.1; Gregory Bateson, "A Theory of Play in Fantasy" in *Towards An Ecology of Mind*, (Chicago: University of Chicago Press, 2000): 17–18. Eugen Fink posits play at the juncture of the Apollonian and Dionysian: See E. Fink, Ute Saine, and Thomas Saine, "The Oasis of Happiness: Toward an Ontology of Play." *Yale French Studies* 41 (1968): 19–30.

and its related tendency to facilitate a mode of subjective engagement that takes the player "out of themselves" and out of time, the state of "flow" elaborated by Mihaly Csikszentmihalyi.[16]

As noted, the social scientific and humanistic fields of play scholarship have grown extremely broad, and competing definitions abound. Rather than try to synthesize a conclusive definition of the term, I will consider three different angles on play: the background conditions or "frame" of its occurrence; the aspects under which it appears; and the effects it tends to produce.

In making this survey I have taken my bearings from genre classics but also tried to emend them as necessary, and to introduce missing perspectives when they will give a fuller or more nuanced view. My goal is not to synthesize a comprehensive or analytically definitive account, but rather to develop an appropriately thick and recognizable phenomenal description that shows how important play has been in diverse accounts of human existence, makes visible those features of play that might go unnoticed in the everyday, and introduces them as viable considerations for ethico-political life.

Frame

I begin by considering the background conditions that enable play. Many social scientific definitions of play rely heavily on a description of the conditions that frame it, distinguishing play from other kinds of activities, and facilitating its manifestation as such. The conditions of play include the context potential players occupy, the resources and "affordances" to which they have access, as well as the disposition of the player(s).[17] If the play is not solitary, this disposition must include a shared intentionality, a condition that may hold formally, through the

[16] Mihaly Csikszentmihalyi, *Flow: The Psychology of Optimal Experience* (New York: Harper and Row, 1991).
[17] Henricks identifies five "resources" for play: psyche (personal orientations), body (physical capacities), environment (material resources), society (shared behavioral formats), and culture (publicly accessible ideas). Henricks, *Play*, 72–75.

acceptance of rules, tacit or explicit, and/or through individuals' attunement to their own activity and metacognitive acknowledgment among themselves.[18]

To begin, play does not happen under conditions of coercion or duress. It is made possible when there is no immediate concern for the maintenance of the life of the organism, and so becomes more possible when basic survival needs have been met. The ethologist Gordon Burghardt, terms this condition of security the "relaxed field."[19] His claim, derived from animal behavioral research, runs parallel to the commonsense notion that when survival is imperiled by an external threat or the lack of some basic need, we would not think of activity geared toward meeting that need or eliminating the threat as "play."[20] Thinking of human beings, for whom the variables of security and threat are much more complicated, it is perhaps best to think of this qualification under conditions of extremity. It could be argued the play is necessary, but one is not driven to play by necessity.[21]

Akin to the idea that play activity is not activity directed toward the assurance of physical survival is the idea that play cannot be forced. Again, this is a commonsense intuition, widely agreed-upon in the scholarly literature. Many theorists, including Huizinga, have identified this stipulation with the "free" quality of play[22]; I will avoid this formulation in order to preserve the specificity of the freedoms Arendt and Foucault attempt to articulate. The kernel of this argument is that play as such cannot, will not, does not proceed wholly from the mandate to

[18] See Gregory Bateson, "Theory of Play," 177–193.
[19] Burghardt's work synthesizes decades of disparate research on animal behavior, See Gordon Burghardt, *The Genesis of Animal Play* (Cambridge, MA: MIT Press, 2006): 77–78.
[20] This qualification helps explain why children, whose survival needs are met, have a much greater tendency to play than adults, and why well-maintained animals in captivity play more than wild animals (Burghardt, *Genesis*.).
[21] However, as we will see, it may be fitting to think the individual's freedom to override the survival imperative, as in a hunger strike or voluntary conflict, as the victory of play over the physiological imperative.
[22] Huizinga, *Homo Ludens*, 8.

comply with some external impetus—if it is not spontaneous (a term favored by some thinkers), there must be an autochthonous impulse that rises to meet and engage the external appeal.

To posit such a motive does not involve any specific claim regarding the structure of will or desire, only the postulate of a discontinuity, even a minimal discontinuity, between actions that take their immediate initiative from within and from without. Such discontinuity allows that, in some contexts, the phrase "play with me" will be heard as an appeal, an invitation that gives rise to play, while in others it will be heard as a command that precludes it, depending on the context and the disposition of the hearer. No one can be made to play—play ultimately depends on optative engagement.

That play cannot be geared toward survival or coerced is related to a third, more general ideal, that play is not a purposive (ends-oriented) activity. Although it may entail pursuit of a goal or goals or produce certain effects, when play is "framed" by the players in terms of those goals or effects, it loses something of itself. For example, we might think of the professional athlete, or the dogged corporate participant in a team-building improv exercise, for whom the objective of job security remains front and center.[23] Play as such has an autotelic quality, whereby the player understands the activity to constitute its own primary purpose.[24] This quality is linked to the regular identification of intrinsic motivation, innate attraction, and/or continuation desire—some propensity to self-sustenance—as among its characteristic traits.[25]

The autotelic quality of play—the priority of the activity over other intrinsic and extrinsic objectives—opens onto another framing element: equality. Equality is often read primarily as a

[23] See Huizinga, *Homo Ludens,* 195–200.
[24] Huizinga states that play "interpolates itself as a temporary activity satisfying in itself and ending there." (9) Contemporary consensus concurs: According to Bernard Suits, "*All* instances of play *are* instances of autotelic activity." See also Henricks, *Play*, 191; Sicart, *Play Matters,* 16–17; Burghardt, G*enesis,* 72–73.
[25] Brown, *Play*, 17–18; Henricks (*Play,* 36–37) cites related properties in multiple play theorists' recent definitions.

formal requirement of agonistic competition—that which is required to render the contest "fair."[26] Its function is thrown into relief by the actions of the cheater, who seeks unfair advantage while appearing to honor the rules and thereby elevates the instrumental goal of victory over the play itself.[27]

Turning to the fields of etiology and developmental psychology, though, the framing condition of equality also has subtler attributes. Burghardt relates how animals in play-combat curtail their own capacities in order to play with younger or weaker companions.[28] A similar phenomenon can be observed among children, who, *disposed to play*, will simplify their actions to accommodate younger peers or push beyond their comfort zones to keep up with older ones. This tendency is an important component of Lev Vygotsky's analysis of how play facilitates children's cognitive and sociocultural development.[29]

The term "equality" is somewhat inadequate here, in that it connotes a merely formal condition, while this play-frame also involves a metacommunicative agreement among players to act and interact in such a way that enables shared action and interaction. Sociologist Thomas Henricks calls this kind of engagement-oriented play "dialogical."[30] In it, relations to the self and others are formally and/or tacitly geared to remaining in play.

There is another important nuance to the equality condition, in that it names a frame of inclusion that encompasses instances of "playing with" in the sense of a shared game, and "playing against" in the sense of competition but does not hold when other senses of these terms

[26] See the discussion of handicapping to simulate equality in Robert Caillois, *Man, Play and Games* (New York: Schocken, 1979 [1961]): 14.
[27] In doing so, the cheater undermines and yet preserves the conditions of play. Huizinga contrasts the cheater with the figure of the spoilsport, who undermines the frame altogether, refusing to even pretend to acknowledge its relevant order (Huizinga, *Homo Ludens*, 11).
[28] Burghardt, *Genesis*, 74.
[29] Bodrova and Leong, "Standing 'A Head Taller than Himself': Vygotskian and Post-Vygotskian Views on Children's Play" in *The Handbook of the Study of Play, Vol. 2* (New York: Rowman & Littlefield, 2015).
[30] Henricks, *Play and the Human Condition* (Urbana, IL: University of Illinois Press, 2015): 211; cf. 87.

are operative. Individuals and groups also play with others in the sense of toying with them as objects, and play in opposition to (as opposed to with-and-against) individuals or systems, either directly or by making marginality central to their play. Henricks terms these ways of playing "manipulative" play, "rebellious" play, and "exploratory" play, respectively. In these cases, the play disposition is present, but unilateral or asymmetric, not common to all parties to the situation.[31] As Brian Sutton-Smith argues, these subjective orientations are often excluded from theoretical accounts of play because they call its normative status into question, highlighting the possibility of "dark," risky, and antinomian play.[32] Rebellious play also foregrounds the importance of agential disposition, revealing the possibility that the player's psychic framing of their activity can override the play-negating effect of biological necessity or coercive force.

Generally, we can think of the relaxed field, internal motive, autotelicity, and equality as framing conditions of play. The last framing condition I will mention, perhaps the most important, concerns the fact of the frame itself. Play takes place within certain spatiotemporal boundaries that mark it off from other life activities. Such boundaries always constitute a context. They may be highly formalized (the ball court and the game clock) or simply a matter of individual attunement (I work the crossword until I stop and turn my attention away) and tacit interpersonal agreement (parent and child become equal partners while building the pretend town).

The other framing conditions I have described are taken to hold uniquely within these boundaries, distinguishing the realms of play from other realms of adult life, where command-hierarchy, necessity, and ends-orientation tend to hold sway. This boundedness highlights the

[31] Henricks, *Play*, 211.
[32] Brian Sutton-Smith and Diana Kelly-Byrne, "The Idealization of Play" in *Play and Animals and Humans* (Oxford, England: Basil Blackwell Inc., 1984): 305–321.

artificial, self-conscious or *intentional* nature of the play-frame. For Huizinga, play-space and play-time designate a "magic circle" which suspends the rules of hierarchy, necessity and instrumentalist logic that determine social reality.[33] We may not wish to maintain the implied mysticism of Huizinga's formulation. However, the framing boundaries of play mark out the possibility of a particular kind of activity—a particular mode of being.

Forms

Next, we can consider the prototypical iterations of the play activity, what Huizinga calls the "aspects" under which play appears. He posits that play is generally actualized as *agon* and representation; these modes often overlap. *Agon*, or competitive struggle, is clearly identifiable with play activity as game or sport, for children and adults, in casual leisure or festival.[34] Play with others very often takes the form of competition against them, although due to the framing conditions discussed above, this competition is set apart from, say, competition over scarce resources as it is commonly understood in economics or political science. The equalizing and autotelic qualities of the play-frame become especially relevant in determining the uniqueness of this kind of play. Even when play is solitary it may take on this agonic quality, as the player attempts to beat a past performance or a self-administered challenge.

Huizinga describes his second key mode of play as "realization in appearance" or "actualization by representation." This iteration of play is recognizable in children's pretend-play, sacred ritual performance, and the dramatic play of mimesis.[35] It is partially responsible for

[33] Huizinga, pp. 9-11.
[34] Huizinga: "The *agon* in Greek life, and or the contest anywhere else in the world, bears all the formal characteristics of play, and as to its function belongs almost wholly to the festival, which is the play-sphere." (*Homo Ludens*, 31).
[35] Huizinga, *Homo Ludens*, 14–15.

the pejorative valence play tends to have, as we say something we said or did was "only playing," that it wasn't "real." Even more than *agon*, representation highlights the important function of *appearance* in play: Play as representation depends on the co-presence of others, with or to whom the player appears in a certain, somehow heightened, way. This aspect of play has had special significance for anthropologists, for whom the "actualization by representation" that takes place in ritual yields important information about the social structure of a given society.[36]

To these classically accepted aspects of play, we might add play as a mode of exploration and innovation—what I will call *explorative* play.[37] The addition of this mode finds its strongest support in the work of developmental psychologists and theorists of education. While the particulars vary widely, it is commonly agreed that children develop new capacities, including cognitive, linguistic, sociocultural, and ethical capacities, primarily through play (I will return to this topic in the next section). In simple terms, this kind of play will be familiar to anyone who has repeatedly retrieved baby's fork as she discovered gravity and her own powers in relation to it. Explorative play accounts for large swaths of early human and animal play that are neither strictly mimetic nor agonic. But perhaps more importantly for my purposes here, it also does the crucial work of connecting play to aesthetic practice. Considering play in its explorative iteration may help us to understand artists' individual or collective efforts to "see what works," pushing beyond what has been done before through a trial and error where the stakes are high, but intrinsic, and failure is not fatal.

[36]This thematic is developed in detail by Victor Turner and Clifford Geertz, to whose work I will turn later in this section.

[37] This term is chosen in distinction from Henricks' "exploratory" play, which names a framework of interpersonal relation.

The French sociologist Roger Caillois famously criticized Huizinga's assessment, insisting that he left out two other important iterations of play.[38] He termed these *illinx*—the vertiginous sensation pursued by children spinning in circles or adults on a roller coaster—and *alea*—games of chance. Certainly, these categories enrich the classificatory schema, although it may be that they add nuance and dimension rather than introducing a strict qualitative difference. For example, *agon* and *alea* can be thought as the two discrete elements of contestation: *Agon* accounts for the component that contestants control, *alea* accounts for the role of chance. Their relative proportions vary along a continuum—from chess to pick-6 lotto. And, considered on broader phenomenological terms, both the vertiginous and aleatory aspects are encompassed by what I've termed the explorative, as players play at pushing beyond the given limits of how the world is constituted, perceived, and understood.

Effects

The third perspective on play considers the effects that have been attributed to it by social scientific analyses. Here, disciplinary perspectives must be born in mind, as what play is said to foster is largely determined by the discipline's guiding preoccupations: roughly, psychologists focus on the effects of play for individual well-being and pathology, sociologists consider its relevance for the structure of social life, theorists of education specify its importance for child development, and anthropologists foreground how play reveals patterns of meaning in culture (these attributions inevitably bleed into each other). Most notable, taking a wide view of these analyses, is the very special role that is attributed to this seemingly minor phenomenon. Across disciplines, play is associated with evolution, development, and creativity. Perhaps surprising

[38] Caillois, *Man*, Ch. 1.

given its historically marginal status, play is overwhelmingly endowed with uniquely generative potential.

Often, this generative potential is understood in terms of individual development. As noted above, and at against the prevailing educational practice in public schools, it is widely acknowledged that children learn best through play. This thesis was advanced by Plato, Locke, and Rousseau but was largely rejected in the modern period until it was resuscitated through the work of Friedrick Froebel in the late nineteenth century; today, it is the consensus view of the canonical figures of modern developmental psychology and philosophy of education.[39] The American pragmatist philosophers especially emphasized the importance of play for the child's psychosocial development.[40]

There is wide variation, and much passionate disagreement with regard to particulars: for example, while Maria Montessori emphasizes manipulative play with the scaled-down realia of adult life and excludes fantasy play as detrimental,[41] Vivian Paley makes the construction of fantastic narratives central to psychological adjustment.[42] Whereas Jean Piaget emphasizes play as a motivation toward mastery of motor and cognitive skills, Lev Vygotsky gives primary importance to the development of abstract thought through socio-dramatic play. However, there is consensus among these pioneers in the field and the scholars who continue to build upon their work that child development, especially early child development, happens primarily in play rather than through direct instruction.

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[39] For a basic historical overview, see David Kuschner, "Play and Early Childhood Education" in *The Handbook of the Study of Play, Vol. 2*, 287–298.
[40] See especially George Herbert Mead, "The Relation of Play to Education," *University Record* 1, no. 8, (1896): 141–145; John Dewey, *Democracy in Education* (New York: The Free Press, 1997 [1916]).
[41] Maria Montessori, *The Secret of Childhood* (South Bend, IN: Notre Dame, 1966): Ch. 1.
[42] Vivian Gussin Paley, *A Child's Work: The Importance of Fantasy Play* (Chicago: University of Chicago Press, 2005).

The importance of play for individual development is deepened in the work of psychologist D.W. Winnicott. Winnicott was a Freudian, but his analyses grew out of empirical clinical analyses that moved him beyond Freud's understanding of play as the child's expressive mode of wish-fulfillment, into a field for the management of subconscious anxiety and desire.[43] Winnicott's account of infant psychology revolves around the "transitional object," an object or phenomenon that mediates the initial process by which an infant comes to perceive that it is not omnipotent (that its needs are not fulfilled simply by virtue of their existence), and so recognizes itself as distinct from its mother/the world. The use of (play with) the transitional object "symbolizes the union of two now separate things, baby and its primary caregiver, *at the point in time and space of the initiation of their state of separateness.*"[44] Its "place," the play-area, is infinitely variable but has the form of a "separation that is not a separation but a form of union."[45]

This process grounds the subject-object distinction and "makes a baby begin to be."[46] The transitional phenomenon eases the process of individuation, in that this special object or pattern of behavior simultaneously constitutes and occupies a potential space between primary caregiver and baby, an intermediary realm between "me" and "not-me." It is *playing* in this intermediary space, with an object that the child has *both created and discovered*, that enables the development and negotiation of the emergent boundaries between the self and the reality that confronts it.[47]

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[43] See Sigmund Freud, *Beyond the Pleasure Principle*, trans. J. Strachey (New York: Bantam, 1967).
[44] D.W. Winnicott, *Playing and Reality* (London: Routledge Classics, 2005 [1971]): 130.
[45] Winnicott, *Playing*, 132.
[46] Winnicott, *Playing.*
[47] This central claim of Winnicott's work on play has crucial implications for the therapeutic context. Winnicott also understands play as the crucial element of the therapeutic relationship, in that unhealthy individuals are unable to play, and must be brought to this capacity through guidance by and trust of the therapist, at which point they become capable of creative discoveries with regard to their own lives. Successful psychotherapy, for children and for adults, operates on the paradigm of play, and so enables the renegotiation of the relation between the self and the real.

That play is primarily an exercise in self-realization is the thesis of Thomas Henricks' *Play and the Human Condition*, perhaps the most comprehensive synthetic work on the topic to date. Analyzing a wide body of work across disciplines, Henricks concludes that

> Play is fundamentally a sense-making activity and that the broader goal of this process is to construct the subjectively inhabited sphere of operations and understandings called the self. People play in order to learn who they are, how they are situated and what they can do.[48]

Henricks' theory of the self is a "thick" one, which incorporates not just the psyche, but also the body, social position, relations and attachments, and cultural habitus.[49] His general method is to disaggregate these elements of the self and examine them according to their rough disciplinary correspondences, building a (largely implicit) argument across numerous survey chapters that "play represents a special process of self-construction and evaluation, one that celebrates the role of agency in human affairs."[50]

Henricks follows Caillois[51] and departs from Huizinga in drawing strong distinctions not only between work and play, but also between play and ritual, and play and *communitas*, the festival form of bonding and inclusion.[52] In doing so, he supports his thesis that the *primary* goal or purpose of play is self-development: "Unlike ritual and communitas (both of which celebrate otherness as a guide for fulfillment), play honors personal enterprise."[53]

While this thesis is *prima facie* consistent with my own argument regarding the free subject, Henricks goes too far, perhaps due to his ambition to identify exactly what it is that play

(Winnicott, *Playing*, 51, 56, 72), This claim has been echoed, apparently independently, by Gregory Bateson, "Theory of Play," 190–193.
[48] Henricks, *Play*, 209.
[49] Henricks, *Play*, 82–86, 211.
[50] Henricks, *Play*.
[51] Callois, *Man*,152–162.
[52] Henricks, *Play*, Ch. 2.
[53] Henricks, *Play*, 210. However, he also grants that these distinctions very rarely hold in real (as opposed to ideal) play or in the analyses it has inspired. 213–214.

is for.[54] Stepping back from this functionalist imperative, I would contend that while the iterative positing of subjective capacity and self-understanding is a crucial effect of play it is by no means the only effect. There a broad body of literature contending that play is key to the negotiation of meaning in culture, crucial for the positing, reinforcement, and development of collectives' reflective understanding and active evolution; Henricks consistently downplays these arguments.

The mutuality of self- and world- formation in play is important to my thesis, as it reinforces the argument regarding ethics and politics advanced in the previous chapter. To balance Henricks picture, we can begin by returning to Huizinga, whose definition of play includes its tendency to foster social bonds that persist outside the play context—it "promotes the formation of social groupings."[55] Huizinga's anthropology not only aims to define play in a way that transcends the specificity of culture, but also to posit the ludic as the motive force of culture in general, at the root of pre-modern war and philosophy, poetry and law. The agonal is privileged but is always yoked to the performative and to ritual context. Throughout, Huizinga hardly mentions individual development outside the context of group relations. His emphasis is unequivocally on how play fosters social bonds and collective meaning-making practices by individual participation.

This emphasis carries in more recent and more focused (and arguably more canonical) anthropological studies. Looking closely at the social intricacies of the cockfight in Bali, Clifford Geertz finds that its highly ordered, affectively charged ritual of contestation serves as a repository and reflection of the social relation to themes of violence and rage,

> binding them into a set of rules which at once contains them and allows them play, builds a symbolic structure in which, over and over again, the reality of their inner affiliation can be intelligibly felt.[56]

[54] Very occasionally, his functionalist standpoint is overt, cf. Henricks, *Play*, 80, 88.
[55] Huizinga, *Homo Ludens*, 12.
[56] Clifford Geertz, "Deep Play: Notes on the Balinese Cockfight (1972)" *Daedalus* 134 no. 4 (2005): 56–86, 84.

This form of play is one cultural "text" among many; Geertz cites other Balinese rituals, festivals, performances, and texts that foreground other, very different modes of self- and other-relations, equally part of the complexity of sociocultural life. Drawing an analogy to tragic drama, he posits that the symbolic forms of every social collective serve similarly as opportunities for members' formation and discovery of individual *and* social temperament—as modes of self-interpretation.

The essays in Victor Turner's *From Ritual to Theater* deepen and broaden this premise, linking ritual, celebration, *communitas*, and performance in a symbological constellation permeated with the ludic: Not accidentally, the collection is subtitled *The Human Seriousness of Play*. Turner's overarching premise is that these sociocultural processes and settings constitute opportunity spaces for groups to creatively adjust to internal changes and adapt to external pressures, through the "play" of symbols that are themselves factors in social action.[57] He does not contend that such spaces have a universal form: there is a distinction, though not a bright line, between the more community-generated and more obligatory "liminality" of ritual in pre-industrial societies and the more individualistic and optative "liminoid" character of post-industrial cultural production. The ludic character, however, is present throughout, and both kinds of spaces give grounds for the negotiation and generation of cultural meaning: Expressing his affinity with the play-theorist Brian Sutton-Smith, Turner writes that in these are the settings

> in which new models, symbols and paradigms arise…These new symbols and constructions then feed back into the "central" economic and politico-legal domains and arenas, supplying them with goals, aspirations, invectives, structural models and *raisons d'etre*.[58]

[57] Turner, "Liminal to Liminoid in Play, Flow and Ritual: An Essay in Comparative Symbology" in *From Ritual to Theater* (New York: PAJ Publications, 1982): 20.
[58] Turner, "Liminal to Liminoid," 28

Through the anti-structure[59] that prevails within the play-frame, collectivities reinforce the prevailing normative order and/or open the way to change.

Huizinga's evolutionary thesis is over-simple and his analysis shows its age, but it is echoed with depth and subtlety in the work of Robert Bellah, who gives the utmost weight to the idea that play opens the way for sociocultural development. His exhaustive study of religion in human evolution takes play to be the formal paradigm of innovation, adaptive change, and eventually, social critique.

> [Play] is a model from which many other forms of life develop, ritual and the related practices that we call religion being a kind of mediating case providing the pattern by which play can be transformed into other fields.[60]

Bellah contends that these other fields include the life-practices of ethics and politics. Consistent with the framing condition considered above, he unequivocally posits play as a practice, in that it's good is internal to it, not in an external end; this is made possible by its relaxed field and players' shared intention. In dialogue with Alasdair MacIntyre, Bellah understands play to be at the root of all human practice as such.[61] His foregrounding of the role of play in human cultural evolution pushes back against crude Darwinism, literally making space for the selection of "ethical standards and free creativity," forms of life that had survival value that is autotelic, rather than immediately ends-oriented.[62]

These generative potentials of play are brought together in the conclusions Winnicott draws with regards to healthy sociality, which posit that play not only is key to infant subject

[59] This term is shared by Turner and Brian Sutton-Smith, who takes it up it to describe the framing context of play. (Turner, "Liminal to Liminoid," 28, citing Sutton-Smith, "Games of Order and Disorder." Paper presented to Symposium on "Forms of Symbolic Inversion." American Anthropological Association, Toronto, December 1, 1972.)
[60] Robert Bellah, *Religion in Human Evolution*, (London: Beltknap, 2011): 96.
[61] Bellah, *Human Evolution*, 92.
[62] Bellah, *Human Evolution*, 600.

formation, but also the conceptual lynchpin of human self-realization, communication, and culture. In adult life, play constitutes a "third area" of contiguous continuity between objective reality and the inner realm of subjective experience, akin to that potential space the transitional object introduces between the infant and the mother.[63] This space is crucial to Winnicott's account of adult psychological well-being: the quality of an individual life depends on their creative activity in this intermediary realm. Through such creative activity, the individual realizes herself; its significance lies not in the creation of a product or achievement of an outcome, but in in the creativity of the act itself.

For Winnicott, play in the space between psychosomatic experience and shared reality is also the essence of genuine communication: here, the space is shared, and individuals are able to occupy a kind of subjective reality together, by co-constituting it.[64] Most broadly, he posits that cultural experience, religion, and art—the meaning-making activities of human life—all occupy this third space. Play opens a paradoxical ground that is neither wholly self nor world but generative of both through the process of creative action,

In abstraction, Winnicott's account of play between self and world is strikingly consistent with how the concept has been deployed in philosophy—as a dynamic mediating phenomenon between terms, even forms of being, that are apparently irreconcilable. Each in their own way, these diverse approaches understand play to open a space that allows for the realization of new potentials. The mediation of paradox and opening of potential space are made possible by play's uniquely dynamic quality.

[63] Winnicott, *Playing*, 138–139. It is important to note that the creation of such space at any level "depends on experience which leads to trust."
[64] Winnicott, *Playing*, 37. Here, Winnicott's argument is strikingly resonant with Gadamer.

Although no analytical account could capture the phenomenon in its entirely, seeing play in terms of its framing conditions, manifestations and effects helps dislodge the term's pejorative implications in everyday use and gives a better sense of the phenomenal uniqueness of this mode of activity. The power of play to realize extant bonds of community and subjectivity but also to foster innovation in self and world springs from the peculiarities of its manifestations—the friendship in its combat, the performativity of its display, the lack of mortal danger in the risk it entails.

With these aspects in clearer view, it is more possible to see how the active paradox of play's iterations and its especially generative outcomes are enabled by the autotelicity of the activity, which itself depends on its being sheltered from violence and the driving force of necessity. The presence of the frame conditions the phenomenally unique appearance of play, which redounds in the effects. The framing conditions that shield play from dominative force are determined by both intrapersonal and interpersonal dispositions, and worldly/institutional context.

The intrapersonal cognitive and affective dispositions that frame individual play are a matter of *energeia* and aperture, the curiosity and courage (or lack of fear) that capacitates openness to risk, self-testing, and self-staking for its own sake. Thus, it is to some extent a question of security from coercive force, although this is subjective, as at one extreme, some will risk themselves under conditions of violence and conversely, others will not expose themselves to risk under any circumstance. Here, much depends on courage—but courage cannot be called innate, insofar as it depends in part on interpersonal and worldly framing conditions, past and present.

The interpersonal frame of play is constituted by a shared disposition, a reciprocal acknowledgment of mutuality in the shared enterprise of open activity. I would posit that this equality need not be "real" in any strong sense, and that differentials in influence on the proceedings are to be expected, so long as there is a sense of shared stakes and mutual pleasure. However, artificial, formal equality may contribute to this shared sensibility, insofar as it secures individuals by fostering non-domination: this is why it is often an important component of the worldly/institutional context of play.

The worldly framing context of play always takes the form of a boundary that honors and holds space and time for autotelic activity, but otherwise varies widely. Often, it will include the valorization of the relevant play activity through spectatorship, and formal institutional frameworks that encourage it. However, the lack of worldly context for play does not *preclude* play, insofar as absent the imminent threat, the relevant frame can be fostered through the players' disposition and (mutual) intent. In the ensemble of framing conditions, no one condition can in itself be identified as prior, and the question is rendered moot by the realization of the activity itself.

However, where the worldly framing condition is lacking, play may be impoverished, isolated, rendered marginal—in other words, actively dis-couraged. This matters because the manifestations of play are forms of appearance, and absent appearance, we must expect them to be stunted in their effects. Without the possibility of appearance fostered by an adequate worldly context, neither *agon* nor self-representation can hold forth the fullness of their paradox: the equality and distinction that foster one another, the performative dissimulation that manifests truth. And while the self may be made to appear to the self in its developmental capacity, the

potential reality of a vision of the self or world cannot be tested against the present that would shift to accommodate it.

Across disciplines, the scholarly literature suggests that play is uniquely iterative of selves and of the world as it is collectively inhabited. These effects, I have argued, are made possible by autotelic (though object-oriented) quality of play activity, and the subjective dispositions required for its maintenance. As might be expected from the descriptive deployment of the concept in philosophical contexts, play is widely held to contribute to the mediation of paradox and the facilitation of change, for individuals and groups. In the next sections, I will consider how this conception of play might advance our understanding of the free political subject, outside the paradigm of sovereignty.

Foucault: Power, Ethics and the Play of Freedom

Given the importance of play in Michel Foucault's work, it is somewhat surprising that it has not received a dedicated scholarly treatment. Play is an important theme in his most overtly self-interpretive statements and is a clearly legible through-line that unites his scholarly enterprise, conception of political resistance, and understanding of ethical activity. The paradigm of play as I have developed it assists in the clarification of a number of interpretive questions. The idea of a "framing context" for play elucidates the role of thought in facilitating resistance within a relation of power, and the corrosive effects of violence on the possibility of play clarify the Foucauldian distinction between power and domination. Moreover, the important role of the player's disposition—the stubborn potential that one might enact one's own play context—sheds light on the relation of ethics to the possibility of political resistance.

Due to the pejorative connotations of play in common vernacular, thinking the free subject as a "player" perhaps risks ceding territory to charges of aesthetic dandyism. This risk is tempered by the importance of relationality and the role of truth in Foucault's account of ethics: in this autotelic play, the individual stakes herself and her relations on a question of truth. Such play can be understood as political when situated within certain public relations of power, especially those pertinent to collective or institutional force.

The questions of whether Foucault allows for the possibility of freedom, and whether, in locating this possibility in ethical self-formation, his late work reifies a kind of liberal subject, can be seen in a new light through this paradigm. Thinking the subject as free in its play allows for a figuration of free subjectivity that is firmly rooted in the context of extant power relations and realized through its engagement with that context. Consequently, this free subject can be thought as an actualized potentiality, neither given prior to its self-formative activity nor conceivable only in terms of an antinomian autonomy of perpetual negation.

Games of Truth and Power

Foucault foregrounds play in the introductory remarks of his inaugural lecture course at the *Collège de France*, characterizing his own "game" (the French noun "game," *jeu*, is directly related to the verb form of play, *jouer*) as one of seeing the will to truth. Truth here refers to philosophical and scientific discourses, in their functioning as systems of exclusion with material and practical effects and a traceable history: "in short, it is a matter of seeing what real struggles and relations of domination are involved in the will to truth."[65] In thinking his own inquiry as a

[65] Michel Foucault, *Lectures on the Will to Know*, trans. Graham Burchell (New York: Picador, 2014): 2.

game, thematizing the Athenian stranger's remark, Foucault deemphasizes the claim to an absolute knowledge or "total history."[66]

This scholarly game of recovering subjugated knowledges is itself occupied with another kind of "play"; the struggle of opposing forms of knowledge and truth, and the "play of force."[67] By bringing out the buried particulars of this disavowed play of forces, genealogy:

> is a way of *playing* local, discontinuous, disqualified or nonlegitimized knowledges off against the unitary theoretical instance that claims to be able to…organize them in the name of a true body of knowledge, in the name of the rights of a science that is in the hands of the few.[68]

Thus, the notion of strategic "play" between adversaries is redoubled in the genealogical project's relation to hegemonic discourses.

This doubled thematic of play/struggle as recovered knowledge and mode of political engagement grew in importance through the remainder of Foucault's career, especially in late self-interpretations of his own works, when Foucault began to describe ensembles of knowledge, their associated power relations, and discursive ensembles as "games" of truth and power.[69] This characterization draws attention to the historical contingency of regimes of knowledge and authority, and to their constitution through the assemblage of norms, hedges, restrictions, and rules that qualify or disqualify a statement as true, or a power relation as legitimate. To think or

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[66] See Michel Foucault, *The Archaeology of Knowledge*, trans. A.M. Sheridan-Smith (London: Tavistock, 1972): 9–10. Daniel Defert's course summary posits this Nietzchean game in opposition to what Deleuze described as Plato's ontological-theological game, the foundation of metaphysics ("Course Summary" in *Lectures on the Will to Know*, 272–274).

[67] This thematic is legible in Foucault's emerging analytic of power, for example in his analysis of strategic relations in the lecture courses of 1975–1976, where, he challenges the juridical model of sovereignty by positing the origins of state power relations in situations of strategic play between or among adversaries, which are only later stabilized through discourses of truth.

[68] *Lectures on the Will to Know*, 9, my italics.

[69] "From their [modes of objectivation and subjectivation] mutual development and their interconnection, what could be called "games" of truth and power come into being—that is not a discovery of true things but the rules according to which what a subject can say about certain things depends on a question of true and false." Foucault, "Foucault," trans. Robert Hurley, in *Ethics: Subjectivity and Truth*, ed. James D. Faubion (New York: The New Press, 1998). The text is an entry to the *Dictionnaire des Philosophes* on Foucault, pseudonymously written by Foucault himself.

act within such a framework is to knowingly or unknowingly "play" according to its rules.[70] Many (if not most) games of truth and power go unrecognized—this is when the stable mechanisms of power associated with them are most efficient in their inducement of their intended effects. In such cases, subjects do not so much play by the rules as operate by them.

Through the denaturalization of archaeological and genealogical critique, Foucault aimed to expose games of truth and power *as such,* and so open new possibilities: To recognize a game is to see the possibility of playing it differently. Thought is emphasized as a site of play because bringing subjugated knowledges "into play" disrupts relations of oppression that have been naturalized in scientific discipline.[71] This is due to the liminal space it opens: "Thought is freedom in relation to what one does."[72] Through critique and the critical attitude, which will include the self-critique of reflection, thought introduces a distance from practice that allows for some play, opening space for some movement in subjects' enacted response.

Though it is never explicitly defined as a concept, play is an important conceptual referent that crosses the perceived divide between Foucault's so-called "ethical" and earlier "political" work. The earlier works give a view of the subject's potential freedom as the possibility of innovative response within a relation of power, a possibility which may involve reframing the relation as a game and thus artificial and open, a potential site of play. In the late works, Foucault's account of the practice of ethical self-formation is legible as a kind of aesthetic play, strengthening this valence of meaning. I posit that throughout his work, the possibility of

[70] It is important to note that these "rules," even when they are promulgated as natural law, are subject to change in the course of play!
[71] Alessandro Fontana and Mauro Bertani, "Situating the Lectures" in *Society Must Be Defended,* eds. Fontana and Bertani (New York: Picador, 2003): 179–185.
[72] "Polemics, Politics, Problematizations" in *Ethics: Subjectivity and Truth*, 114-115; 117-118. This 1984 interview was conducted just before Foucault's death.

play is analogous with the potential freedom of the subject: to knowingly be "in play" is to fulfill this potential.

Play, Freedom and the Relation of Power

As discussed in chapter 2, Foucault's developed analytic of power challenged the model of sovereign "possession" of power in favor of a model of power that inheres in a relational field and induces, in multiple dimensions, the form of the subject.[73] Relations of power tend toward asymmetry, where one (individual or collective) subject is subject *to*.[74] Crucially, though, the power relation exists *as such* only insofar as the subordinate party is acted upon *as an agent*, with a view to their potential resistance. If this is not the case—e.g., in an instance of physical constraint or violence—the relation ceases to be a relation of power and becomes one of domination.[75]

Foregrounding the agency of the subordinate in the power relation makes it visible as a bidirectional and labile strategic relation, even under conditions of asymmetry.[76] Thus, where there is not an immediately coercive force, there is always some "play," both in the colloquial sense of the play of a gear, of movement within the determinations of a constraint, and in the sense of a relation of mutual engagement. This recalls a key background condition of play, that it cannot be forced, but requires some level of engagement on the part of the player. And, here as elsewhere, effective violence severely undermines or altogether destroys the possibility of play—

[73] Michel Foucault, "The Subject and Power," 337; *History of Sexuality Vol. I,* 92–102.
[74] "The Ethics of Concern for the Self as a Practice of Freedom," 283; "The Subject and Power" 347–348.
[75] "The Subject and Power" 342; "Omnes et Singulatim" in *Power,* 324. This distinction emerges around 1976.
[76] On the potential for "free play of antagonistic reactions" as definitive of the power relation, see "The Subject and Power" 346–347.

the presence or absence of this possibility clarifies the distinction between a relation of power and one of domination.

In *The Subject and Power*, a text valuable for its clear and considered self-interpretive overview of the analytic of power, Foucault describes the interaction between the subject and the forces that would determine it in terms of an *agon*.

> Rather than speaking of an essential antagonism, it would be better to speak of an 'agonism'—of a relationship that is at the same time mutual incitement and struggle; less of a face-to-face confrontation that paralyzes both sides than a permanent provocation.[77]

Here we see the essential contrast with the state of domination: The effort, on one hand, to determine the actions of the subject *as subject* rather than object, and the subject's active and tactical negotiation of and response to this effort (compliant, resistant, or both), constitute a state of play even under asymmetrical conditions.

This agonic iteration of play is crucial, but to get its relevance in view requires shifting the image of the "field of play," from a context spatially and temporally set apart from ordinary life to the unique power relation as such. Power relations are conventional in their own right, depend on agential dispositions and are played within certain spatial and temporal boundaries. Seeing the power relation as a field of play foregrounds the quality of the interaction between or among the relevant parties, the actions upon possible actions.

Effective domination is an "efficient" power relation where the subject party has effective and very narrow limits imposed on their actions: here, there is no play-space—no field of potential action where *agon* might possibly take place. The possibility of bidirectional play is legible as the potential freedom of the subject within the power relation; this potential is actualized in the subject's unpredictable response, ranging from unanticipated modes of

[77] "The Subject and Power," 342. This self-interpretive essay has been described as Foucault's "philosophical 'testament." See Alessandro Fontana and Mauro Bertani, "Situating the Lectures" in *Society Must Be Defended*, 248.

compliance to outright resistance. At the other end of the spectrum, where the relation is underdetermined and the parties meet each other under more equal structuring conditions of action, such openness enables and invites more, and more complex play. The agonal quality intensifies as the actors' freedom with respect to one another increases. The possibilities for subjective freedom are conditioned by the framing conditions of the power relation.

Insofar as the subject is *in play* within a power relation, it manifests not only the agonic, but also the representational aspects of play. Recall that Huizinga describes representative play as "realization in appearance" or "actualization by representation."[78] Its relevance to the Foucauldian power relation concerns the dynamic of subject formation *qua* "subjectivation"—the emergence of the subject form in and through the relation of power. In Foucault's account of subject formation within the relation of power, play is also role-play: the subject form emerges as a representative response to the formal/agential criteria of the field of play—the power relation—it occupies.

Thinking of the power relation as a field of play, the acting subject comes into being as a certain kind of "player" or "actor," re-presenting themselves (to others and to themselves) according to the agential form that accords with it.

> You do not have the same type of relation to yourself when you constitute yourself as a political subject…and when you are seeking to fulfill your desires in a sexual relationship.…In each case, one plays, one establishes a different type of relation to oneself. And it is precisely the historical constitution of these various forms of the subject in relation to games of truth that interest me.[79]

Examples of subjectivation through self-representation in Foucault's work range widely over gradations of power imbalance, from the relation of domination to relatively open relations of

[78] Huizinga, *Homo Ludens*, 14–15.
[79] "The Ethics of Concern for the Self as a Practice of Freedom," in Michel Foucault, *Ethics: Subjectivity and Truth*, ed. Paul Rabinow, (New York: The New Press, 1994): 290–291.

power.[80] These moments are unified in that the subject is brought into being *in her agency*, in terms of how she plays and will play the relevant game of truth and power—of psychiatry, penal law, binary gender, or what have you. That is, the subject form induced by the power relation is a form of strategic representation of the self *in action*. The agonic possibilities are structured in part by the representative role of the subject as "player" in the power relation. Huizinga's two aspects of play are important, even constitutive features of Foucault's account of the subject and power.

It is important that this depiction of the play of the formation of the subject as agent includes the possibility of resistance and innovation of both the subject form and relevant power relations. It is not surprising that resistance has often been theorized as a kind of "play" with the subject form itself, whether in Judith Butler's parodic model, the queer erotics of existence described by David Halperin, or the parrhesiatic relational paradigm emphasized by Nancy Luxon.[81] This possibility connects the agonic and performative aspects of play with its explorative iteration, as they open onto the topic of ethical self-relation.

"The Ethics of Concern for the Self as a Practice of Freedom," an interview published in *Concordia* magazine, contains some of Foucault's most generative statements regarding ethics. From the beginning, self-formative activity is situated within a game of truth.[82] Again, the "game of truth" articulates a continuous link between *subjectivation* (through coercive practices or scientific discourse) and (self-)*subjectification*. The idea of a game of truth—a set of rules or

[80] On the far end, there is the shower scene, in *Madness and Civilization*, where the subject is repeatedly drenched with cold water until he will pronounce himself mad. In the carceral production of docile bodies of *Discipline and Punish*, the regimentation of schools and prison, could perhaps be described as power relations where domination by violence is a continual threat. The sexual subject in *The History of Sexuality Vol. I* is brought to self-subjectification through confessional discourse. In each case the resultant subject form may or may not carry over into other power relations (different fields of play), and in different ways.
[81] See Judith Butler, *Gender Trouble* (NY: Routledge, 1990)*;* Halperin, *Saint Foucault*; Nancy Luxon, *Crisis of Authority* (New York: Cambridge University Press, 2013): especially Ch. 5.
[82] "Ethics of Concern for the Self," 281–282.

qualifications for the production of a statement that can qualify as true—recalls a key framing element of play, its simultaneous ordering rule and potential openness. Narrowing the focus to the game of truth *in self-formation*, Foucault understood the "way in which people are invited or inclined to recognize their moral obligations" as one of the four aspects of ethics *qua* self-relation.[83] Within such a set of rules or terms of obligation for the recognition of one's responsibility to oneself and others, the key question becomes one of play: in this kind of truth-game, play is *pratique de soi*, the self-formative activity.[84] Whereas the focus on practice as such foregrounds the movement between activity and reflection, seeing the same phenomenon through the lens of play gives dimension to the formal conditions and effects of this movement.

It is here that the affinity between Foucauldian ethics and play really begins to take shape. In Foucault's account, the essence of the ethical self-relation is not to achieve a certain end, but to keep a particular game of truth alive in one's world through a concern with the integrity of one's actions, habits, and values.[85] This ethos demands engagement with oneself as a player, because *how one plays* a game of truth becomes as important as the outcome (such as it is). The play itself, the "self-representation of movement," is of primary importance.[86] It is an autotelic practice that effectively shapes the subject, and redounds their worldly actions and interactions: Foucault claimed to have understood "aestheticism" to mean self-transformation.[87] Foucault's "aesthetics of existence," then, must be understood in terms of its emphasis on the

[83] This "mode of subjectification" is basically equivalent to the rules of the game, and always takes its departure from a socially extant game of truth within which the subject has been constituted. "The Genealogy of Ethics," in *Ethics*, 263. See also, "Ethics of Concern for the Self," 291.
[84] The other two components of the ethical self-relation are the ethical substance, i.e., that which is recognized as the substrate for self-transformation, and the *telos*, the model or ideal of being that the ascetic practitioner seeks to achieve. "The Genealogy of Ethics" in *Ethics*, 263.
[85] See Foucault, "Friendship as a Way of Life," in *Ethics*, 136.
[86] This definition of play appears in Hans-Georg Gadamer's *The Relevance of the Beautiful* (Cambridge, NY: Cambridge University press, 1988).
[87] "Interview by Stephen Riggs" in *Ethics: Subjectivity and Truth*, 130–131.

autotelic quality of the individual's self-relation in pursuit of a certain mode of being, as opposed to the necessary and sufficient fulfillment of a determinate code.[88]

Self-Formation and Play—From Ethics to Politics

To better see what there is to be gained by applying a heuristic of play to the free subject, we can return to Foucault's distinction between a practice of freedom and what Foucault terms a "process of liberation" from domination. The process of liberation has a definite end: the removal of an immobilizing constraint and achievement of subjective agency without the looming threat of violence. "Liberation paves the way for new power relationships, which must be controlled by practices of freedom."[89] Often-cited but seldom sufficiently interpreted, this statement points to how the elimination of one ensemble of rules, constraints, and apparatus will require the up-take of another truth-game that will shape agential efforts to determine, or influence, the behavior of others.

To insist that the new and inevitable relations of power that emerge post-liberation be controlled by ethico-political "practices of freedom" is to hope for an intersubjective context that is not governed by the instrumental imperative of efficient control of others' actions. Relations of power target and tend toward the stabilization of their mechanisms, such that the conduct of one party can be reliably determined by the other.[90] Resisting that tendency (in the context of private or political friendship) in favor of a more open relation requires ethical control: in this sense, the care of the self can be understood as a "conversion" of power, "a way of limiting and controlling power."[91]

[88] "On the Genealogy of Ethics" in *Ethics*: *Subjectivity and Truth*, 266.
[89] "The Ethics of Concern for the Self," 284.
[90] "The Subject and Power" 346–347.
[91] "The Ethics of Concern for the Self," 288.

Play helps us see how this imperative is comprehensible outside of the paradigm of sovereignty, as part of the ensemble of framing conditions that fosters creative community action. The play of self-formative truth-games cannot guarantee a particular politics (indeed, the politics could be an *a*-politics). But keeping what play requires in focus—its intrapersonal, interpersonal, and worldly framing conditions—clarifies the potential political relevance of Foucault's ethical paradigm. The play of ethics is linked to the free play of politics insofar as it helps foster intersubjective power relations that perpetually resist the tendency toward asymmetrical stasis in favor of a context for the openness of dialogical play.

This thesis finds support and enrichment in Foucault's account of the relational modes attendant to both ethical practice and political interlocution as he understood it—as problematization rather than polemic. Relationships are characterized by a kind of bounded openness (or open boundedness) that facilitates the risky undertaking of self-transformative practice—recall that risk or stakes, the dichotomy of openness and bounds, and self-development are important thematics of play.[92] The play-element also comes to the fore in Foucault's development of parrhesia or frank-speech, a mode of truth-telling whose truth inheres in the speaker's staking of herself rather than a claim to objective knowledge, discussed at length in chapter 3.[93] At the heart of the "parrhesiatic game" lies a "strong, necessary and constitutive" intersubjective bond, a pact that promises the courage to speak the truth on one side and the courage to hear it on the other.[94] Here, to play a game of truth privately or publicly is to risk

[92] See Huizinga, *Homo Ludens*, Ch. 1; Callois, M*an*, 14–33; Henricks, *Play*, Ch. 9.
[93] Foucault's final lecture courses tracked the movement of this form of locution in antiquity from the political realm to the relationship of friendship and ethical development. Michel Foucault, *The Government of the Self and Others*, trans. Graham Burchell (New York: Picador, 2010).
[94] *The Courage of Truth*, 12–13.

oneself, to stake oneself and the bond of one's relationship[s] or even one's life on truthful speech; play risks *and* strengthens both player and relation, in their truth.[95]

This account figures a mode of intersubjectivity founded on honesty and contestation rather than the demand for conformity or submission to an overarching and predetermined end. The vision is echoed in the penultimate interview where Foucault expresses his disdain for polemic, whose practitioner:

> proceeds encased in privileges that he possesses in advance and will never agree to question. On principle, he possesses rights authorizing him to wage war and making that struggle a just undertaking…the game consists not in recognizing [the interlocutor] as a subject having the right to speak but abolishing him.[96]

Foucault opposes this ends-oriented mode of political rhetoric to "a game that is at once pleasant and difficult" in which the interlocutors extend to one another the right to speak, a right immanent to the discussion, and thus proceed together toward a difficult truth. At stake in this distinction is "a whole morality," "the morality that concerns the search for truth and the relation to the other."

Here there is a simultaneous concern for boundary and openness in interpersonal relations—the third space of trust. Within this space, there is a juxtaposition of care and *risk*, which amounts to care of the self and other, facilitating dynamism and mutual advance in the space of meaning. This active pursuit, and the pleasure of the interpersonal engagement, function here as ends in themselves: the relevant ethical constraints arise immanently within the context of this activity. I posit that this model helpfully supplements the account of political relationality at work in Arendt's theory of action, as a figure of the relevant—perhaps necessary—ethos.

[95] *The Courage of Truth*, 312–313.
[96] "Polemics, Politics and Problematizations," 111–112.

In a 1981 interview entitled "Friendship as a Way of Life," on the topic of the politics and relational possibilities of same-sex relationships, Foucault concludes with this statement:

> We have to dig deeply to show how things have been historically contingent, for such and such reason intelligible but not necessary. We must make the intelligible appear against a background of emptiness and deny its necessity. We must think that what exists is far from filling all possible spaces. To make a truly unavoidable challenge of the question: What can be played?[97]

The question, "what can be played?" and the attendant demands on the subject of freedom distinguish this vision of freedom from that of subjective sovereignty. Explorative innovation, agential self-representation, and *agon* within relations of power are all constitutive elements of the active response Foucault has in mind.

Foregrounding play helps us understand how we might think of the Foucauldian subject as free in taking up this challenge, without retreat into the abject or the reification of the subject. This heuristic helps us see how, in contrast to a model that grounds freedom in a subject prior to action, Foucault's ethico-politics entails a form of action whose grounds are immanent to its structure, due to its autotelic or practice-oriented paradigm and consequent subordination of the end, and innate resistance to closure, and to the persistent element of self-risk, with the relational demands this entails. It is significant that these features also describe Arendt's account of political freedom and contribute in a similar fashion to the resolution of analogous problems in the critical reception of her work.

Arendt: In Politics, in Play

The phenomenological particularity of play also stands to enrich our understanding of Arendt's political subject as free, beyond the idiosyncrasies of her singular account. Play is legible in both

[97] Michel Foucault, "Friendship as a Way of Life" in *Ethics: Subjectivity and Truth*, 139–140.

the active and reflective aspects of an Arendtian politics. Thinking the free subject as a subject "in play" helps move our consideration of the political agent's self-relation and obligation to others outside the paradigm of sovereignty and rule by specifying an ethos immanent to autotelic activity. Moreover, play's structure of action furthers our understanding of the relation of autotelic activity to the objective ends that scaffold it. Regarding the political subject, play substantiates Arendt's account of its realization between the internally experienced self and its worldly context, clarifying how (external) context and (internal) disposition co-constitute the framing conditions of action as she understands it. Through the paradigm of play, self-constitution and world-constitution can be thought in terms of their mutuality, however paradoxical, rather than their relative priority.

Play of Action, Play of Judgment

Though Arendt never employs the word play, and even laments the identification of play (in her pejorative understanding) with freedom, the resonances between the play-concept and her account of political action are striking—almost on the surface.[98] Arendt's account of action clearly coincides with play's typical manifestations. She understands the process of politics as a contestative *agon*, but is also explicit about its aleatory aspect, the role of chance. The *alea* of political action is in the essential opacity of others and in the irreducible unpredictability of events that makes the doer of deeds equally their sufferer.[99] Arendt also foregrounds the performative aspect of political action, taking dance and theater as her leading metaphors—

[98] Arendt's own account of play writes it off as non-seriousness and leisure; it is discussed in terms of its standard opposition to labor, and Arendt laments its identification with freedom. *The Human Condition,* 127-128.
[99] In Arendt's brief summary account of this idea, we get one of her few allusions to play itself—as she relates the Platonic thought that as regards praxis, human beings appear to be the playthings of gods. *The Human Condition,* 185, 204.

exemplars we understand in terms of play, and which are etymologically related to play in German.[100] The exploratory iteration of play, its manifestation as a way of testing new possibilities, is overtly present in Arendt's emphasis on the initiative and the new: these potentials are intrinsic to action "like an ever-present reminder that men, though they must die, are not born in order to die but in order to begin."[101]

As I argued in chapter 2, the practice of freedom in Arendt's work can be read as a dialectic of action and reflection, the latter having implications for both the political judgment of others' actions and of one's own, which takes on an ethical valence.[102]

Play comes up in this context through Arendt's reading of Kant, whose paradigm of aesthetic judgment forms the template according to which she had begun to consider judgment of public actions and events. The comparison is relevant in that, like beauty, the principles of action have no determinate concept, offering no self-evident paradigm for the subsumption of particulars. This apparent fact (as clearly legible in Plato's rumination on justice in the *Republic* as in Walter Bryce Gallie's notion of essentially contested concepts) accounts in part for the interminable work of understanding, which Arendt describes as the process of reconciling oneself to reality.

This process is made more complicated still by the collision and collapse of traditional structures of meaning, which has left us in a position of "thinking without bannisters," as Arendt described the political task in the aftermath of totalitarianism. Not only must we continually reconcile ourselves to reality, but also negotiate at the frontiers of what might constitute a worthy good. Bearing this in mind highlights how play is not only relevant to the active aspect of

[100] "What is Freedom," 151, 161–162.
[101] "What is Freedom," 247.
[102] See Arendt, "Understanding and Politics" in Essays in Understanding, ed. Jerome Kohn (New York: Schocken, 1994): 321.

Arendtian political practice, but pertains to the reflective aspect as well. In the play of reflective judgment, as Kant suggests, the individual is revealed to herself not in her reified subjectivity ("what" she is) but in her power of understanding, just as in action she is revealed to others.

The Frame of Autotelic Action

Of course, not all players in all contexts can be taken to be doing something political, especially not as Arendt understands the term, nor can they be understood as realizing their freedom from an Arendtian standpoint. But it seems reasonable to characterize Arendtian politics as a certain kind of play, and play provides a helpful paradigm for thinking freedom as she conceives it. The freedom of play is not the freedom of exclusion of others' will in order to enforce the primacy of one's own. Rather, it is the creative enactment of an agency in the space co-constituted by the self and others, between the self and the world. Thinking in terms of the framing conditions of play clarifies how the conditions that limit and enable this freedom cannot be isolated in the subject or the context of action, but arise through its particular, autotelic structure.

The framing conditions of play accord with those of Arendtian politics. For Arendt, the action that characterizes politics as such must transpire within a specialized spatiotemporal setting—what she terms the public realm. Spatially, it is a space of appearances, where the actions of all are visible to all, as distinguished from the private realm where we are "hidden away" from others. It has the special quality of commonness and openness to all comers. This public is ideally durable and has been founded for the purpose of fostering and securing political action. Thus, although political action is possible without an established space particular to its purpose, the existence of a space *fosters* and *is fitted to* this kind of action—the relation is comparable to a stage and play, or a ball court and a game. Temporally, the public realm is

distinguished not just by determinate intervals of play (certainly an aspect of visible publicity), but by the fact that the public realm has its own special kind of temporality, a linear as opposed to a cyclical time, due to the fact that it corresponds to human events and achievements rather than the circularity of bodily processes.[103] The boundedness of politics in space and time is closely linked to its distinction from other life activities and processes.

The special quality of the political realm depends in part on the exclusion of the force of necessity and instrumental logic. For Arendt, these motivating imperatives are characteristic of labor and work, proper to the intercourse between human beings and things but antithetical to free action, the proper mode of intercourse among human beings in their plurality. The exclusion of these imperatives opens space and time for an activity that is an end in itself.[104] As discussed in chapter 2, however, this condition does not preclude the presence of ends as a factor in political action.

How to conceive the relationship between objective ends and the activity of politics is a lingering problem in Arendt scholarship, which the heuristic of play helps to resolve. The possibility of Arendtian action and politics depends on participants' ability to work toward the accomplishment of ends while subordinating this goal to the imperative of plural engagement. The boundedness of the political realm, its exclusion of overdetermined ends, accords closely with the suspension of governing social logics within the "magic circle" of play. The enabling conditions of Arendt's politics are rendered more intelligible through the analogous boundaries of the public realm and the play-ground, in the artifice of a "relaxed field" that is nevertheless charged with its occupants' intention and attention. As in play, although the activity and its relevant relationships are organized through and conducted with respect to objective ends, their

[103] *The Human Condition,* 246.
[104] See Pairetti, "Autotelic Character."

accomplishment remains subordinate to the activity itself. This ceasing to be the case, the process is undermined as such, and loses its particularly generative potential.[105]

For Arendt, as for many play theorists, the importance of the boundary lies in its protection of a unique and fragile mode of action and interaction that is threatened by the imperatives of survival and hierarchies of command and obedience.[106] Play can be read as phenomenologically paradigmatic in this respect, rendering the structure of this relationship more intelligible. Arendt's model of *archein* and *agere*, the interdependent initiative of action by one and its being taken up by others,[107] is familiar to us from children's play, team sport, and performance. In these contexts, the logic of sovereignty is out of place: we do not think of a player or performer as subject to the command imperative of a coach or director, but as taking up and carrying out their initiatives.

Moreover, the boundaries of public and play-space allow for an artificial condition of equality among actors, an equality specifically geared toward the facilitation of individuation and distinction in action.[108] Arendt is quite explicit on this count, and it is as important a factor as any in what sets the realm of politics apart from those of work and labor, and of the social. What she calls plurality, the twofold condition of equality and individual distinction, can come to the fore only where both inequality and "levelling" forces are excluded from the frame. When the maintenance of plural action is more important than the objective ends that mediate it, the initiatives of unique individuals can be taken up by similarly positioned co-actors. Arendt explains this as a condition of "sheer human togetherness," a circumstance "where people are

[105] *The Human Condition*, 180.
[106] *The Human Condition*, 63–64.
[107] *The Human Condition*, 189; "What is Freedom?" 164.
[108] *The Human Condition*, 215; cf. 41.

with others and neither for nor against them."[109] I argue that, similar to play, this condition involves both affordances and participant dispositions that provide a context for the subordination of objective imperatives. Such a condition fosters "the quality through which [action] transcends mere productive activity"—it explains how action can transcend motive.[110]

This contextual-dispositional frame not only accounts for the possibility of plurality in action but fosters the realization of natality as well. As noted, the new is extremely important in Arendt's political phenomenology: action fulfills the "capacity for beginning something new" that corresponds with "the new beginning inherent in birth."[111] This bringing about of the new resonates with the exploratory and developmental aspect of play, which also depends on the untethering of activity from necessary and objective ends, which are determined in advance. In politics, Arendt explains this generative potential in terms of the boundlessness and unpredictability of action, its capacity to foster new relations and set off new courses of events that cannot be predicted or controlled by the initiating subjects. The boundaries that facilitate action serve to both enable and counterbalance these qualities.[112]

Through play, we see how the process of innovation and the facilitation of excellence happen intersubjectively, in a way that is immanent to the means-ends framework of common interest[113] but also transcends it. It illustrates how, paradoxically, it is possible for order and innovation to hold together in the collective practice of individual agency.

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[109] *The Human Condition*, 180.
[110] *The Human Condition*; "What is Freedom?" 150.
[111] *The Human Condition*, 8–9; 247. In "What is Freedom," Arendt calls freedom the faculty of beginning (167) and refers to "the freedom to call in something into to being which did not exist before, which was not given, not even as an object of cognition or imagination, and which therefore, strictly speaking, could not be known (150)."
[112] *The Human Condition*, 190-192. See also "What is Authority?"
[113] Arendt uses this word in its etymologically specific sense of *inter-est*, what lies between individuals, simultaneously bringing them together and holding them apart in their distinction. *The Human Condition.* 182.

The Subject as Manifest in the Play of Politics

Finally, and most relevant to the problem of how to conceive a non-sovereign subject of political freedom, the twinned effects attributed to play in the social sciences—the co-constitution of individual subjects in their agency and of the world they inhabit—provides a helpful paradigm for understanding the realization of the free subject in Arendtian politics. The autotelicity of play and politics, and the potential for innovation and achievement that it paradoxically gives rise to, are intimately related to the participants' agential capacity, both as individuals and as a collective. Arendt writes,

> The basic error of all materialism in political theory…is to overlook the inevitability with which men disclose themselves as subjects, as distinct and unique persons, even when they concentrate on reaching an altogether worldly, material object.[114]

For individuals, the manifestation of the political subject is concurrent with the manifestation of their freedom in action. Arendt suggests here that the individual's subjectivity is contiguous with their distinction, and the term "disclosure" alerts us that this particular quality of being might otherwise remain hidden from view without action, perhaps even obscured by the individuals "themselves," if we think the self as the aggregate of attributes and qualities that Arendt thinks of as constituting "what" a person is. Certainly, the subject does not know itself: the individual is not privy to their own unique essence, which remains hidden to them (as the *daimōn* of Greek religion was visible only to others) and is beyond their control.[115]

Thus, self-disclosure always occurs in the context of intersubjective action. But we might even go further and say that the specific human uniqueness of the individual is not *realized* outside of the "living flux" of action and speech: Arendt certainly suggests this when she states

[114] *The Human Condition*, 183.
[115] *The Human Condition*, 179–180.

that life without these activities is not fully human,[116] and that the "implicit *manifestation* of the agent and speaker" depends on their specific revelatory quality.[117]

This brings us closer to an understanding the paradoxical nature of Arendt's free subject and deepens the ontological significance of its non-sovereignty. As the noun implies, the subject is twofold, at once the actor and the sufferer of their own life story—but never its maker, producer, or author. This is because for Arendt, neither the subject nor their story is reified[118] — the life has no objective reality as determined by its agent, and vice-versa. Rather, their realities are living realities, which means that they are irrevocably unstable, mutable through the agent's action up until their death and through the contingency of external events even after that. The subject has no determinate being outside the space of the creative action through which their life story is constituted—a third space between self and world. The ineffability of "who" a person is, their specific uniqueness or "living essence,"[119] is rooted in its being located precisely *between* self and world and consisting of the "play" of their speech and action.

Revelation to others corresponds to the disappearance of the self in subjective experience, which fosters, again paradoxically, an unreflexive self-possession. At the end of *On Revolution*, Arendt cites a poet of the French Resistance, René Char, in identifying the "joys of appearing in word and deed without equivocation and without self-reflection" as the lost treasure of revolution.[120] The reflexive two-in-one of the thinking subject collapses as the individual's will (I-will) and capacity (I-can) coincide.[121] Arendt calls this the particular pleasure of action. As noted above, a similar disappearance of self-consciousness is a characteristic quality of play. As

[116] *The Human Condition*, 176.
[117] *The Human Condition*, 187, my italics.
[118] *The Human Condition*, 184, 187.
[119] *The Human Condition*, 181.
[120] *On Revolution* (New York: Penguin, 2006 (1963)): 272.
[121] "What is Freedom?" 159.

the binary of self and self disappears, however, it is replaced by the duality of self and world, in Arendt's specific sense of the term. The tangible world of things, the interests through which individuals are related in public life, are rendered meaningful through the web of relationships that result from political action—it realizes not only the subject but also the world as such.[122] Referencing Ecclesiastes, Arendt states that the human artifice of the world is only vanity without action's vitalizing and generative power.[123]

I have argued that play accords with Arendtian politics, in respect to their unique effects and the dispositional and material conditions and structures of action which give rise to them. In line with this similarity, being "in play" is a suitable alternative to sovereignty as a characteristic qualifier of the free political subject. For Arendt, manifestation of freedom is coterminous with the play (dynamic and contextually specific initiative) of speech and action as she understands them. Thus, the Arendtian subject is realized in its freedom not intrasubjectively, as a phenomenon of the will or reason, but in the paradoxical space between the self and the world, between acting as a subject and being subject to.

This is definitively a non-sovereign space—and an unequivocally free one. With play as a heuristic, it is more possible to see how Arendtian politics encompasses relations to self, other, and the context of worldly events in a unified field that is held together through the dynamism of the action that constitutes it. The conditions and limits of this action are immanent to its actualization, a function of the requirements of its maintenance. This being so, localizing an essential source from which justified action springs, or a universal limit to which it must conform, cease to condition the possibility of a desirable politics. Rather, the acting subject

[122] *The Human Condition*, 182.
[123] *The Human Condition*, 204.

asserts its relevance to the conversation, and the ethical constraints to which it is beholden appear, potentially, to be *thicker* given their contingent and contextual nature.

Play and the Paradox of Political Freedom

For Arendt, as for Foucault, the play-concept clarifies the possibility of freedom without agential sovereignty of reason or will. "In play," the acting subject remains on the scene, but is not reified outside the context of its action—and the content of this action is not specified in a narrow sense. Indeed, the possibility of openness, innovation, and the new are in the foreground.

I have suggested how play *holds together* through an autotelic unity of action and attention. This statement describes the accord among individuals at play, but also applies to the coincidence of opposing terms. As noted, play has an extraordinary, and perhaps even unparalleled, capacity to bear paradox: it manifests the coincidence of relaxation and tension, being open and being bounded, lightness and seriousness, insignificance and meaning, uselessness and value, and crucially, "playing with" and "playing against." This renders it especially fit for the elaboration of an individual's "political freedom"—an idea that, if not for its contemporary rhetorical banality might strike us as paradoxical in itself, as its convoluted, and even strange, iterations in the classical literature suggest.

Arendt and Foucault offer visions of individual freedom, of free subjectivity, that is realized not over and against the thick, intersubjective, power-riven context of politics, but rather in and through it. Both posit the free realization of the subject in an intermediary space between self and world, through the activity of play. The subject is realized in its freedom, insofar as it is "in play," or plays its being. This kind of activity bears the paradox of constitutive binaries and holds them together in a space of creative becoming.

It must be noted that while I have argued that their visions articulate analogous structures of action, they are not identical. Within this framework, the differences are most visible through Henricks' relational typology. Arendt's account is restricted to the collective, dialogical play of politics as she conceives it. In Foucault's account, where politics *qua* power relations are omnipresent, rebellious play that resists outright and play at the margins that holds relevant power relations at a distance also model modes of free-being. And, whereas Arendt emphasizes secure institutional contexts to ensure the necessary conditions of play and the freedom it facilitates, Foucault emphasizes the possibility that of context-creation can also take place through the ethical fostering of relevant (inter)subjective dispositions.

This highlights the possibilities of free-being under conditions of violence or in relative privacy, possibilities Arendt would dismiss. In both accounts however, we see the free subject emerge through the paradoxically disruptive and constitutive power of play. Keeping mind what it means to be able to *play*, play's phenomenal depth and peculiarity, we are better able to make sense of Foucault's assertion that we must acquire a rule of law and an ethos that will enable us to "play these games of power with as little domination as possible," and of Arendt's statement that action **"**bring[s] into play of the world the new beginning of which each man is capable by virtue of being born."[124] Play opens and holds open new and underdetermined space in the world—the potential rupture of the given. As a figure of speech and co-action with others, it is a powerful model of a community of action.

[124] Foucault, "The Ethics of Concern for the Self," 289; Arendt, *The Human Condition,* 204.

CHAPTER FIVE

STATE, RACE, VIOLENCE

Thus far, I've considered how conceiving of political freedom as a practice inflects the link between ethics and how the idea of the free subject as a subject in play might refigure our conceptions of its subjective and objective grounds. My final argument concerns how our ideal conceptions of freedom bear on political arrangements: this chapter constitutes the first, critical component. In chapter 2, I considered in some detail the abstract categorical distinction Arendt and Foucault draw between power-politics and violence. This distinction clarified the stakes in my critique of a freedom whose determining political rationality is premised on violence. Here, I show that for Arendt and Foucault, these concerns are not mere abstractions but rather urgently and terribly concrete. In parallel, they articulate a link between a political freedom premised on violence and the racialized practices of domination that have emerged in conjunction with the modern State.

The Static Conception of Freedom

In the words of Michael Walzer, "Liberalism is a world of walls, and each one creates a new liberty."[1] This *spatial* sense of liberal freedom allows us to think of it as a property, and closely ties it to the boundary concept of subjective sovereignty. I have argued that political freedom in the liberal paradigm can generally be understood as a bounded area that limits external infringement upon a subject's actions. A primary theoretical preoccupation of liberal theory has been to specify that limit and determine what constitutes infringement. Conceived as a holding,

[1] "Liberalism and the Art of Separation," *Political Theory* 12, no. 3 (Aug. 1984): 315-330.

political freedom depends on the prevention of illegitimate incursions on a sphere of sovereign right.

This spatial conception of liberal political freedom determines its temporality: freedom can exist *in time* only insofar as its possession is secured continuously. Thus, the free subject's maintenance of sovereignty within legitimate bounds implies an aspiration to sovereignty over the future.[2] Temporally, political freedom is conceived as a state of being that persists over time.

As a state of being, political freedom depends on the adequate preservation of the subjective sphere of sovereignty against the present and future possibility of violation. At minimum, a securitizing border must be established and protected to preserve an adequate space within which the free person may choose to act—or not act—without coercion. This raises the basic question of how freedom will be provided and secured. As discussed at length in chapter 1, liberal theories generally posit that individual political freedom is secured by the State,[3] a political body minimally charged with the legitimate deployment of force.

In the work of John Locke, the predominance of this threat to freedom posed by others motivates the organization of the polity as a countermeasure: civil society comes into being to guarantee the state of freedom against the contingency of outside aggression, constituting a temporal "state" in opposition to that of nature. The forcible guarantee of a state of freedom is a commonplace that unites liberalisms across the spectrum from libertarian to egalitarian. The minimal state of libertarian theory strips this logic to its bare essentials—individual freedom depends on the night watchman's billy club. In the thicker theories of welfare liberalism, the

[2] On the temporality of sovereignty see Patchen Markell, *Bound by Recognition* (Princeton, NJ: Princeton University Press, 2003): 22–25. There is a potentially interesting resonance with liberalism's project-oriented temporality and its foreclosure of the unfamiliar as discussed in Uday Mehta, *Liberalism and Empire* (Chicago: University of Chicago Press, 1999): 209–214.

[3] In this chapter, I capitalize "State" in the sense of political institution to differentiate it from the state of being.

coercive force of the State is supplemented by its provision of freedom-enabling goods, but the punitive function is always presumed. As a state of being, freedom is guaranteed in its existence by the threat of State violence.

Taking these temporal and agential features together, we might call this a *static* conception of political freedom. In the static conception, freedom cannot be decoupled from violence, and the State is the locus of their connection. Political freedom is theoretically articulated with violence, because the threat of violence constitutes a basic motive for the political association through which individual liberty is established. This articulation is doubled insofar as the continual threat of incursions upon freedom must perpetually be met with a countervailing threat of force. Violence is the silent partner that stalks liberal freedom even as it protects it—not only a threat to freedom, but also its basic guarantor.

The theoretical articulation of freedom with violence at the nucleus of the State has a clear antecedent in the work of Thomas Hobbes, the first to posit an individual freedom thus determined. Within his calculus, the "liberty of subjects" is coterminous with those actions which are permitted by law. Any other definition of freedom and any associated claim against State authority undermine that authority and so invite the anarchic violence of the state of nature: "[I]t is absurd," he complains, "for men to demand as they do that liberty by which all other men may be masters of their lives."

> And yet, as absurd as it is, this is it they demand, not knowing that the laws are of no power to protect them without a sword in the hands of a man, or men, to cause those laws to be put in execution.[4]

Hobbes' definition of freedom emphasizes its irreducible reliance on the threat of violence, "a sword in the hands of a man." While few today would endorse the Hobbesian framework *tout*

[4] Thomas Hobbes, *Leviathan*, ed. Edwin Curley (Indianapolis: Hackett, 1994): 138. Hobbes uses the words freedom and liberty interchangeably.

court, more will perhaps accept that political freedom elementally requires the exchange of one "natural" form of violence for another, legitimate one.

It follows, in the words of Candace Vogler and Patchen Markell, that "since the liberal state thus conceived derives its legitimacy from the lingering threat of interpersonal violence, its redemptive promise must coexist, uneasily, with a portrait of the liberal individual as a very dangerous person."[5] In previous chapters, I have noted how this normative vision tends to posit persons who are *incapable* of political freedom;[6] in this analysis, we see how it also conjures persons who are *inimical* to it. Achille Mbembe summarizes this tendency as follows:

> The perception of the existence of the Other as an attempt on my life, as a mortal threat or absolute danger whose biophysical elimination would strengthen my potential to life and security—this, I suggest, is one of the many imaginaries of sovereignty characteristic of both early and late modernity itself.[7]

The structural role of the State as the protective agent of individual liberty, and the implied violence of the protection it renders, constitute an alarming signal that this perception of the Other is deeply embedded in the liberal paradigm. Reading Locke, Andrew Dilts finds that the creation of a liberal political subject "requires the production of a different figure that carries the burden of danger and irrationality."[8] At the ground of its theory, this conception of freedom posits an irreducible subject-position for the one who will be subject to State violence.

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[5] Candace Vogler and Patchen Markell, "Introduction: Violence, Redemption and the Liberal Imagination" in *Public Culture* 15, no. 1 (Winter, 2003): 2.

[6] This argument turns on the deficient rational capacity of women and of men without property. See, for example, Nancy J. Hirschmann, *Gender, Class and Freedom in Modern Political Theory* (New Jersey: Princeton University Press, 2008); Teresa Brennan and Carol Pateman, "Mere Auxiliaries to the Commonwealth: Women and the Origins of Liberalism," *Political Studies* 27, no. 2 (1979): 183–200; C.B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford: Oxford University Press, 1962). Bonnie Honig emphasizes the figuration of the irrational person at the margins of the political in Rawls: Honig, *Political Theory and the Displacement of Politics* (Ithaca: Cornell University Press, 1993): Ch. 5.

[7] Achille Mbembe, "Necropolitics," trans. Libby Meintjes, *Public Culture* 15, no. 1 (Winter 2003): 11–40, 18.

[8] Andrew Dilts, *Punishment and Inclusion: Race, Membership and the Limits of American Liberalism.* (New York: Fordham University Press, 2014): 88. On the carceral production of this figure, see especially pp. 109, 129–30. See also Barnor Hesse, "Escaping Liberty: Western Hegemony, Black Fugitivity" *Political Theory* 42, no. 3: 288–313.

If one is inclined to understand the coupling of freedom with violence as factical, their essential articulation in a normative theory of politics may not read, *prima facie,* as problematic—especially given a certain level of theoretical abstraction. But should the abstract subjects of politics be thought as embodied beings in thick sociocultural contexts, uncomfortable questions emerge. How will the "dangerous person"—the lurking threat to freedom, the embodied potential for antinomian violence—be conceived in his or her personhood? The risk which must be reckoned with is that it is not just the "liberal individual" but some particular category of persons who will be cast in this role.

As Vogler and Markell emphasize, liberalism is not only a set of norms and principles, but also "a constellation of institutions, practices, movements, identifications and modes of affect and desire."[9] On this terrain, the theoretical question of the "dangerous person" corresponds to a practice-oriented inquiry as to how this subject-position has been filled with flesh and blood. Charles Mills' *The Racial Contract* weds these theoretical and concerns, concisely illustrating how the subject of right in early social contract theory was drawn in explicit contrast with the racially distinct Other, and how this discourse runs parallel in liberal theory and modern history. While he locates his own theoretical commitments within the liberal tradition, Mills also asserts that emptying liberal theory of its historical content by theoretical abstraction perpetuates white supremacy by leaving structures of injustice in place. He calls for a critique of the state *qua* white supremacist state "whose function inter alia is to safeguard the polity *as* a white or white-dominated polity, enforcing the terms of the Racial Contract by the appropriate means and, when necessary, facilitating its rewriting from one form to another."[10] The readings of Arendt and Foucault which are to follow should be situated in this context.

[9] Vogler and Markell "Violence," 2.
[10] Charles Mills, *The Racial Contract* (Ithaca: Cornell University Press, 1997): 82.

Critical Genealogies of the State: Freedom, Violence, Race

For reasons intimately linked to their approaches to politics, discussions of "the State" as such are rare in the scholarship of Hannah Arendt and Michel Foucault.[11] Arendt's work on State power is located primarily in of *The Origins of Totalitarianism* and associated occasional pieces of the time. Foucault's appears in the recently published *College de France* lecture courses of 1975–1979, especially the course of 1975–1976, published in English as "Society Must be Defended." The State is also discussed in other lectures and interviews of this period, culminating in the repudiation of the juridical model of power in *The History of Sexuality Vol. 1*. Neither comes to easy conclusions on the topic: the complexity of their historical analyses of the State results from the heterogeneity of its actual historical origins and the dense network of relations between institutional mechanisms of State power and the discourses that constituted, justified and contested them. However, both tell stories in which the State itself emerges as an outgrowth of monarchical power and the contestations that surround it—not in itself a particularly controversial claim.[12] Their genealogical accounts track how conceptions of the State shift with the social, then political, ascendancy of the bourgeoisie and the nascent discourses of

[11] For Foucault especially, the refusal to focus on the State in discussions of power was intentional. He understood the State as it will be discussed here as a mode of discursive governmentality specific to its time, an argument especially legible in *Security, Territory, Population.* He also thought that the monomaniacal focus on the State's role as an oppressive agency obscured the actual capillary workings of power, a claim that is at intervals explicit and implicit throughout his analytic. While fully conscious of these caveats, the State is important to my analysis because of the crucial role it continues to play in structuring political ideals (both academic and everyday) and because I believe it to be significant that his engagement with the phenomenon head-on accords so uncannily with Arendt's account.

[12] Quentin Skinner traces the "history of the acquisition of the concept" of the modern state from the late medieval designation for the condition of a realm or commonwealth to an impersonal (and implicitly agential) "entity with a life of its own" (112), an idea which had become "virtually inescapable" (123) by the mid-eighteenth century. See Skinner, "The State" in *Political Innovation and Conceptual Change*, eds. James Farr, Russell L. Hanson and Terrence Ball (Cambridge: Cambridge University Press, 1989): 90–131.

nationality and race. What is perhaps surprising is how both emphasize the entwinement of the modern State with discourses and practices of racial formation.[13]

These histories constitute the matrix of the two authors' attempts to account for the Nazi atrocity—to them the most extreme and visible instantiation of racism as a political logic realized through the conjunction of violence and administrative rule—and the apogee of racist State violence as they experienced it. However, their critical conclusions are applicable to other instances of racial domination, including chattel slavery and the colonial domination of black and indigenous peoples. While the racial politics of their work are complex (a topic to be addressed below), both assert that the racial logic of Nazism is continuous with that of the colonial project, and that the colonies served as laboratories of its development. In formulating his abstract thesis (see above), Mbembe reads Foucault and Arendt with a view to the history of racial domination in the nineteenth and twentieth centuries; he acknowledges the singular uniqueness of Nazism but also posits that its logic has shaped and continues to shape other modern political projects.

Foucault and Arendt do not treat the State a natural, neutral, or transhistorical given, but rather in the context of its actual historical development. They do not come to judgments regarding the general legitimacy or desirability of the State, but rather consider it with respect to the discourses, events, and modes of self-consciousness and sociality that gave rise to it. In short, their discussions of the State take the form of genealogies.

The genealogical method of their critiques raises the question of history's relevance for normative theory. Any historical approach that would insist that the origin of the object in

[13] "Racial formation" names the ongoing material and discursive process by which human beings have come to be classified in terms of race. For a concise account of this approach and a consideration of its contemporary implications, see Michael Omi and Howard Winant, "The Theoretical Status of the Concept of Race" in *Race, Identity and Representation in Education*, ed. Cameron McCarthy (New York: Routledge, 2005): 3–12; Cf. *Racial Formation in the United States*, second ed. (New York: Routledge, 1994).

question must determine its value for all time would be too simple—guilty of the "genetic fallacy." Indeed, this approach would run counter to the guiding impulse of genealogy by insisting on the perduration of an intelligible, determinate, and determining essence that can be fixed by way of historical analysis. By contrast, my intention here is to show how these critical genealogies of the State can contribute to the *problematization* of freedom in the liberal paradigm. Foucault described problematization as "the development of a domain of acts, practices and thoughts that seem to me to pose a problem for politics."[14] As Colin Koopman has argued, to understand genealogy as problematization (rather than simple vindication or subversion) is to allow us to enrich and refine, to clarify, intensify, or refocus our assessment of the dangers posed by its object.[15]

By foregrounding the discursive, material and practical imbrication of nation, State, and race in the course of their emergence, Arendt and Foucault problematize the concept of the modern State in terms our dominant theories of freedom have still not adequately taken up.[16] While it is common to criticize State sponsorship of racial domination and oppression as a failure to live up to liberal norms, and many would argue that progress on this front has been won through appeals to these norms, freedom key among them, genealogical problematization reveals how the logic of the norm itself may contribute to the frustration of antiracist goals. It does so by allowing us to track the development of that logic in its historical specificity. This not only

[14] Michel Foucault, "Polemics, Politics, Problematizations" in *Essential Works, Volume 1: Ethics, Subjectivity and Truth,* ed. Paul Rabinow (New York: The New Press, 1994): 114.
[15] See Colin Koopman. *Genealogy as Critique: Foucault and the Problems of Modernity* (Bloomington, IN: Indiana University Press, 2003): 62–64. "One can," writes Koopman, regard that genetic reasoning as fallacious and still accept that genetic reasonings, including genealogy, are broadly relevant in less determinative senses to our projects of normative evaluation" (64).
[16] On the routine failure to take up the conceptual problems posed by race, see Charles Mills, "Philosophy and the Racial Contract" in *The Oxford Handbook of Philosophy and Race,* ed. Naomi Zack (Oxford: Oxford University Press, 2017); on the Lacanian "foreclosure" of such conceptual problems, the "the preemptive exclusion of possible references and their locutions from the realm of the symbolic, the field of representation or discourse," see Hesse "Escaping Liberty," 290–291.

breaks open the radical paradox posed by stubborn defenses of racial domination in the liberal tradition,[17] it also puts us in a better position from which to think whether and how the logic in question persists, and how it might subtly animate certain affects and institutional practices.

More specifically, problematizing the State in this way exerts necessary pressure on its concept as it is deployed in liberal theory. As this concept is naturalized by the frequency of its use, it is easy to lose sight of the fact that "State" names a contested and relatively recent political form. This elision occurs in many debates over norms within the liberal tradition, where the State assumes, or seems to assume, a deceptively simple and non-controversial agential function. Adjacent to this discourse, the theoretical value of bringing the historical genesis of the concept "State" to light has been acknowledged.[18] In thinking about freedom as a political value, it stands to reason that if the concept of the State is to have such a crucial normative purchase its prospects ought to be considered in light of its discursive and practical legacy.

As regards political freedom, genealogical problematization refocuses our attention on an often-overlooked danger of our dominant conception, challenging us to think more carefully about how the State is supposed to function within its justifying normative framework. The very structure of a freedom secured by force lends itself to the constitution of a threat—in the imagination, in discourse, and ultimately in action. In the stories Arendt and Foucault tell about the State, we see how features of this framework have reflected and been reflected in practices of liberal governance. These points of concern are distinct but related, as the operation deemed necessary for the State to secure freedom bears on how we imagine it as a concept.

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[17] Dominico Losurdo, *Liberalism: A Counter History*, trans. Gregory Elliott (London: Verso, 2014): 33. See especially Ch. 1–2, 4, 7–8.

[18] For recent discussions, see Barry Hindess, "The Concept of 'The State' in Modern Political Thought," *Australian Journal of Politics and History* 63, no. 1 (2017): 1–14; Quentin Skinner, "A Genealogy of the Modern State" in *Proceedings of the British Academy* 162, 2008 Lectures (2009). See also Cecile Laborde, "The Concept of the State in British and French Political Thought," *Political Studies* 48, no. 300323217 (June 2000).

In sum, if the State is to serve as the agent of freedom, we must rigorously interrogate not only the legitimate limits and optimal requirements of its action, but also the grounds and mechanism of its agency. From this perspective, if a "history of the present" shows State discourses and institutions to be sedimented with, and/or haunted by, racial political logic, the burden of justification falls upon those who would deploy the concept in abstraction in defense of their ideal of freedom.

State, Nation, and Race in The Origins of Totalitarianism

For Arendt, the State is primarily a legal order, a structural remnant of the European monarchy which had been contiguous with it prior to the eighteenth century. Her account of its basic features coincides roughly with the Weberian definition, including a legal edifice, administrative functions, and being charged with the security of inhabitants within a territorial limit.[19] Arendt understands the State as aspiring to universality within its spatial limitations, the order of its laws being "open to all who happen to live on its territory."[20] The State is analytically distinct from the nation. "Nationality" is a people's cultural and historical self-consciousness, as understood within the context of their persistent territorial habitation.[21] Thus, while both State and nation are defined with respect to territory, their relation differs: the State is a legal armature whose laws apply to persons within the bounds of the territory, whereas the nation names a population which derives the substance of its identity from its understanding of how its sociocultural being is

[19] Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, 1973): 230. Arendt's understanding of this topic is heavily influenced by *La Nation*, a two-volume study by J.T. Delos published in 1944.
[20] "The Nation," a review of *The Nation* by J.T. Delos in *Essays in Understanding*, ed. Jerome Kohn (New York: Schocken, 1994): 208.
[21] *Origins*, 229.

reflected in its persistence on a certain land. In Arendt's understanding, the nation-state is a historically unique entity which resulted from the combination of these two factors.

Nationality became politically relevant as a result of the shifting class dynamics of mid-eighteenth century Europe. Arendt writes that the bourgeoisie "developed within, and together with the nation-state, which almost by definition ruled over and beyond a class-divided society."[22] As the absolute monarchy declined and the emergent bourgeoisie vied with the nobility for socioeconomic power but, at least initially, had no ambition for direct political rule, no class or estate unambiguously prevailed as a new ruling class, and it became clear that the crown would no longer have an obvious social proxy. This situation was stabilized as the State took its place "above" society, its power not associated with a particular segment or class. This constituted "actual political rule which no longer depended on social and economic factors."[23] However, in doing so, it deepened the split between the legal-institutional edifice and the people it housed.[24]

In Arendt's telling, the story of the "nation" is a story about how bodies politic were maintained despite growing class struggle and social atomization. Under the feudal order, the king had served as "the visible exponent and proof of the existence of" the common interest.[25] When the king was abolished and the figurehead of common interest disappeared, it laid bare the nascent sociopolitical reality of conflicting class interests, or as Arendt puts it, "permanent civil war."[26] As a symbol of essential community, the national ideal—an image of a common future born of a common origin and territory— filled the vacuum created by the king's absence.[27] Over

[22] *Origins*, 123.
[23] *Origins*, 17.
[24] *Origins*, 17, 38. This also led to the State's establishing itself as a business concern.
[25] *Origins*, 230.
[26] *Origins*, 230.
[27] Benedict Anderson —in *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1996) —gives an account of nascent national self-consciousness as "imagined community" which differs

and against the fact of competing class interests, "the interest of the nation as a whole was supposedly guaranteed in a common origin, which sentimentally expressed itself in nationalism."[28]

This symbolic function was even more important given that while the State-society relation was determined by class struggle, from the liberal-individualist perspective of society, the State was conceived as a kind of supreme individual that ruled *individuals*, not classes. So, amid the "centrifugal forces" of class conflict, there was a need to both maintain and compensate for social atomization (i.e., individuals' sense of themselves as the primary agents of their own interests). Arendt posits that doing so required the increased centralization of the State and its monopolization of "all instruments of violence and power-possibilities."[29] Nationalism became the "precious cement" which bound the centralized State to the atomized individuals who comprised society and bound the individual members of the nation-state to each other by the vital force of sentimental attachment.[30]

In the "Continental Imperialism" chapter of *Origins* Arendt's assessment of this development is patently negative—she calls it a perversion of the State, and a tragedy.[31] The problem, in her estimation, is that the prejudices of nationalism interfere with the State's fulfillment of its role as a neutral and protective legal institution.

> In the name of the will of the people the state was forced to recognize only "nationals" as citizens, to grant full civil and political rights only to those who belonged to the national

significantly from yet runs adjacent to this one. For Anderson, the nation is predicated on the decomposition of religious and dynastic cultural systems and disruption of the premodern conception of time, which had united the cosmological with the historical. This opened the way for "a new way of linking fraternity, power and time meaningfully together" (36). Capitalism, print, and the associated stabilization of vernacular language shaped the subsequent emergence of nations as political communities imagined as "both inherently limited and sovereign" (6).

[28] *Origins,* 230.

[29] *Origins,* 231.

[30] On permutations of national sentimentality in the present tense, see Lauren Berlant, *The Queen of America Goes to Washington City: Essays on Sex and Citizenship* (Durham: Duke University Press, 1997). Chapter 5, "The Face of America and the State of Emergency," concerns the raced body politic.

[31] *Origins,* 222–250.

> community by right of origin and fact of birth. This meant that the state was partly transformed from an instrument of law into an instrument of the nation.[32]

Arendt refers to this as the "conquest of the state by the nation."[33] Part I, Chapter 2 of *Origins* is dedicated to the argument that the consolidation of this political form germinated the seeds of public antisemitism. But her assessment is not without ambiguity: She notes that the emergence of constitutional government is coincident with the concept of the nation, and posits that the equality of all peoples, both legal and political equality within the national political order and among the transnational "family" of nations, is a central tenet of nationhood.[34]

Within the political paradigm of the *nation*-state, the holding-together of popular sovereignty seems to depend on law being a subsidiary of national belonging, and equality of right appears, or is felt to be, a function of common origin and destiny. Thus, the nation-state was "based upon a *homogenous* population's active consent to government," and "conceived of its law as an outgrowth of a unique national substance which was not valid beyond its own people and the boundaries of its own territory."[35] Arendt posits that the "secret conflict" between State and nation can be seen in the French Revolution, "at the very birth of the nation-state." The tension is in the simultaneous Declaration of the Rights of Man and demand for national sovereignty: "the same essential rights were at once claimed as the inalienable heritage of all human beings *and* as the specific heritage of specific nations."[36] Henceforth, the enforcement of human rights came to depend on national belonging and (Arendt blames the Romantics) the institution of the State was associated with transcendental national substance rather than law.[37]

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[32] *Origins,* 231.
[33] The phrase is borrowed from Delos.
[34] See *Origins,* 275; 12, 78 and 166; 234.
[35] *Origins,* 125 (my italics), 127.
[36] This analysis differs significantly from *On Revolution,* where the primary deficiency of the Declaration of the Rights of Man is said to be its assertion of natural, as opposed to political rights. See Hannah Arendt, *On Revolution* (New York: Penguin, 1977): 139–140.
[37] *Origins,* 230–231.

Arendt's account maintains that as political circumstances shifted, the idea of nationality united the disparate classes so as to keep them under the aegis of the State. However, she is well attuned to the discursive flexibility of the term: her most concerted analysis of the nation-state is located in the discussion of the rise of continental imperialism (pan-Germanism and pan-Slavism) as a precursor to totalitarian government. Arendt identifies the driving force of the pan-movements as "tribal nationalism," which she contrasts with the nationalism of the fully developed nation-state insofar as it is deracinated, not associated with a particular territory. For the continental imperialist movements, which often had their roots in anti-Semitic parties, commonality of the people could not be read through the claim to a common territorial home and historical origin, but was instead refracted through the claim to divine chosenness and a glorious future.[38] This carried nationalism toward its eventual confluence with the concept of race, an idea which Arendt analyzed in the two preceding chapters, and to which I will now turn.

Race thinking developed out of the same cauldron of forces which produced the idea of the nation and, in Arendt's account, in response to that concept. Where tribal nationalism attributed the common origin and innate superiority of a people to chosenness by God, racism (in its fully developed form) attributes it to nature.[39] The concept of race came into use in France as an *anti*-national instrument of division in the tactical struggle for class influence.[40] Taking up historical analysis proposed by Montesquieu, Arendt locates the origin of race thinking in the work of the Comte de Boulainvillers. In the early eighteenth century, the French nobility faced a two-front

[38] *Origins*, 231–234.
[39] On the history of the development of race as a "natural" attribute from the sixteenth through the nineteenth centuries, see Michael Banton, *Racial Theories*, Second edition (Cambridge: Cambridge University Press, 1998): Ch. 2–3. It is critical that this account, be located in the context of its social and political operation of the scientific discourse (see Omi and Winant, op. cit.).
[40] Anderson (*Imagined Communities*, Ch. 8, 49–50) similarly emphasizes the class origins of racism as opposed to nationalism but does not address instances of their confluence.

challenge, from the rising Third Estate with its legal and administrative advocates, and from the King's growing consolidation of independent authority.[41] To assert the right of the nobility, Boulainvillers interpreted French history as a story of conquest, where an invading Germanic race (the "Francs") had subdued the extant population (the "Gaules"), imposed its law, and ruled by right of conquest.

The nobility justified its claim to power by reference to their being descendants of the conquerors; thus, a socioeconomic class is reframed in terms of a race. Arendt terms this "race thinking" and not "racism" because the justification is built on the basis of historical legacy of conquest—a heritage of might-makes-right—and not a supposed fact of nature or biology, which would grow in importance as later aristocratic commentators advanced Boulainvillers' thesis. Race thinking, then, emerged in France both consequent to class struggle and simultaneous with the articulation of that struggle as such.

In Germany, on the other hand, race thinking grew out of nationalist thinking, as commonality of origin came to be thought of in terms of blood rather than language or culture. Arendt writes that it was "a frustrated nationalism," the failure to bind the people to the State by nationality, which necessitated "ideological definitions of national unity as a substitute for political nationhood."[42] In England, she attributes the impetus to race thinking to Edmund Burke's refusal of the concept of the rights of men, and to his corollary notion of liberty as a particularly English patrimony.[43] As opposed to France, in Germany and England racism originated among middle-class, not aristocratic writers. While she will repeatedly insist on the

[41] Arendt writes, "Boulainvilliers had to fight the monarchy too because the French king no longer wanted to represent the peerage as *primus inter pares* but the nation as a whole; in him, for a while, the new rising class found its most powerful protector." *Origins*, 162.
[42] *Origins*, 166.
[43] *Origins*, 175–176.

essentially anti-national character of race thinking, Arendt finds that it developed in these countries "along national lines" and was "nourished by true national feelings."[44]

As it gained traction within these various national conversations, the idea of race underwent a twofold conversion. First, it shifted from a sociocultural and sociolinguistic identification to one of family or kinship and heredity—in short, of blood.[45] This identification was given a new flexibility and intensity with the popularization of Darwin's theories of evolution.[46] Second, the idea of race became increasingly conflated with that of nation. Taken together, these developments prepared the conversion of race thinking into racism, "the powerful ideology of imperialistic policies."[47] Arendt is adamant that in this conversion, the development of racism into an ideology and the "scientific" development of racial theories followed the political imperative of imperialist expansion.[48] She asserts that were it not for imperialism, "race thinking" would have dispersed along with other "irresponsible opinions."[49]

This marks another crucial point at which Arendt intimates that the political import of race and nationality were determined by the dynamics of class struggle—this time by the political emancipation of the bourgeoisie. For centuries, despite the preponderance of social and economic power, the bourgeoisie had not aspired to political rule, leaving political life and decision-making to "statesmen"; the bourgeoisie "regarded the State as a well-organized police force."[50] This changed when the economy reached the limit of its growth at the national borders,

[44] *Origins*, 176, 180.
[45] *Origins*, 165. Amid the hazy origins of the concept in the early modern period, Bernasconi and Lott propose that Immanuel Kant was "the first to propose a rigorous scientific concept of race" in his "Of the Different Human Races" (1775). "Introduction" in *The Idea of Race*, eds. Robert Bernasconi and Tommy Lott, (Indianapolis: Hackett, 2000): ix.
[46] *Origins*, 178–180.
[47] *Origins*, 160.
[48] *Origins*, 159–162.
[49] *Origins*, 183.
[50] *Origins*, 138.

and capitalists had to directly engage the power mechanisms of the nation-State defined by those borders in order to maintain economic expansion.[51] The State increasingly became a kind of truncheon ambassador for businessmen overseas—"Only the unlimited accumulation of power could bring about the unlimited accumulation of capital."[52] In repeating that this was the "political emancipation of the bourgeoisie," Arendt refers not just to the entry of the class into politics, but also to the State's adoption of the capitalist principal of continual expansion as a political principle, and the martialing of state forces—law, institutions, and instruments of violence—in the direct service of such expansion, for the sake of continued economic growth. As a political practice, colonial imperialism was the first form it took, but the effects redounded to the body politic: confirming this claim, Elisa von Jorden-Forgey has shown how German imperialism fostered a racialized conception of national belonging in Germany, and of the freedom to violently dominate colonial subjects as a kind of birthright.[53]

In Arendt's account, it was through colonial imperialism that Europeans discovered racism's potential as the motivating principle of a body politic. She argues that the best example of this phenomenon is the domination of the Zulu people by the Boers—enacted proof that it was possible for an underclass to create a class lower than themselves through sheer violence.

> African colonial possessions became the most fertile soil for the flowering of what later was to become the Nazi elite. Here they had seen with their own eyes how peoples could be converted into races and how, simply by taking the initiative in this process, one might push one's own people into the position of the master race.[54]

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[51] *Origins,* 123. Arendt's understanding of the structure of imperialism as primarily motivated by a search for new markets is heavily influenced by Rosa Luxemburg's *Die Akkumulation des Kapitals,* which posits the dependence of capitalist accumulation on the existence of a noncapitalist social strata into which it may expand (*Origins,* 148, see especially footnote 45). Joan Cocks compares their positions on nationalism in "On Nationalism: Frantz Fanon 1925–1961; Rosa Luxemburg1871–1919; and Hannah Arendt, 1906–1975" in *Feminist Interpretations of Hannah Arendt,* ed. Bonnie Honig (University Park, PA: Pennsylvania State University Press, 1995): 221–246.
[52] *Origins,* 137.
[53] Elisa von Jorden-Forgey, "Race Power, Freedom, and the Democracy of Terror in German Racialist Thought" in *Hannah Arendt and the Uses of History: Imperialism, Nation, Race and Genocide* (New York: Berghahn Books, 2007): 21–37.
[54] *Origins,* 206.

In Nazism, she argues, this prospect of race hierarchy as political principle flowed together with bureaucratic rule, which was systematized and perfected in the colonial holdings of India, Egypt, and Algeria. Bureaucratic or administrative rule, "rule by reports," seems to represent to Arendt an innovation in modes of domination, or at least a distinctly modern iteration.[55] Bureaucracy replaces the inherently stabilizing force of law with temporary and changing decrees. Its aimless processes of management, often carried on in secret, shape the lives of subjects who are viewed as instruments of the process, understood dually as continuous capital accumulation and the paternalist management of a racially inferior people. The important subtext of her analysis is the extent to which bureaucracy is anti-political according to her own criteria: Its features cut against the establishment of political community and extinguish the light of the public realm.

Arendt endeavors to show how, facilitated by the advent of scientific racism, racial domination was imposed by sheer violence in South Africa and maintained through the bureaucratic administration of force in diverse colonial holdings. (I will bracket, for a moment, the applicability of this analysis to the colonization of the Western hemisphere and the transatlantic slave trade, centuries earlier.) She argues that these developments reshaped political convention in Europe: "Lying under anyone's nose were many of the elements which gathered together could create a totalitarian government on the basis of racism."[56]

Important among these elements is a phenomenon which Arendt mentions repeatedly, but whose significance is perhaps not properly weighed: the substitution of race for nation.[57] It was

[55] *Origins*, 186.
[56] *Origins*, 221.
[57] *Origins*, 152, 183, 185. On the persistent overlap and tension between these terms, see David Theo Goldberg, "The Semantics of Race," *Ethnic and Racial Studies* 15, no. 4 (1992): 543–569, see especially 557–558. It is telling how in the most virulent historical and contemporary examples, there is an easy conflation of nation and race: see for example Arthur de Gobineau, *The Inequality of the Human Races* (1871) and Francis Galton, "Eugenics: Its Definition, Scope and Aims" (1906) in *The Idea of Race* (2000).

this substitution which made domestic support for colonial acquisition possible. Again, Arendt links it to the problem of class division:

> [The liberal statesmen] shared with the people the conviction that the national body itself was so deeply split into classes, that class struggle was so universal a characteristic of modern political life, that the very cohesion of the nation could be jeopardized. Expansion [colonial imperialism] again appeared as a lifesaver, if and insofar as it could provide a common interest for the nation as a whole, and it is mainly for this reason that imperialists were allowed to become 'parasites upon patriotism.'[58]

Arendt recounts how the "liberal statesmen," the representatives of the nation as a bounded political entity," battled against colonial expansion, and argues that they understood that as a political principle, expansion is at odds with the idea of nationhood itself.[59] Their acquiescence was to prove devastating, as the normalization of racial discourse fed into the continental imperialism of the Slavic and Germanic pan-movements, which were organized around the motivating principles of antisemitism, and eventually in Nazism. The substitution of race for nation culminated in the wholesale destruction of those nations themselves.

If for Arendt, "nation" initially named a sociocultural and linguistic self-identification with a territorial group, and "race" began as an anti-national sociocultural group identification which eschewed territorial attachment, these analytical distinctions arguably lost much of their practical significance as the colonial enterprise got underway. The nation and the national interest came to carry a presumption of shared race, as defined against racial others. When the State was "conquered" by the nation, individual legal standing (share in universal right) became a function

[58] *Origins*, 152. The concluding quote is from J.H. Hobson's *Imperialism* (1905).
[59] *Origins*, 132. This analysis might be further nuanced by Jennifer Pitts' account of the factors that contributed to liberal thinkers' increasing support for imperial projects in the mid-nineteenth century: increasing national (*qua* civilizational) self-confidence, and anxiety regarding the durability of political institutions, which were soothed by the imperial project insofar as it contributed to the definition of the definition of the national political community. See Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* Princeton: Princeton University Press (2005): Ch. 8.

of national belonging, pertinent to those persons who belonged on the land by virtue of their membership in the cultural and linguistic group. Meanwhile, racial theories became more biological, and heredity became a question not just of affinity and attachment, but of blood. These currents flowed together in the justification of colonial projects— Arendt explains them as a replaying of primitive accumulation –which required for their legitimation that colonized populations be dehumanized. When racial difference was deployed as a justification for the colonial imperialism of the nation-state, race and nationality were fused together in the crucible of State action.

According to Arendt, race and nationality are antipodes, in that racism destroys the body politic of the nation by denying the principles of equality and solidarity upon which national organizations are built. But in the same breath, she writes that race entered the scene of history simultaneously with the nation, haunting European nations a shadow.[60] Shadows, though, are just negative images in two dimensions: it would be better to say that race menaced the nation as a grotesque double. Then, when it is asserted that race thinking "finally grew into a monstrous weapon for the destruction of those nations," the metaphor coheres.

Ultimately, Arendt presents us with an ideal vision of the State as protector of universal right which is artificially maintained by the idea of nationality and yet is in constant danger of foundering on the idea of race. The twofold problem of social atomization and internecine class conflict lies at the root of this quandary. Under these conditions, the function of the nation *vis à vis* the State is to be a vehicle of sentimental attachment which will compensate for the absence of substantive political relationality, an affective symbol which became conflated with race through the prospect of a shared economic imperative. It is within this context of racialized

[60] *Origins,* 161.

nationality that the agential function of the State posited by the static conception of freedom must be considered.

Up to this point, I have left aside the many concerns and criticisms regarding the possibility of Arendt's anti-black prejudice. The problem of her own race thinking has received much needed critical attention recent years. Key issues include the intimation of apologia, the occasional carelessness and overt cultural chauvinism of her account of the "Dark Continent" in *Origins*, which in the words of Joan Cocks "not only reveals but instantiates the phenomenology of European racism," and also the asymmetries of her critique of revolutionary violence in *On Revolution* and *On Violence.* There also is an extremely complex problematic surrounding her assessment of school integration in "Reflections on Little Rock."[61]

In the context of the present inquiry, what is most significant is how in *Origins* Arendt seems to recognize the plight of racial minorities in the United States but refuses to acknowledge it, avoiding the unbearable and thus preserving her vision of that republic's enacted equality of condition.[62] For it is patently evident that centuries before the "scramble for Africa," complex systems of racial domination were established in the Americas. Arendt's assertion that this was possible in the United States without the slaveholders' being "race-conscious," that most slave holders considered it temporary and wanted it gradually abolished, is an insult to history.[63] It is

[61] Joan Cocks, "On Nationalism," 222. Perhaps the most damning evidence in the latter controversy is Arendt's admitted avoidance of travel to the South. For concerted analyses of these issues, see Katherine Gines, *Hannah Arendt and the Negro Problem* (2014) and Anne Norton, "Heart of Darkness: Africa and African Americans in the Writing of Hannah Arendt" in *Feminist Interpretations of Hannah Arendt* (1995); and Robert Bernasconi "The Double Face of the Political and the Social: Hannah Arendt and America's Racial Divisions" *Research in Phenomenology* 26 (1996): 3–24.
[62] This use of recognition and acknowledgment is adapted from Markell, *Bound by Recognition* especially 32–38.
[63] *Origins*, 177. See James Whitman, *Hitler's American Model: The United States and the Making of Nazi Race Law* (Princeton, NJ: Princeton University Press, 2017). Losurdo (*Liberalism*, 28–30) notes the unusual credulity of Arendt's dismissal, in *On Revolution*, of American slavery as incidental to its national foundation.

as if she is not conscious, in considering the foundation of the United States, of indigenous genocide, or that the arrival of slaves at Jamestown preceded the Massachusetts Bay Colony by a decade—indeed, she denied that the United States was a nation-state at all.[64]

Her stated unwillingness to travel to the South, avowed in the introduction to "Reflections on Little Rock," is damning in this light.[65] It is evident that while she called slavery the stain on the republic and its blood scandal, Arendt avoids the imperative of judgment regarding the relevance of her thinking on race, nation, and State to her adopted home. However, I would argue that the validity of these concerns does not cut against the thesis I have outlined here but perhaps, tragically, implicates her in it. We might wonder if Arendt herself was not immune to the subliminal impulse to see law and the autochthonous drive to organize in and for equality as an outgrowth of a "unique national substance," or at least of a particular tradition, the tradition she worked within and against.

Foucault: State, Race, and the Discourse of War

The editors of Foucault's lecture course of 1975–1976, published as "Society Must Be Defended" note that it is impossible to know from Foucault's records how secondary literature influenced his lectures; they note that many relevant books, including works by Arendt, were in wide circulation at the time.[66] This editorial gesture, though, underplays the thematic continuity between Foucault's lectures on the genealogy of race discourse and the historical analysis of race in Arendt's *Origins*. If the similarity is accidental, it is uncanny: like Arendt, Foucault draws a

[64] Hannah Arendt and Roger Errera, "The Last Interview," trans. Andrew Brown in *The Last Interview and Other Conversations* (Brooklyn, NY: Melville House, 2013): 112.
[65] "Reflections on Little Rock." *Dissent* 6, no. 1 (1959): 45–56.
[66] Alessandro Fontana and Mauro Bertani, "Situating the Lectures" in Michel Foucault, "*Society Must Be Defended": Lectures at the College de France, 1975–1976*, trans. David Macey, eds. M. Bertani and Alessandro Fontana (New York: Picador, 2003): 287.

line from Boulainvillers through Sieyès and the universal-particular tensions of State and nation in the French Revolution, then through colonial imperialism to the scientistic biological racism of the Nazis. Engaging the primary texts more deeply than Arendt, he carries this line of thinking in quite different directions.

One key difference is that for Foucault, this is self-consciously a history of *discourses*, specifically of the discourse of race war or race struggle that Arendt identifies only with the full-fledged ideology of racism. Foucault argues that while the discourse of race war was polyvalent in its origins and strategic purposes, it generally emerged in order to oppose the philosophical and theological discourse of sovereignty by a historico-political appeal to past dominations.[67] In each case, the claimants held different strategic positions *vis à vis* the monarchical State, but all appealed to the lasting significance of a historical struggle for power between warring groups in the present determination of right. Foucault is interested in race discourse not as an ideology, a totalizing "key to history," but rather in its development from a tactic of contestation of sovereign right into a strategic reinforcement of it. Tracking this shift from the counter-discourse of race war to the (hegemonic) discourse of biological racial purity is the primary purpose of the lecture course.

His investigation begins earlier than Arendt's, in sixteenth-century England, where the discourse of race struggle is characterized by multiple, overlapping narrative and practical responses to what Foucault calls the "problem" of the Normans' 1066 conquest of the Saxons. In the early seventeenth century, various emergent discourses appealed to the Norman Conquest in seeking to justify their political demands, coding social oppositions in the historical form of the conquest and domination of one race by another. The monarchy and aristocracy claimed

[67] *Society*, 75–76.

sovereign right as a legacy of the Norman conquest, while parliamentarians (the bourgeoisie) appealed to the prior tradition of Saxon right in asserting their own power within the monarchical system. More radically, the petit-bourgeois or popular movements of the time—the Diggers and Levellers—used the fact of the conquest to deny the legitimacy of monarchical sovereignty and social hierarchy wholesale.[68]

In France, the claims of the French aristocracy against the king in the eighteenth century appealed to the Frankish conquest of the Gauls in a similar way, but the tactical significance of the discourse of race war was more complex. Foucault's basic account of the situation is congruent to Arendt's—the nobility asserts an inherited right of conquest against the rising Third Estate and an increasingly independent monarchy—but he considers this development in further detail, arguing that the French nobility's development of this discourse exhibits a more concerted and strategic use of *knowledge*, specifically the development of historical knowledge, in the two-front political struggle with the king and the bourgeoisie.

In France, the construction of historical narrative of monarchical power had up to that point been a matter of reflecting and reinscribing sovereign right, "the history of power told by power itself."[69] The production of historical knowledge had thus served the "mechanism of power-knowledge" that had "bound the administrative apparatus to State absolutism" since the 17th Century."[70] This mechanism was the target of Boulainvillers and his eighteenth-century successors, who were engaged in the writing not only of political treatises, but of histories. The reactionary nobility countered royalist history and its associated domains of knowledge by asserting historical counter-knowledge: against judicial and clerical knowledge of right, a history

[68] *Society*, 101–10.
[69] *Society*, 133.
[70] *Society*, 129.

of the noble blood spilled on the king's behalf; against economic and administrative knowledge, a history of the king's illegitimate dispossession of noble wealth with the aid of the nascent bourgeoisie. The nobility used the historical discourse of war to attack "the hinge that connects power to knowledge in the workings of the absolute state of the administrative monarchy" and so to improve their strategic position."[71]

Foucault argues that while the material of their discursive fields is similar, there are subtle but important distinctions between the discursive function of "race war" in the English and French examples. In the English case, war is a disruption that intercedes between systems of right, a "ferryman" from one kind of right to another. Boulainvillers, though, generalizes war so as to throw right itself, and the possibility that freedom might be something other than a nonegalitarian force relation, into doubt.[72] And while in England there was an extant sense of a Norman/Saxon racial duality, the French social body had presumed a mythical kinship among its peoples.[73] By introducing the historical discourse of war, the reactionary nobility disrupts the "implicit thesis" of social homogeneity.

Consequent to this disruption, the strategic discourse advanced by Boulainvillers and his successors introduces a new speaking subject and object of knowledge in history:

> It is what the historian of the period calls a "society." A society, but in the sense of an association, group, or body of individuals governed by a statute, a society made up of a certain number of individuals, and which has its own manners, customs, and even its own law. The something that begins to speak in history, that speaks of history, and of which history will speak, is what the vocabulary of the day called a "nation."[74]

Understood in the context of its emergence, what is crucial about this idea is that it recasts the terms of individual political belonging. Whereas the subject's political belonging had been

[71] *Society*, 136.
[72] *Society*, 156, 143.
[73] *Society*, 126–127.
[74] *Society*, 134.

articulated on a one-to-one basis with the person of the king, knowledge of the historical legacy of conflict anterior to the establishment of the monarchy introduces the prospect of a *tertium quid* between the two, a political body that stands apart from the body of the king.[75] The king does not constitute the nation, the nation acquires a king in its struggle with other nations. Foucault posits that at the moment of its emergence, this idea of nation was very broad: "According to this definition, the nobility was a nation, and the bourgeoisie was also a nation."[76] While it was soon given a Statist definition in the *Encyclopedié*, he notes the persistence of the infra-State understanding of the term "nation" in historical and political literature.

Whereas Arendt holds race and nation apart until the colonial moment, Foucault reads race and nationality as generally congruent and overlapping concepts. Once in circulation in France, the discourse of historical race struggle was deployed by monarchists, aristocratic reactionaries, and (although they were the last class to adopt it) the bourgeoisie in their struggle for the levers of State power throughout the eighteenth century: each of these deployments narrativize the historical relationship of the Frankish and the Gallic races in terms of nation.

The bourgeois deployment of this discourse was facilitated by a crucial theoretical shift at the time of the French Revolution, the moment Arendt identifies as the birth of the modern nation-state. Sieyès' "What is the Third Estate?" is exemplary of this transition: while it did not make race irrelevant, it reframed the idea of nation, (which, Foucault takes the opportunity to remind his listeners, the aristocracy had asserted as the subject and object of history) in its relation to the State.

Sieyès' innovation was to redefine the criteria of nationhood in terms of common law and functional/productive capacity, and thus to make it coincident with the Third Estate. Here,

[75] *Society*, 217.
[76] *Society*, 142.

although it does not disappear, the articulation with heredity race is deemphasized, and juridical, cultural, and productive self-constitution become the nation's historical conditions of possibility.[77] This claim must be understood, Foucault insists, as polemic against the reactionary nobility, for whom national belonging meant simply sharing common customs and a common status. By building productive capacities as well as formal juridical apparatus into the very substance of the nation as such, Sieyès both concretizes the link between nation and State and contends that "the Statist entity constituted by the kingdom of France" lacks the historical preconditions of its nationhood: these can be fulfilled only in the Third Estate which thus, by right, ought to coincide with the State.[78]

Foucault argues that this is a key turning point: in this moment, the "vertical" relation of nation to State displaced the "horizontal" struggle between nations in this discursive field.[79] As part of a strategic discourse, the figure of nationality had come into being in contestation of the State, to reveal the past dominations it concealed. Now, the discourse shifted as the nation became the bearer of the State's virtual potential: history became polarized toward the present, and the struggle to realize the nation in the universality of the State. Like Arendt, Foucault articulates this moment in terms of a movement between national particularity and State universality, but where she sees a scandalous tension, he sees a kind of motor. Foucault argues that these two understandings of history will be overlaid with one another and the two grids of

[77] [Sieyès'] point is, you see, that France is not a nation, because it lacks the formal, juridical preconditions for nationhood: common laws and a legislature. And yet there is "a" nation in France, or in other words, a group of individuals who have the potential capacity to ensure the substantive and historical existence of the nation. These people supply the historical conditions of existence of both *a* nation and *the* nation… "The Third Estate is a complete nation" (*Society,* 221).
[78] *Society*, 218–224.
[79] *Society*, 223–224.

intelligibility function together as "the State, and the universality of the State, become both the struggle and the battlefield."[80]

Like Arendt, Foucault maintains that for centuries the idea of "race" was polysemous and not pinned to biology in a determinate way. Rather, it named some complex of differences (cultural, religious, linguistic, and/or economic) as brought into relief in the context of conflict.[81] Only later, in the moment of its discursive (re)centralization in service of sovereign right, will "race" come to be decisively identified with biology.

> It was a reworking of that old discourse, which at that point was already hundreds of years old, in sociobiological terms, and it was reworked for purposes of social conservatism and, at least in a certain number of cases, colonial domination.[82]

The distinction between the early seventeenth century uses of "race" and the late nineteenth century derivation of the term mirrors Arendt's discussion of the transition from early "race thinking" to the racism of the pan-movements and totalitarian regimes.

Arendt saw the discourse of race as having been set on course toward its monstrous apogees by the conversion of capitalist principles into a political logic. In Foucault's telling, racism was wedded to the modern state through its adoption of a new ensemble of techniques of power—biopower. The seventeenth and eighteenth centuries had seen the proliferation of disciplinary mechanisms of power, institutional techniques of training, surveillance, and regimentation that reshaped human conduct in ways that better fitted the logic of industrial capital. Foucault argues that these diffuse techniques (generally independent of but also related to the juridical State) were from the eighteenth century increasingly integrated with and permeated by other techniques of power—these largely martialed by the State but sometimes

[80] *Society*, 228, 225.
[81] *Society*, 77.
[82] *Society*, 65; cf. 80, 256–257.

independent of it. "Biopolitical" techniques of power acted not on the individualized field of the living body, but on the massified field of the population, the social group conceived as an organic, processual whole.[83] The State has come into possession of a new modality of power relation, intertwined with its traditional sovereign power to make die and let live—techniques of power to make live and let die.

In the final lecture of the course, Foucault poses to himself a seemingly self-evident question that is too-little asked in discussions of his biopolitical analyses: if the aim of biopolitical State intervention is the enhancement and prolongation of life, why should "letting die" be a question of concern—why, he implicitly asks, should biopolitical administration appear to us as an object of critique?[84]

One answer lies in the way these techniques of power have been applied, which is, Foucault argues, according to a racist logic. The population is biopower's field of operation and the register of its discourse is scientific. From its inception, its discourse is intertwined with an increasingly "scientific" discourse of race. The idea of naturally distinct races fragments the "biological continuum of the human race," i.e., the naturally homogenous population; race introduces a biological caesura that partitions out groups, and thus the possibility of racial hierarchy.[85] Biopolitical tactics are applied by a State which is a nation-state, where nationality has become discursively linked with race.

Thus, the tactics of biopower—making live and letting die—were applied according to racialized logics. As techniques of biopower are deeply imbricated with those of disciplinary and sovereign power, racial logic also came to be operative in a new way in the dressage of bodies

[83] On the importance of the concept of population for the solidification of the race-concept within the colonial context see Goldberg "Semantics of Race," 558.
[84] *Society*, 254.
[85] *Society*, 254–255.

and the justification of sovereign right. Thus, Foucault draws a dramatic conclusion: "It is at this moment that racism is inscribed in modern States."[86] The crucial turn in the work of Sieyès, where national belonging becomes a matter of vertical integration with the state rather than horizontal struggle, is important here. If racial and national identifications had served as tactics to promote struggle among classes and justify claims of right by reference to history, with the emergence of biopower, race—in the complexity of all its articulations with science and nationality—becomes a practical and justificatory principle for State action.

Racism reshapes the relation of war—if you want to live, the other must die—so as to be compatible with biopower within the contours of a national population that, as a living organism in its own right, may be conceived as sicker or healthier, stronger or weaker, purer or less pure. In this view, the national population is vulnerable to the threat of degeneration or degradation. Scientific racism establishes a biological relation between the life of one and the death of the other: now the death of racially inferior individuals promotes the life and health of the population. As its proxy, the State is charged with its maintenance and advancement. In the words of Ann Laura Stoler, race is "internal to the biopolitical state, woven into the weft of the political body, woven into its fabric."[87]

What strains our view of modern politics when stated with such urgent abstraction becomes more visible in light of modern history. With the development of scientific evolutionism, biological or quasi-biological logics of species hierarchy and natural selection were applied to the problems of politics, especially problems which involved confrontation and the use of violent force, i.e., killing or the risk of death. Colonial invasion is the most salient

[86] *Society*.
[87] Ann Laura Stoler, *Race and the Education of Desire: Foucault's History of Sexuality and the Colonial Order of Things* (Durham: Duke University Press, 1995): 69.

exemplar of this phenomenon, but it also describes an approach to problems within the body politic such as criminality and physical and mental illness ("degeneracy," explored in detail in the lectures published as *Abnormal*), as well as class. For the biopolitical State, whose imperatives now included the administration of life or "making live," racism served as a justification for both killing and "letting die," which we might think in terms of the administration of death. Foucault is clear that he intends by death not only the death of the body but also deaths termed "social" and "political," exclusion from the worldly circulation of sociality and from the body politic.[88]

While it has been asserted that Foucault abandons the discourse of war after the conclusion of the 1975–1976 lecture course, there is evident continuity with subsequent lectures provided that one takes seriously his conclusions regarding the operational shifts in this discourse, and his concern that the idea of an endogenous "race struggle," i.e., a racially differentiated distribution of biological (as well as social) life and death, has become an internal principle of the State's biopolitical (as well as sovereign and disciplinary) functioning. Relevant concerns run consistently through the lectures on biopower in the lectures of 1977–1978 and 1978–1979. This continuity should be read through the quite unambiguous analysis of the vertical integration of the nation with the state, and the state's subsequent adoption of the previously counterhegemonic discourse of race.[89]

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[88] See Orlando Patterson, *Slavery and Social Death* (Cambridge, MA: Harvard University Press, 1982): 35–46. Of course, physical illness and death are also correlated with this phenomenon. A paradigmatic example may be observed in the articulation of racism, criminalization, social and political death in the prison industrial complex as described by Dilts, *Punishment and Inclusion*, among many others.

[89] In considering these lectures, it must be borne in mind that discourses and modes of power relation tend to concatenate over time, restricting each other in some places, scaffolding or reshaping each other in others, but rarely disappearing altogether. While certain strategies of neoliberal governmentality may crystallize around their tactical separation from the State, biopolitical development does not *replace* sovereign and disciplinary exercises of power, but rather functions at a different level—sometimes separate, sometimes simultaneous, but always in some relation. In *Security, Territory, Population*, Foucault asserts that the government of populations makes the foundation of sovereignty and the need for disciplines *more acute* (107). Michel Foucault, *Security, Territory, Population:*

In *Security, Territory, Population,* Foucault discusses the innovation of *raison d'Etat*, the reflective practice of preservation of the state *qua* dominion over peoples, and situates the emergence of the state within a general history of governmentality.[90] He analyzes the elaboration of the notion of the population in the seventeenth and eighteenth centuries, especially through the apparatus of the police, whose primary purpose was to make *raison d'Etat* function by regulation, "the creation of a state utility on the basis of and through men's [sic] activity."[91] The regulatory administration of social life, through the police and subsequently also through diffuse productive mechanisms, institutions. and apparatus, gives rise to a practical problematic of the population and wealth and, eventually, to political economy as a domain of knowledge.

These developments, the increasing density of technologies of power and the development of new domains of knowledge, took place alongside the contentions on the field of history described throughout much of "Society Must Be Defended." Through the seventeenth and eighteenth centuries, the strategies of biopolitical population management were developed to optimize the State's forces through rational control of the "aleatory" or dangerous element. Arriving at the moment when nation and state are integrated—when this integration becomes an object of reflection—the stakes of this applied rationality change in a subtle but important way: To recall Arendt's phrasing, the state becomes an instrument of the nation. This shift contextualizes Foucault's positing of distinct but interwoven histories between "abnormal racism" and "ethnic racism" in the *Abnormal* lectures.[92] The analysis of the development of a

Lectures at the College de France, 1977–1978, trans. Graham Burchell, ed. Michel Snellart (New York: Picador, 2007), Lectures of 8 March and 15 March, 1978.

[90] *Security, Territory, Population*, Lectures of 8 March and 15 March, 1978.

[91] *Security, Territory, Population,* 323.

[92] Michel Foucault, *Abnormal: Lectures at the College de France, 1974–1975*, trans. Graham Burchell, ed. Arnold Davidson (New York: Picador, 2003): 316–17. On this distinction see David-Olivier Gougelet and Ellen K. Feder, "Genealogies of Race and Gender" in *The Cambridge Companion to Foucault.* ed. Gary Gutting (Cambridge: Cambridge University Press, 2006).

granular and pastoral government of populations in *Security, Territory, Population* does not contradict the analysis in the closing lecture of "Society Must Be Defended," but rather, begins to show in detail the *dispotifs* of security, many of which would later prove adaptable to the logic of scientific racism.

Moving, then, to *The Birth of Biopolitics* lectures of 1978–79, it is in the context of a raced nation-State that Foucault's statements on freedom in the lecture of 24 January must be read. Liberalism, he contends, as an art of government, relies on the production and organization of individual freedom, within a system of constraints and in accordance with calculated costs.

> What, then, will be the principle of calculation for this cost of manufacturing freedom? The principle of calculation is what is called security. That is to say, liberalism, the liberal art of government, is forced to determine the precise extent to which and up to what point individual interest, that is, individual interests insofar as they are different and possibly opposed to each other, constitute a danger for the interest of all. The problem of security is the protection of the collective interest against individual interests.[93]

The reverse is also assumed. He continues,

> In short, strategies of security, which are, in a way, both liberalism's other face and its very condition, must correspond to all these imperatives concerning the need to ensure that the mechanism of interests does not give rise to *individual or collective dangers*.[94]

"Liberalism" Foucault concludes, "turns into a mechanism continually having to arbitrate between the freedom and security of individuals by reference to this notion of danger."[95] When it is recalled that the notion of biopolitics had been introduced less than three years earlier with the notion of the raced body as pathological danger, the critical resonance of this statement significantly shifts.

[93] Here, note the crucial difference between this conception of interest and interest as Arendt understands it.
[94] *Birth of Biopolitics: Lectures at the College de France 1978-1979*, trans. Graham Burchell, ed. Michel Snelleart (New York: Picador, 2008), 65, my italics.
[95] Foucault, *Birth of Biopolitics*, 66.

Positing the composition of civil society from atoms of human capital, Foucault mentions that in the late 1800s this social body begins to be termed "the nation." Reading this in light of the '76 lecture, we ought to see how it situates *homo oeconomicus* within another discursive context entirely: the logic of normalization presumed by an agenda of "control, screening and improvement of the human capital of individuals," is, from a genealogical standpoint, always already a racial logic.

The lectures of 1975 to 1979 open abundant space and offer no shortage of resources for the analysis of how in the era of biopolitics, biopolitical, disciplinary, and sovereign power relations have tended toward racialized domination, up to and including the point of physical death. In naming this phenomenon "necropolitics," Mbembe performs the simple but crucial operation of shifting the lens such that the ones predominately made and allowed to live are decentered and the ones made and allowed to die are brought into focus. Reading the final lecture of "Society Must Be Defended," Stoler correctly observes that Foucault's broadly drawn conclusions offer us no means of adjudicating among instances of the raced application of biopower.[96] But their relevance is well-demonstrated by the powerful applications of his analytic in that work, and by other scholars working to untangle the polymorphous, ever-shifting relations of power that subordinate raced individuals.[97]

Race and the State as Agent of Freedom

[96] Stoler, *Race and the Education of Desire*, 88.
[97] In applying Foucauldian methodology, scholars have critically noted Foucault's seeming inability to see beyond the borders of Europe. See Stoler, *Race and the Education of Desire*; Joy James, *Resisting State Violence: Radicalism, Gender and Race in U.S. Culture* (Minneapolis: University of Minnesota Press, 1996): 25; Rashad Shabazz, *Spatializing Blackness* (Urbana: University of Illinois Press, 2015); Ladelle McWhorter, "From Scientific Racism to Neoliberal Biopolitics: Using Foucault's Toolkit," *The Oxford Handbook of Philosophy and Race*, ed. Naomi Zack (London: Oxford University Press, 2017).

Arendt and Foucault locate their thinking on the State as a political institution in the specificity of its historical development. Their analyses suggest that the modern phenomenon of the nation-State is densely imbricated with the idea of race, which developed alongside it from the mid-eighteenth to the early 20th century. This relation is not simple. On one hand, both authors argue that race discourse tends toward anti-Statism, insofar as its rights-claims are built on heredity, appealing to biological continuity over time (i.e., a glorious past or a divine future). On the other hand, by dint of the racialization of nationality serving colonial imperialism and through the adoption of biopolitical techniques of power, race is deeply embedded in the late modern State.[98]

Mitchell Dean and Kaspar Villadsen note that the Foucauldian critique addresses itself to the paradox of state universality, the problem that "any universalizing erection of the state's legal and constitutional order is inevitably built on a singular project originating from a particular group."[99] The same might be said of Arendt's lamentation over the conquest of the State by the nation. But read genealogically, this paradox acquires the very real baggage of racialized violence, which bears heavily on how its universalism is articulated. If the modern State is understood to have been regarded an instrument of the nation, not of law, if race has been a vertically integrated substitute for the nation, we ought not be surprised to find States acting—perhaps not inevitably, but persistently and problematically—in racially partial ways.

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[98] As noted, the authors' failures to consider the interweaving of race and State in the western hemisphere in developing this analysis constitutes a significant limitation in their perspectives. However, there is ample scholarly evidence to suggest that the inclusion of the United States only strengthens this conclusion. See for example Losurdo, *Liberalism*; Bonilla-Silva, Eduardo, João H. Costa Vargas, and Moon-Kie Jung, *State of White Supremacy: Racism, Governance, and the United States*. (Stanford, CA: Stanford University Press, 2011); Joel Olsen, *The Abolition of White Democracy* (Minneapolis: University of Minnesota Press, 2004); Theodore Allen, *The Invention of the White Race*, 2 vols. (New York: Verso, 1994–1997); Edmund S. Morgan, *American Slavery, American Freedom*, (New York: Norton, 1975); Winthrop D. Jordan, *White over Black: American Attitudes Toward the Negro, 1550–1812* (New York: Norton, 1968).

[99]Mitchell Dean and Kaspar Villadsen, *State Phobia and Civil Society* (Stanford: Stanford University Press, 2016): 77. On this point, Dean and Villadsen make common ground for Foucault and Ernesto Laclau. They do not take up the concern with race, but rather conclude their chapter on *"Society Must Be Defended"* with a discussion of the liberatory potentials of state universalism.

This matters for our thinking about liberalism's idea of freedom, which I have termed a static conception. The genealogical link between the State and race cannot be left to the side in our evaluations of a normative framework that makes the State the primary agent of political freedom—especially given that its agency takes the form of threatened or enacted violence. We must ask whether a potentially problematic logic of violence legible in our justificatory political narratives has been confirmed and continues to be confirmed in political practice. The perspective afforded by genealogy challenges us to take this theoretical problem seriously—and to consider whether it might be possible to rethink this relational schema of freedom, violence, and State which has been historically fitted to racialized domination.

My overarching claim is that Arendt and Foucault's genealogical critiques of the State are relevant to the conceptions of political freedom at work in their thought. Their conceptions are not structurally reliant on the existence of a State in theory and would in practice entail a fundamentally different subjective relation to institutions of social order than that presupposed by liberalism. Their genealogies of the modern State sharpen to a razor's edge the question at hand: whether a freedom threatened and guaranteed by violence can be disentangled from the imaginary and practical constitution of the Other as the putative, even the *ideal* agent of that violence—or whether that figure of the Other might be necessary for its operation. This question, troubling but vague in abstraction, is rendered unavoidable in light of history and terribly urgent by the ongoing politics of racialized state violence in our time.

Through the lens of genealogy, we confront the possibility that the problem of race is not a second-order challenge to our colloquial conception of freedom but rather dwells inside of it, if not close to the heart, perhaps close to the bone. This motivates a choice in our thinking about the possibility of an equal political freedom—to imagine a counterfactual world where State

force is deployed without racial partiality, or to posit a political freedom not conditioned on violence, but rather on the ethico-political challenge of equality.

The Modern State and the Idea of Freedom in Hobbes' Leviathan

There remains one further, almost uncanny avenue of connection between these historical analyses and the critique of liberalism's static conception of political freedom. In the course of their arguments, Arendt and Foucault both pause, in strangely parallel fashion, to grapple with Hobbes, that most ardent and original celebrant of State violence. They interrupt their critical reconstructions of the emergence of the modern State to make lengthy digressions on the *Leviathan*, interpreting it as both reflective and constitutive of that process. Their readings of Hobbes encapsulate the substance of their critical positions, summarizing the key content of their genealogical conclusions. Neither mentions Hobbes' discussion of liberty. However, turning to this discussion, we find that it posits, in germinal form, the paradigms of State and society that Arendt and Foucault identify as having given rise to State racism—a delicate but fascinating link between their critiques of the modern State and the norm of freedom that relies upon its agency.

Arendt finds in the *Leviathan* an articulation of the political logic that justified European imperialism and prepared the way for the rise of totalitarianism in Germany. Her reading emphasizes Hobbes' psychology, the presumptions on which his conception of human nature rest. Hobbes posits that desire for power is the fundamental human passion, and the state of nature as a condition defined by the pervasive threat of violence. The need for the State arises from man's natural equality—not an equality of right, but an equality as potential murderers,

which "places all men in the same insecurity."[100] Arendt writes, "The *raison d'etre* of the state is the need for some security of the individual, who feels himself menaced by all his fellow men."[101] It is this fear that motivates man's chief interest—not to be killed by his neighbor. Hobbes, she concludes, conceived a political theory based not on a constituting law, natural, divine or contractual, but rather on an aggregation of individual instances of this interest. The law is not established by procedures of human judgment, but instead enacts "the power of society as monopolized by the state," that is, the aggregated interests of private individuals.[102]

Within this logic, the body politic is constituted not by the abrogation of right, but of power, in particular the power to use violent force. The Commonwealth "acquires a monopoly on killing and in exchange a conditional guarantee against being killed." Individual political judgment loses its relevance to common life as the law and the capital power of the state take on an aspect of necessity. The only way to save one's life is to endow the state with a capacity for unlimited violence (up until the moment when one finds oneself the imminent victim of it), an irresistible force that ought to be imagined as that of a huge monster, not wrought by human action but through the collusion of nature with an angry God.

As public interest is located out of reach of individual action and the prospect for common life denied, it follows, for Arendt, that interest in one's private life and one's personal fate intensify. Sociality takes on the form of comparative evaluation and competition, and individuals become more isolated from one another. These effects redouble Hobbes' initial premise that interpersonal or community bonds are fragile and instrumental in nature—even the parent-child bond is premised on the infant's debt of gratitude for being kept alive. Resting on

[100] *Origins*, 140.
[101] *Origins.*
[102] This analysis accords with Arendt's critique of the social in the final books of *Origins of Totalitarianism* and in *The Human Condition*.

nothing more than its promise of violence, the state it is inherently unstable: the promise of war to come lurks in the background, a constant threat.

Most striking is Arendt's contention, archly framed as a compliment to Hobbes' dignity as a philosopher, that his stark anthropology is tailored to suit the needs of his political structure, not the other way around. She argues that this new political structure corresponds not to the needs and interests of human beings as such, but rather the needs and interest of an emergent class.

> This new body politic was conceived for the benefit of the new bourgeois society as it emerged from the seventeenth century and this picture of man is a sketch for the new type of Man who would fit into it.[103]

In short, Hobbes' anthropology depicts the ideal capitalist. Recall that Arendt identifies the discourses of nationality and race as compensatory vehicles of sentimental attachment which hold together a populace riven by class conflict. Her critique of the Hobbes' Leviathan reproduces at the level of theory her historical critique of the nation-State as an instrument of bourgeois rule, especially as it was displaced onto colonial possessions. In a State constituted by the threat of violence, absent the premise of some life in common, violence will be the rule.

Foucault introduces *Leviathan* early in the lecture course, when he is tracing the history of the discourse of war in analysis of power relations in England in the sixteenth and seventeenth centuries.[104] He observes that prima facie, the State and war find their most obvious connection in Hobbes. However, this association is deceptive: Hobbes' justification of state sovereignty does

[103] *Origins*, 141.
[104] *Society*, 89. Foucault had introduced his critique of Hobbes in his course on the historical development of the penal system. The lecture of 10 January, 1973 develops several crucial adjacent claims, including how Hobbes' generalized war of individuals is not a historical universal but rather a "sort of epistemological model" which is necessary for understanding the foundation and the functioning of the sovereign"; the backdrop of class struggle; constituted power as the necessary condition of, rather than solution to, civil war; and a recentering of collectivities, as opposed to individuals. See *The Punitive Society: Lectures at the College de France, 1972–1973*, trans. Graham Burchell, ed. Bernard Harcourt (New York: Picador, 2016).

not rest on the historical reality of war as a material struggle for dominance, but rather, as Arendt notes, posits "the war of every man against every man" as a psychological generality. Foucault, too, emphasizes that Hobbes' state of war is premised on a generalized equality of capacity, ultimately capacity to kill.

Here, the emphases of their accounts diverge. Foucault's interest lies in how the "anarchy of minor differences" of Hobbes' state of nature fosters the *will to* conflict, *fear of* conflict, and *representational threat of* conflict, but precludes its definitive eruption. Because Hobbes' state of war is a "theater where presentations are exchanged, in a relationship of fear in which there are not time limits," it continues "as a threat that wells up in the State's interstices, at its limits and on its frontiers," persisting even after the State has been constituted as "a sort of permanent backdrop which cannot not function. . . once there is nothing to provide security."[105] Between Arendt and Foucault, we find a dual function in the premise of the unending background threat of war of all against all: it continually undermines the stability of the State (Arendt) even as it justifies its continuous existence (Foucault).

Important for Foucault's account of how this backdrop explains and justifies the sovereign State is the move to give equal weight to sovereignty by institution and sovereignty by acquisition. In instituting sovereignty, subjects decide to delegate not some portion of their right, but the whole of their power, in the form of the right of representation.[106] In a Commonwealth by acquisition, less vaunted but no less binding, sovereignty rests on a real relation of force—the vanquished relinquish their right as a means of renouncing the fear and risk of death: showing "a

[105] *Society*, 92; 90; 93.
[106] Having appointed the State "to beare their person," "the individuals who are presented in this way are present in their representatives, and whatever their representative—or in other words, the sovereign—does, they must do" (*Society*, 94).

preference for life and obedience, they make their victors their representatives."[107] Hobbes compares this to the "natural" sovereignty of a mother over her child, established without consent. In each case, Foucault argues, we find the same series: will to live, fear of death, and sovereignty: "it is irrelevant whether the series is triggered by an implicit calculation, a relationship of violence, or a fact of nature." In *Leviathan*, these mechanisms are functionally identical, and their justifications equally valid. Hobbes says, in effect, "But in any case, it does not matter whether there was a war or not; the constitution of sovereignties has nothing to do with war."[108] Despite its association with war, Foucault argues that *Leviathan* in fact *occludes* its historical reality in the constitution of the State.

In short, Hobbes' discourse is a "no" to war—and the strategic discourse associated with it. Foucault argues that Hobbes sought to refute the emerging discursive and practical strategy, discussed above, which put historical knowledge of the Normans' 1066 conquest of the Saxons to use in political struggle. *Leviathan* responds to this "problem of Conquest" with a theory of sovereign right that renders material relations of force irrelevant by subsuming them, on one hand, in a "war of all against all" and, on the other in the necessity, by any means, of submission to a central authority. Historical rights claims are rendered moot in "the discourse of contracts and sovereignty, in other words, the discourse of the State."[109] Hobbes rescued the theory of the State with a contractual philosophy of sovereign right which countered the discourse of struggle, rooted in the historical fact of the Norman conquest, that had threatened the claim of sovereign authority. This analysis is distinct from, but not incompatible with, Arendt's argument that *Leviathan* both shaped and responded to the requirements of the nascent bourgeoisie.

[107] *Society*, 95
[108] *Society*, 97.
[109] *Society*.

Arendt reads Hobbes as a prescient barometer of socioeconomic forces whose theory of the state and the philosophical anthropology upon which it rests represent the *ne plus ultra* of bourgeois social logic. Foucault's *Leviathan* is not so much predicative as it is a strategic political intervention. Moreover, while Arendt focuses on the occlusion of common life and constituting law from Hobbes' picture, Foucault focuses on the occlusion of enacted conflict. Hobbes is widely thought to have made war into the crux of political relationality, but Foucault reads him as denying its actual relevance: by nature, contract, or conquest, with or without resistance, the claim of sovereignty is the same: absolute.

Both theorists, then, posit that Hobbes' theoretical justification of sovereign right in *Leviathan* responds to the shifting locus of economic and political power in sixteenth-century England, and find it significant that the nation-state was consolidated concurrently with the class development of the bourgeoisie. In both readings, *Leviathan* represents a moment when the discourse of the State's sovereign right was articulated in terms of its immanent necessity, a necessity which discursively forecloses the possibility of political contestation: for Foucault, such contestation takes the form of a material struggle against colonial domination, whereas for Arendt it takes the form of public adjudication. These are two parallel stories about how Hobbes' *Leviathan* legitimates the nascent political order by denying the political significance of public dissensus in favor of a sovereign right founded not on law, but on a complex of force and desire.

With these accounts in mind, it is worth looking more closely at how Hobbes addresses the "proper signification" of freedom. His treatment of the topic encapsulates key claims of Arendt's and Foucault's reading of *Leviathan* as a whole and reinforces the historical and theoretical entanglement of freedom and violence through the medium of the State.

Hobbes' argument in "Chapter 21: Of the Liberty of Subjects" carefully restricts the definition of political liberty to negative liberty within the bounds drawn by sovereign law. His first move is to contend that simple liberty consists in a lack of physical impediment, describing it in terms of physics: "Liberty, or freedom, signifieth properly the absence of opposition (by opposition, I mean external impediments to motion)."[110] He distinguishes between this liberty and *power,* the capacity to effect one's desired ends. Taking this "proper and generally received" *physical* definition, he applies it to persons: Hobbes states that the liberty of man consists in "finding no stop in doing what he has the will, desire or inclination to do," provided that it is within his power. He proceeds to make this liberty of man consistent with both fear and theological necessity, as both are anterior factors in production of the desire expressed in willed action.

All of this serves as the definitional groundwork for Hobbes' exposition of the liberty of subjects, his primary polemic and philosophical concern. Throughout, Hobbes' argument slides between the natural/physical and political registers. Before moving to this discussion, he deftly asserts the relevance to politics of his original, physical definition with a metaphor: as the sovereign is an artificial man, its laws are artificial chains men have willingly bound from his lips to their ears, which hold due to the danger of breaking them. Thus, while subjects remain fully "free of body," they are also metaphorically bound by the threat of punishment.

Hobbes aims to prove that the liberty of subjects consists in that which has not been mandated by the state—it is just the negative space of what is permitted by law. His exposition is worth considering at length, as it draws together Foucault's and Arendt's preoccupations in their

[110] Hobbes, *Leviathan,* 136.

explicit linkage with Hobbes' scheme of normative justification and unites these concerns with my own. I will quote Section 6 of this chapter in its entirety:

> For seeing there is no commonwealth in the world wherein there be rules enough set down for the regulating of all the actions and words of men (as being a thing impossible), it followeth necessarily that in all kinds of actions by the laws praetermitted men have the liberty of doing what their own reasons suggest for the most profitable to themselves.
>
> Again, if we take liberty for an exemption from laws, it is no less absurd for men to demand as they do that liberty by which all other men may be masters of their lives.
>
> And yet, as absurd as it is, this is it they demand, not knowing that the laws are of no power to protect them without a sword in the hands of a man, or men, to cause those laws to be put in execution. The liberty of the subject lieth, therefore, only in those things which, in regulating their actions, the sovereign hath praetermitted (such as the liberty to buy, sell, and otherwise contract with one another; to choose their own abode, their own diet, their own trade of life, and institute their children as they themselves see fit; and the like). For amongst masterless men, there is a perpetual war of every man against his neighbor, no inheritance to transmit to the son nor expect from the father, no propriety of goods or lands, no security, but a full and absolute liberty in every particular man.[111]

First, note how Hobbes deploys his dual, physical/metaphorical definition of freedom in order to neutralize claims on the State. Rebels under sovereign power technically remain free, in the physical sense, to violate the logic of the metaphor and act against the law as they wish. In doing so they expose themselves to the threat of State violence, but that does not in itself preclude their action. It follows that their claims to liberty are absurd, as they already enjoy the liberty to act in accordance with their will. The threat of violence has no bearing on freedom in the natural/physical sense, so the appeal to this freedom cannot justify opposition to the state: law and natural/physical freedom are mutually irrelevant. Hobbes implicitly rejects other definitions of freedom, restricting the definition to *either* absence of physical impediment *or* the liberty of subjects under law. Thus, this argument has the additional effect of precluding the possibility of

[111] Hobbes, *Leviathan,* 138.

other claims to freedom against the state—his definitional emphasis is a canny effort to foreclose in advance the legitimacy of contestation.

Second, Hobbes argues that any opposition to law—any claim of liberty against the state—undermines State authority and is therefore an invitation to violent domination. The claim to freedom from State abuse is absurd, because without the State, the claimants would be exposed to ongoing arbitrary violence. Here, Hobbes makes the state of war literal—a slide typical of his use of this device. There is a neat double implication in Hobbes' dismissal of the liberty the "rebels" appeal to as "that liberty by which all other men may be masters of their lives." It denotes, by inclusion of the word "other," domination by all of one's friends and associates, but also connotes liberty as autonomy or self-governance. Self-mastery is implicitly equated with being masterless, which is equated with the war of all against all.

Finally, as noted in the introduction, this freedom is fundamentally reliant on violence—the executive power of "a sword in the hands of a man." Looking more closely now at the rhetoric that surrounds this assertion, it is possible to see how Hobbes' analysis of the liberty of subjects subtly appeals to those social forces which Arendt and Foucault identify as contributing to the development of a racialized nation-state.

Turning to Arendt's reading, we see that this carefully drawn definition of freedom foregrounds, quite explicitly, the prerogatives of private enterprise (buying, selling, trading) and private life (home, diet, childrearing). There is nothing of the public here: the liberty of each individual is relevant to those acts which reason suggests will "be the most profitable to themselves." Concurrent with Arendt's reading, not only Hobbes' general anthropology but also his analysis of freedom as a value is framed in terms of bourgeois psychology. Reframing this emergent norm in conformity with absolute state sovereignty, Hobbes explicitly shifts its

orientation to property: the liberty of the subject is coterminous with property rights in the private sphere.

Pursuant to Foucault's concern, the strategic and polemical function of the text is manifestly clear in this passage—Hobbes takes explicit aim at the claim to liberty/freedom as a justification for demands on the sovereign. Quentin Skinner has detailed the parallel increase in Hobbes' focus on freedom with his polemic against the Levellers, against the backdrop of the Crown's Council of Rump legitimacy crisis, in the aftermath of a coup.[112] Hobbes' claim that the liberty of subjects is just the negative image of sovereign right is an important strategic component of the overarching effort to delegitimize the public contestation of this kind. The shifting register of his argument and its making an example of the "rebel" underscores how its universalist arguments are aimed squarely at the polemics of the day

Both perspectives demonstrate the significance of Hobbes' framing this freedom in terms of the threat of violence, of domination by the use of violent force. Overall, Hobbes argues that liberty belongs to a private sphere that is threatened by violence and therefore must be protected by equally unlimited violence. A close reading of "On the Liberty of Subjects" suggests that the social logics that concern Foucault and Arendt are deeply intertwined with this normative conception of freedom *vis à vis* the State.

[112] Quentin Skinner, "Hobbes on the Proper Signification of Liberty" *Transactions of the Royal Historical Society* 40 (1990): 121–151.

CHAPTER SIX

FREEDOM AS EVENT

Meaning-making in language has its basis in shared metaphor; in determinations of value, metaphors that concern our basic categories of perception may be especially important.[1] Paradigms of freedom entail certain ideas of their being in space and time which bear on subjective attitudes and attunements, and on institutional arrangements. I have argued that in the liberal paradigm political freedom is generally conceived in spatial terms, as exemplified by Locke's analogy of the fenced enclosure—a "sphere" belonging to the sovereign subject where his will may be freely enacted.

The mode of being in time that corresponds to this spatial understanding is stasis: the continuation of a state of being, the securitization of the future. A crucial problem with this conception of political freedom is its irreducible association with violence, traceable to the boundary-oriented spatial metaphors that determine its concept. To secure a border implies coercive force. It may be that there is no escape from the questions of violence in human relationality; whether violence ought to be so deeply embedded in our most cherished political hope is a different question altogether.

This chapter concludes my study of political freedom in the work of Arendt and Foucault by considering how they can assist us in conceiving a political freedom that is not overdetermined by violence. The enabling condition of this potential is embedded in a shared, implicit, conceptual metaphor: for Arendt and Foucault, freedom is not a bounded space, but rather a phenomenon manifest in time—freedom is an event. This idea is consistent with the

[1] See George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago: University of Chicago Press, 2003).

basic accounts of freedom described in chapter 2, the notion of practice developed in chapter 3, and the concept of play developed in chapter 4.

In positing freedom as an event, I am to a certain extent reading Arendt against herself, complicating the claim, from the first chapter of *The Human Condition,* that freedom is "an objective state of human existence."[2] In context, the force of this statement is that freedom is not a philosophical problem of the will in "inner space" but a phenomenon in the world whose presence or absence it is possible to judge. Against the soul-paradox of inner freedom described in *What is Freedom* and Volume II of *The Life of the Mind,* Arendt asserts that freedom or unfreedom is a judgment one can make about a mode of human life in common, a reality observable as such. It is important that freedom be recognized as a "tangible, worldly reality" rather than an aporetic qualifier of the soul:[3] only in this way can it be understood as a political principle, rather than an opportunity for philosophical hand-wringing. For this reason, her quite definitive statements are important.

However, they are also problematic, in that their language connotes the logic of the very paradigm she wishes to dispute. The problem lies in the words "objective" and "tangible." Arendt defines objectivity, as having an "object- or thing-character."[4] This makes freedom sound like a product of human work or labor—something that can be made or produced. Thus, the statement that freedom is an objective state is in significant tension with Arendt's critiques of liberalism and developments in Marxism, critiques that took dead aim at this assumption. With its implicit desire for sovereignty over the future, the impulse to secure freedom as an objective

[2] *The Human Condition,* 71.
[3] "What is Freedom" 147.
[4] *The Human Condition,* 9.

state of being invites a "static" logic of means and ends. Arendt helps us think about why, in doing so, this paradigm is confused about the kind of political reality that freedom is.

In keeping with that critique, I will argue that freedom is apprehensible as a worldly, tangible, reality only because it *takes place.* In the actuality of its manifestation, political freedom as Arendt and Foucault conceived it is best understood as an event. Thinking freedom in this way presents a strong contrast with the paradigm that would understand it as a state of being. It also differs substantially from other theories of politics that prioritize the event as such, in that it broadens the scope of events and modulates their scale.

Finally, I will consider what conceiving of freedom as an event in time might mean for our thinking about the *space* of freedom. My first approach to this question is critical: the dangers of government by technocratic administration in Arendt and Foucault's overlapping critical accounts are visible in a new light when freedom is thought as an event. In conclusion, I will offer some notes toward a question: What spatial logic would be proper to political freedom as an event? If to think of freedom as an event rather than a state of being is to propose for it a different kind of being in time, what kind of "space" might it belong to?

I. Political Freedom as Event

One challenge of reframing political freedom as an event lies in the recent development of the concept "event" in contemporary philosophy. In my own use of the term I wish to divest it of some of its weightier associations. First, in contrast to many contemporary approaches, I make no attempt to account for being, as such, in terms of the event. Second, in my understanding, the event taking place does not imply a radical break, such that the order of being would be reconfigured. These strains of thought (legible in various ways the work of Heidegger, Derrida,

Deleuze, Badiou**,** Agamben, Hardt and Negri, and others) share in common their prioritization of "the event" as such on the basis of its profound *ontological* implications, which are sometimes framed in political terms. These ways of thinking the event are distinguished from my own *prima facie* by the broadly ontological level of their analyses.

From the outset, however, I do wish to retrieve from the considerable contemporary literature on the event some features that qualify as basic, which distinguish the event from just "something that happens." The first concerns the impossibility of its prior determination, as summarized by Slavoj Žižek: "At first approach, an event is thus the effect that seems to exceed its causes."[5] The basic feature of an event is its being "the surprising emergence of something new which evades every stable scheme."[6] Stated in another way by Lauren Berlant, theorists generally understand the event to be "an experience that manifests radical contingency" and, in its being experienced as such, to be impactive.[7] In my use of the term, then, I want to retain the common sense of the event's *spontaneity* or causal indeterminacy, its *singularity*, and its *impactiveness*—all of which are legible in Arendt and Foucault's own conceptions of the event as a historical phenomenon.

The Event and History

While neither Arendt nor Foucault can rightly be called a "thinker of the event," the idea of the event has a significant role to play in their thought, particularly in their understandings of history. For both thinkers, teleological conceptions of history are refuted by the facticity of

[5] Slavoj Žižek, *Event: A Philosophical Journey Through a Concept* (Brooklyn: Melville House, 2014): 5.
[6] Žižek, *Event*, 7.
[7] Lauren Berlant, *Cruel Optimism* (Durham, NC: Duke University Press, 2011): 278.

events, and their understandings of the event as a concept mark their opposition to historical grand narratives.

For Arendt, the event is the constitutive content of history, and stands as evidence against ideas of historical necessity: "History is a story of events and not of forces or ideas with predictable courses."[8] She asserts this notion of the event against views of history that attribute its movement to causal necessity, whether on the model of cyclical natural processes (Vico), the progressively unfolding revelation of truth (Hegel), or the inevitable resolution of material contradiction (Marx).[9] Her thinking on revolution is paradigmatic in this regard, insofar as she insists that it be understood as "the outcome of specific deeds and events" rather than the result of an irresistible force.[10] The catastrophes of the Terror and Stalinism are attributed at least in part to their agents' having given themselves over to the logic of necessity.

The category "event" includes human action, initiative "within and against" processes,[11] and also accident, intervention by nature, or chance. From the perspective of politics rather than history, events can again be viewed in terms of constitutive content: "the event constitutes the very texture of reality within the realm of human affairs."[12] This returns us to the fundamental problem of the logic of fabrication in politics. The presumptions of action in the form of making—that outcomes can be guaranteed, contingencies managed, and predictions of the future assured—are "forever defeated by the actual course of events, where nothing happens more

[8] *The Human Condition*, 252.
[9] *On Revolution*, 42–45. For an extended discussion of Arendt's understanding of the event against teleological histories, see Rolando Vázquez, "Thinking the Event with Hannah Arendt," *European Journal of Social Theory* 9, no. 1 (2006): 43–57. On the importance of Arendt's opposition to all forms of *Geistesgeschichte* to her interpretation of modern politics, see Dana Villa, "Totalitarianism, Modernity, Tradition" in *Politics, Philosophy, Terror: Essays on the Thought of Hannah Arendt* (Princeton, NJ: Princeton University Press, 2001): 180–181.
[10] *On Revolution*, 247.
[11] "What is Freedom?" 167.
[12] *The Human Condition*, 300.

frequently than the totally unexpected."[13] Events inevitably exceed calculative logic because they "by definition, are occurrences that interrupt routine processes and routine procedures."[14] Retrospectively or prospectively, no event can be fully accounted for by a simple chain of causality.[15] Due to the irrationality (not to say impossibility) of predicting the unpredictable, action as fabrication willfully neglects the very stuff of human interaction—the event itself. The future could be assured "only in a world in which nothing of importance ever happens."[16]

This postulate firmly establishes Arendt's opposition to any hope for, or fear of, an event which would predicate the end of history.[17] There are two subtly distinct reasons for this. The first, elaborated above, is due to the inevitability of events that will exceed any supposedly conclusive determination of life in common: unforeseen events will inevitably initiate processes that no utopian (or dystopian) construct could account for in advance, ensuring that history continues to unfold in ways that cannot be predicted. The second, the inverse of the first, is intrinsic, stemming from a tendency of action itself. Recall that action has a process character. Arendt asserts that all processes, those with their origin in human activity no less than those that are natural, have an "inherent automatism," a fidelity to their own internal logic. Thus, they perpetually threaten to outrun the purposes attendant to their initiation. The process-character of action, its tendency to become automatic if not met and matched with political judgment and reciprocal action, explains why "no single act *and no single event,* can ever once and for all deliver and save a man, a nation, or mankind."[18]

[13] *The Human Condition*, 300
[14] "On Violence," 7.
[15] *The Human Condition*, 248.
[16] "On Violence," 7.
[17] The possibility of the end of biological life, predicated by human action into nature, is the crucial exception here.
[18] "What is Freedom?" 167.

Foucault's account of the event is similarly concerned with asserting the variegated texture of reality against the homogenizing effects of philosophical approaches to history**.** In *L'Archéologie du Savoir* (1969), he reads his previous "archaeological" work to articulate a method for thinking discursive events in terms of the particular ensembles of rules (discursive formations) which account for their actual intelligibility, without positing any ur-structure for such rules. Events are important *as such* because discourse is treated "as and when it occurs" rather than referred to its origin or telos.[19] Accordingly, Foucault challenges holistic linear successions of development to give place to divergent continuities, and to rupture and gap.[20] It is important to note that discursive events are legible both in conformity with the discursive formations which allow them to be taken up, *and* as discontinuities which rupture extant logics (even as they solidify others). Events, then, disrupt the idea(l) of continuous historical progress.

This idea of the event has especially significant implications for the history of thought, where the narrative of coherent progressive development functions as "a privileged shelter for the sovereignty of consciousness."[21] Explicitly, Foucault identifies the discourse of historical continuity with that of subjective sovereignty;[22] he goes on to identify humanist readings of Marx and transcendentalist readings of Nietzsche, along with structuralisms in the human sciences, with this totalizing tendency. By explicitly centering the facticity of events in their singularity and indeterminate causality, Foucault grapples to articulate a historical method which resists anthropological holism, calling into question "teleologies and totalizations." The event is

[19] *Archaeology of Knowledge*, 25.
[20] *Archaeology of Knowledge*, 169.
[21] *Archaeology of Knowledge*, 12.
[22] The importance of this point for Foucault's understanding of his project is difficult to overstate: "Continuous history is the indispensable correlative of the founding function of the subject: the guarantee that everything that has eluded him may be restored to him; the certainty that time will disperse nothing without restoring it in a reconstituted unity; the promise that one day the subject—in the form of historical consciousness—will once again be able to appropriate…all those things that are kept at a distance by difference, and find in them what might be called his abode." *Archaeology of Knowledge*.

an opening onto an analytical possibility: In their particularity, events serve as standpoints for the assessment of their unique conditions of its possibility and unprecedented effects. Archaeology works to determine particular dis/continuities in the development of knowledge in the human sciences at the level of discourse-*as-practice*, to account for events on their own (spoken and unspoken) terms.

Foucault's emphasis shifts from the discursive field of the event's occurrence to the significance of the event itself as he begins to think more explicitly about the nexus of power and knowledge, a change reflected in the essay "Nietzsche, Genealogy, History," published two years later. As presented in this essay, the genealogical method explicitly centers events, recording them in their singularity, seeking them out where stasis or linear development have been presumed; in doing so, it rejects "the metahistorical deployment of ideal significations and indefinite teleologies" and opposes the search for origins. Its level of analysis must privilege "the external world of accident and succession" rather than pursuing the essential secret it ostensibly conceals.[23] Within this framework, the event is understood as "the reversal of a relationship of forces, the usurpation of power, the appropriation of a vocabulary turned against itself by those who had once used it, a domination that grows feeble, poisons itself, grows slack, the entry of a masked 'other.'"[24] Events mark an irruption that in some way resists being folded back into some extant continuity. Through this reversal of priorities, privileging the singular event over necessary continuity, Foucault heightens the role of both chance and interpretation in history.

"Nietzsche, Genealogy, History" was published in 1971, contemporaneous with Foucault's first lectures at the *Collège de France*. It sets out the methodological commitments

[23] Foucault, "Nietzsche, Genealogy, History" in *Aesthetics, Method and Epistemology,* ed. James Faubion (New York: The New Press, 1998): 369–710.
[24] "Nietzsche, Genealogy, History," 380–1.

which guided the remainder of his work in its articulation of the events by which apparent (especially scientific) truths of human being as they are practiced by individuals and institutions have been established. These commitments are reiterated in the 1976 interview published as "Truth and Power," which posits genealogy as a method for resolving problems within a historical framework, without reference to a constituent object *or* a constituent subject.[25]

The constitution of subjects *and* that of objects are posited as immanent to the field of events. However, this is not a reductive or flattening move, as "there are actually a whole order of levels of different types of events differing in amplitude, chronological breadth, and capacity to produce effects" which invite consideration in their specificity.[26] In short, the historical event is an important methodological touchstone for Foucault, insofar as its privileged position marks his commitment to the refusal of transcendental formulations, both subjective and objective.

Two important conclusions can be drawn from Arendt and Foucault's thinking of the event in history. The first is its apparent spontaneity or causal indeterminacy, which opens onto its retrospective determination as such. The second is that, whatever its significance (for past present and future), it does not mark an end point. Both authors are unambiguous in their use of the term: at issue here is *an* event, not *the* event. For Foucault, it is clearly a turn and not a terminus; for Arendt it is that which asserts itself precisely in opposition to the end(s)-oriented logic of fabrication, a logic evidenced by any and all utopian ideals.

Freedom-as-Event

[25] Foucault, "Truth and Power" in *Power*, 118.
[26] Foucault, "Truth and Power," 116.

As discussed in the introduction to this chapter, Arendt's emphatic statements that freedom is an objective reality and a demonstrable fact indicate her refusal of its conception as an internal phenomenon of the will whose existence may be subject to doubt. Viewed from another angle, however, her bluntness on this point also reads as a preemptive defense against critics of the fragile and ephemeral quality of freedom in her account. If anything, these defensive gestures have contributed to charges of utopianism, as her insistence on free-being as a historically exceptional state further rarify her characterization of it as a shining but ephemeral moment of specialized activity.

The difficulty here is that the freedom Arendt articulates is a phenomenal reality which resists reification; its tangibility is experiential rather than concrete, and it inheres in relational networks, in enacted tangles of shared meaning, affect, memory, and anticipation which can be felt only in their being lived. This freedom is no less real for its stubborn resistance to calculation: on the contrary, this is the precise basis of its reality. Conceiving of freedom primarily as an event helps to make sense of these qualities, sort the apparent tensions among various characterizations, and think more carefully about what might constitute a "state of freedom" on these terms.

The clearest indication that freedom as Arendt conceives it can be thought as an event is its being synchronous with the act. This is a conceptual implication of the often-quoted statement in "What is Freedom" that "Men are free insofar as they act, *neither before nor after*."[27] This clearly posits action, and so freedom, as an irruption which introduces a momentary difference into an otherwise determinate temporal progression, i.e, a continuous state. In the same essay, freedom and action are identified as a "twofold gift";[28] "twofold" indicates that the two terms

[27] "What is Freedom?" 151, my italics.
[28] "What is Freedom?" 69.

name aspects of a single capacity, actualized in the same initiative. Viewed from an internal perspective, action names the coincidence of the "I-Will" with the "I-Can" which resolves the paradox of the will in its modern conception.[29] In this, too, it is an irruption.

If "acting" names freedom *as a mode of being,*[30] the free-being has action as its form and being is manifestly free only insofar as action occurs. This introduces another clue that freedom is intelligible as an event: closely considered, freedom in this paradigm cannot exhibit an unbroken temporal duration. The conditions of life (embodiment) and worldliness (habitation of the built environment) dictate that everyone will be called tend to necessity, and means-ends reasoning will be required some, if not most of the time.

Arendt is explicit that a life wholly lived in public action (and hence uniformly free) would be undesirable; we also need sheltering to prevent life from becoming shallow. What qualifies the attunement proper to the free act—equality, *entelechia,* publicity, the unity of thought's two-in-one in appearance—will not be uniformly appropriate for all of an individual's activities. Other important facets of human experience, particularly love, goodness, and private friendship, would not be possible for the person whose life was lived wholly in freedom. If freedom as a mode of being coincides with the free act, it is both impossible and undesirable for human being to be free all the time.

This is enough to qualify freedom as an occurrence, something whose being is in its happening. It must be further explained how freedom can be identified with the event in the stronger sense of the word, as an occurrence that is impactive or significant. What qualifies freedom as an "event" rather than just "something that happens"? To entertain this prospect requires that the event be divested of its more grandiose associations: the idea that an event is an

[29] "What is Freedom?" 159.
[30] "What is Freedom?" 167.

impactive experience must be held together with the idea that impacts will be variable in their register.[31]

It is possible to think of the impact of freedom-as-event with respect to the individual, as that which breaks the impasse of a paralyzed will or as that which capacitates self-disclosure. More relevant, though, is the impact revealed from the perspective of the shared world. That freedom can be properly thought of as event rather than mere occurrence is evident in the way that the freedom-action doublet coincides with beginning. "Action" is not just anything anyone does (Arendt terms that broader category "activity"); it requires some *initiative*, some intervention in in the organization and conduct of life in common.

In the redemptive gesture which concludes *The Origins of Totalitarianism,* Arendt writes, "Beginning, *before it becomes a historical event*, is the supreme capacity of man; politically, it is identical with man's freedom."[32] This equation is closely echoed in "What is Freedom?": the faculty of freedom is the capacity to begin, and action (actualized freedom) is "essentially the same" as beginning.[33] Arendt's consistency on this point seems to indicate a deeply held conviction. This returns us to a subject-oriented point of view—beginning something, one doesn't know how it will end. Free action has the dual effect of marking its agent as a "doer" *and a "sufferer,"* holding them out before future consequences they cannot foresee and may not intend, and it is also impactive in this respect.

[31] Lauren Berlant writes, "But, with the exception of Freud's *après coup* and Deleuze's perturbation, event theorizers use extreme and melodramatic antifoundational languages of nothingness, shattering, cleavage, and so on to describe impact, disregarding what about the event is at the same time ordinary, forgettable, charming, boring, inconsequential, or subtle. I am thinking with Jameson's work on genre here to initiate a way of describing events that allows calibrations of their resonance to articulate different registers of impact (including the vagaries of the vague, the null, and the whatever) *and the conventionality of even memorable affective experiences*." *Cruel Optimism* Ch.3 fn.12 p. 278, my italics.
[32] *Origins of Totalitarianism*, 479, my italics; see also Arendt *Life of the Mind* vol. II, 217.
[33] *Origins of Totalitarianism*, 167–168.

It is important that for Arendt "taking initiative" in action includes not only originating initiative, but also the taking up or carrying through of the initiatives of others.[34] Both *archê* and *prattein* belong to freedom as a mode of being, and it is possible only where they coincide. That *prattein*, taking up the initiatives of others, belongs to the enactment of freedom furthers the argument that the event as such ought to be considered variable in its register. It also opens onto the need to better attend to the agential phenomenon of people's "showing up" for politics, a mode of free-being which maintains the relational network of a public without necessarily implying heroic action.[35] In a similar vein, attention to the co-presence of *archê* and *prattein*, to the thick interpersonal context and worldly locus of free action remind us that, consistent with Foucault and Arendt's understandings of the event in history, the irruptiveness of freedom-as-event does not mean that it marks an absolute beginning, *ex nihilo*: rather, it must be seen as a point of articulation in an underdetermined continuity, which signals an event for those who live it.[36]

It is this necessary interpersonal context, where a doing is always necessarily a happening that depends on what others are doing, that accounts for freedom's being apprehensible as "objective fact," *after the fact.* Freedom's factuality is inherent, insofar as its enactment requires mutual acknowledgment of public equality in commitment to a shared world. It is only in the context of mutual acknowledgment that an event, as opposed to an object, can obtain the status

[34] "What is Freedom?" 164.
[35] One possible way to describe this is "lateral agency," a term coined by Berlant in the context of her discussion of differing registers of the event. She uses to call attention a way of responding to events as they unfold, describing reparative gestures of non-sovereign pleasure in the margins of crisis, which help people maintain a semblance of ordinary life. See *Cruel Optimism* (114–117).
[36] See Patchen Markell, "The Rule of the People: Arendt, *Archê*, and Democracy," *American Political Science Review* 100, no. 1 (2006): 1–14. "Beginning is tied to the perspective or stance in which that difference matters: the novelty of a new beginning, its eruptiveness, arises not out of the degree of qualitative difference it manifests with respect to what has come before, as though the features of this act were being compared with the features of its predecessors by a neutral observer of history, standing outside of time, but precisely out of an agent's attunement to its character as an irrevocable event, and therefore also as a new point of departure." (8).

of an acknowledged fact. This is the condition of freedom's being understood as a worldly reality. That Arendt passes over the apparently evental character of freedom to describe it as a fact is understandable, given that the kind of mutual acknowledgment which would establish it as a fact is also a condition of its taking place. It matters, though, that these moments are distinguished, not just to prevent freedom's phenomenal reification, but also because it intensifies the problematic surrounding massification and the disappearance of a common world, insofar as events of freedom are at risk of not being acknowledged as fact.

The final, and perhaps best argument for freedom's apprehensibility as an event in Arendt's work is its association with miracle. Some readers are understandably suspicious of the weight Arendt places on this term, with its potential ring of naiveté, spiritualism, or hyperbole. However, her introduction of the idea of the miracle, in its association with the human condition of natality, serves crucial conceptual and rhetorical functions. First, it is a repudiation of the Heideggerian emphasis on mortality as the orienting framework of authentic human being, staked out on shared archival ground, through an engagement with Augustine.[37] It also contributes to her critique of an anthropological definition of "man."[38] The word "miracle" highlights the absolute unpredictability of action, the excess of its causes, and volubility of its effects. Again, though, these features are clearly posited as being immanent to the realm of human activity; the reader is encouraged to understand them relative to ongoing processes.[39] Thus, "Every act, seen from the perspective not of the agent but of the process in whose

[37] See Patricia Bowen-Moore, *Hannah Arendt's Philosophy of Natality* (New York: St. Martin's Press, 1989).
[38] In the words of Jeffrey Champlin, "Arendt's natality gains meaning in a critique of the "science of man" that works against "man" as a universal position—not by proposing an explicitly gendered alternative but by carefully emptying out the external position that would determine "who" man is, be it from the point of view of god or developmentally oriented natural science." See Jeffrey Champlin, Born Again: Arendt's 'Natality' as Figure and Concept," *The Germanic Review: Literature, Culture, Theory* 88 no. 2 (2013): 150–164.
[39] Miracles, "those performed by men no less than those performed by some divine agent" are just unexpected interruptions of natural or automatic processes ("What is Freedom?" 166); cf. *The Human Condition,* 246.

framework it occurs (is a miracle)."[40] In speaking of miracle without reservation, Arendt unabashedly stakes out her position *vis a vis* both onto-theological pessimism and natural scientific determinism.

To act is a kind of miracle, because in acting, persons take up the originary miracle of their being born into the human condition of plurality: "With word and deed we insert ourselves into the human world, and this insertion is like a second birth, in which we confirm and take upon ourselves the naked fact of our physical appearance."[41] Birth itself[42] can be considered an "irruptive event": the factical uniqueness-in-equality of the newcomer establishes their coming to presence as simultaneously a continuation of what came before and radically new. Free action doubles this event by publicly assuming its plural condition, i.e., through the active and courageous acknowledgment of the equality-in-uniqueness of persons. In doing so, it reconstitutes plurality as a worldly fact. Within this framework, "freedom as a state of being" would require a kind of a sustained presence in the light of the commonplace miracle of plurality. This is not some wild dream, but rather a question of attunement: Arendt writes, "The experience which tells us that events are miracles is neither arbitrary nor sophisticated; it is, on the contrary, most natural and, indeed, in everyday life most commonplace."[43]

Thinking freedom as an event with Arendt, one finds multiple entry points into the same phenomenon, which was an overt focus of her scholarly inquiry. When thinking the same question with Foucault, the matter is not so clear—as freedom is a moving target here, its event-

[40] "What is Freedom?" 168.
[41] *The Human Condition*, 176.
[42] Peg Birmingham reads natality in Arendt as the "archaic event." See *Hannah Arendt and Human Rights: The Predicament of Common Responsibility* (Bloomington, IN: Indiana University Press, 2006): especially ch. 2–3.
[43] "What is Freedom?" 168.

character is less fixed. For instance, it would be possible to consider in turn each of the various conceptions of freedom Johanna Oksala identifies in Foucault's work, all of which amply resonate with the iterative understanding of event that takes shape between Foucault's own use of the term and ordinary language. Conversely, in the interest of simplicity, it might be enough to note that freedom is legible as an event in that it is manifest in the act of self-subjectivation, as the link between rupture and the continuity processes of subjectivation in relations of power.[44] Or, sacrificing breadth and brevity for depth, the analysis could instead be conducted at the level of ontology, aided by Robert Nichols' rigorous exposition of freedom as ontological ground in Foucault's work.[45] This approach would offer the possibility of another correspondence with Arendt, given an endeavor to specify and compare what each thinker took from Heidegger, and what they refused.[46] As will be discussed below, it is partly on the basis of their refusals that I have chosen not to pursue this line of thinking here in great detail.

Instead, I will restrict my focus to the correspondence of freedom, the event, and politics in Foucault's work. I propose two distinct but related frames through which this correspondence might be viewed. The first is Foucault's historical concept of the event, and its importance for the political motive of his scholarly method. In "What is Critique," a 1978 lecture before the French Society of Philosophy, Foucault explicitly termed his critical method "eventalization." Recall that, identified as such, events testify to the under- or un-acknowledged effects of power

[44] In *The Shortest Shadow* Alenka Zupancic gives an account of the relation between subject and event that in some respects approaches, from a radically different direction, the sense of freedom I have been trying to articulate. Reading Nietzsche, she finds "a specific temporal structure, a kind of time-loop" which operates according to a logic of duality. Zupancic is grappling to articulate the structure of the paradox whereby one might "become what one is," or the truth become what it is. Her reading of Nietzsche as a philosopher of the event is the closest to the event of freedom in its bearing on subject and world I have come across. See Zupancic *"The Shortest Shadow." Nietzsche's Philosophy of the Two* (Cambridge, MA: MIT Press, 2003): 9–14.
[45] Robert Nichols, *The World of Freedom: Heidegger, Foucault and the Politics of Historical Ontology* (Stanford: Stanford University Press, 2014).
[46] Detailed engagements of Arendt's relation to Heidegger can be found in Dana Villa, *Arendt and Heidegger: The Fate of the Political* (Princeton, N.J.: Princeton University Press, 1996) and Jacques Taminiaux, *The Thracian Maid and the Professional Thinker: Arendt and Heidegger*. (New York: SUNY Press, 1997).

relations on the formation of knowledge and the possible articulation of statements that can count as true.[47] As a form of critique which identifies events in the terms discussed above, eventalization can reveal what is contingent and non-neutral in apparently fixed ensembles of power and knowledge.[48] It does so without recourse to an external standard of legitimation, "from within a concrete strategic field, this concrete strategic field that induced them."[49] In short, eventalization reveals the political relevance of a domain of knowledge.

In that talk, Foucault famously characterized critique in this mode as "the art of not being governed quite so much."[50] The critical encounter reconstitutes the event as such by reactivating it in thought, thereby reopening the field of possibility it had determined. In this way, thought is "freedom with respect to what one does." That this double-event instantiates a *political* freedom is apparent in its opening a question about the government of individuals; it describes an ethico-political problematic that connects the constitution of the subject to relations of power and their milieu. But, more important for the inquiry at hand and the conception of politics it entails, critical "eventalization" reclaims its object as belonging to the world—as a product of human invention, not a natural or transcendental given. In Arendtian terms, eventalization can reveal a system of knowledge—and its associated practices, apparatus, and institutions—as a common interest. This can render it available for political contestation. In a late interview, Foucault was

[47] Judith Butler foregrounds the acute relation of Foucault's critical method as outlined in this address to questions of scientific rationalization and biopolitics, emphasizing the possibility of ethical response. See Butler, "What is Critique" in *The Political: Readings in Continental Philosophy*, ed. David Ingram (London: Basil Blackwell, 2002).
[48] "We are therefore not attempting to find out what is true or false, founded or unfounded, real or illusory, scientific or ideological, legitimate or abusive. What we are trying to find out is what are the links, what are the connections that can be identified between mechanisms of coercion and elements of knowledge, what is the interplay of relay and support developed between them, such that a given element of knowledge takes on the effects of power in a given system where it is allocated to a true, probable, uncertain or false element, such that a procedure of coercion acquires the very form and justifications of a rational, calculated, technically efficient element, etc." Michel Foucault, "What is Critique?" in *The Politics of Truth*, eds. Sylvère Lotringer and Lysa Hochroth, (New York: Semiotext(e), 1997), transcript by Monique Emery, revised by Suzanne Delorme, et al., trans. Lysa Hochroth.
[49] Foucault, "What is Critique?" 60.
[50] Foucault, "What is Critique?" 29.

explicit as to this intention, predicating the constitution of political community on a common interest being rendered visible and taken up as such.[51] Analytical attention to the event broadens the sphere of political concern. Thus, the event, freedom, and politics are mutually implicated in critical practice.

Moreover, in constituting our mode of being as an object of judgment, eventalization can also prospectively light up past modes of being in their difference—not as patterns to be copied (which would be both impossible and undesirable), but as examples from which it might be possible to learn.[52] Foucault's work on parrhesia in his final lecture courses is paradigmatic in this regard. It contributes to the genealogy of the confessional subject and pastoral power, advancing Foucault's analysis of biopolitics. At the same time, it also offers other models of the relation between truth, speech, and subjectivity.

Parrhesia, introduced in chapters 3 and 4, is "frank-spokenness or veridicity," a way of telling the truth defined not by its content but by its illocutionary mode. It is defined by that which "binds the speaker to the fact that what he says is the truth and to the consequences which follow from the fact that he has told the truth."[53] This binding is made effective by a context where to speak the truth is to risk oneself—one's relationship, one's standing, or one's life. This consummately active mode of speech is the second locus where freedom, politics, and event come together in Foucault's work. But where the critical practice of eventalization describes a field outlined by these terms, parrhesia can be understood as the cynosure within it. The act of public parrhesia exemplifies freedom as a political event.

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[51] "But the problem is, precisely, to decide if it is actually suitable to place oneself within a 'we' in order to assert the principles one recognizes and the values one accepts; or if it is not, rather, necessary to make the future formation of a 'we' possible by elaborating the question." Foucault, "Polemics, Politics and Problematizations" in *Ethics*, 114–115.
[52] See "On the Genealogy of Ethics" in *Ethics*, 256–262.
[53] *The Government of the Self and Others*, 56.

Foucault draws these threads together during his genealogy of parrhesia, in the first hour of the *Collège de France* lecture of 2 March 1983—a pivotal moment for the question at hand. Announcing the topic of his investigation *in medias res* as a "history of the ontologies. . . of discourses of truth," Foucault proposes that any discourse that purports to be true be questioned with regard to its particular and unique mode of being; the mode of being it confers on the reality it claims to know; and the mode of being it requires of the subject who is entitled to employ it.[54] This inquiry will have several implications: all claims to truth must be understood as practices; they must be understood as interventions in a kind of game; finally, every ontology must be analyzed as a "fiction," a singular invention of its moment. Each of these stipulations resonate clearly with the line of thought I have been developing here. But what makes this moment crucial is Foucault's avowal that his own advancement of a history of thought along these lines is indexed to a principle of freedom:

> This history of thought—this anyway is what I would like to do—should be conceived as a history of ontologies which would refer to a principle of freedom in which freedom is not defined as a right to be free, but as a capacity for action.[55]

In its being referred to a principle of freedom, this history of thought is distinguished from a history of knowledge indexed to metaphysical truth, or one of ideologies indexed to a criterion of (true) reality.[56] The intensity of Foucault's interest in parrhesia—his ferocious dedication to it in his last lecture courses—is perhaps due, at least in part, to how it can help us understand freedom as a principle, even absent the possibility of metaphysical closure.

Similar to Arendt, the being of this freedom is pursuant to the constitution of the act as an event: "we can say there is parresia when the statement of this truth constitutes an irruptive event

[54] *The Government of the Self and Others*, 310. This set of questions recalls the familiar Foucauldian triangle of knowledge/power/subjectivity.
[55] *The Government of the Self and Others*.
[56] *The Government of the Self and Others*.

opening up an undefined or poorly defined risk for the subject who speaks" e.g., "a possibility, a field of dangers, or at any rate an undefined eventuality."[57] Here again we see a clear link to Arendtian freedom in action and its paradox of the free agent's beholdenness to unpredictable outcomes. Rather than being indexed to a transcendental absolute, the truth-value of parrhesia is defined by the simultaneity of commitment and risk in the act of enunciation, i.e. in word and deed.

In *The Government of the Self and Others* and *The Courage of Truth*, the relation of this phenomenon to politics *qua* government of and ascendancy over others is complex: as detailed in chapter 3, it shifts over time. The rise and eventual predominance of the "bad parrhesia" of anyone saying anything, and the subsequent ascendancy of rhetoric and autocratic or democratic despotisms prompt a relocation of the field of parrhesia, first in the soul of the prince, then exterior to institutional political arrangements. Nevertheless, I want to insist on its thoroughgoing political relevance: even after it leaves the assembly, parrhesia continues to be defined in this story by its location relative to politics in the everyday sense, a concern which persists throughout both of Foucault's lecture courses on the topic.

Nancy Luxon's reading of parrhesia as a political model is illuminating in this regard. Confronting the contemporary problem of agential paralysis in contexts of governmental power, she reads Foucault (together with Freud) to elaborate a model for individuals' investment in their own political subjectivation.[58] Luxon considers Arendt in framing her problem, which she understands in terms of the crisis of authority—a loss of grip on the traditional discursive and relational frameworks for judgment which undergirded political discourse. Bearing Arendt's

[57] *Government of the Self and Others*, 63. This model holds through the historical changes in the meaning of parrhesia Foucault tracks during the lecture course, although, as discussed in chapter 3, the contextual relation to politics will shift significantly.
[58] Luxon, *Crisis of Authority*, 294.

thought in mind, she insists that the reinvigoration of the public realm will require more granular attention to how individuals come to understand, and more importantly *trust* themselves as political subjects.

Accordingly, Luxon reads Foucault to emphasize the practices by which political subjectivity is cultivated. In the model of parrhesia as Foucault elaborates it, the circuit of subjective freedom travels through the public—as discussed in chapter 3, it is (emphatically) an *ethico-political* model.[59] What is interesting for the question at hand is how, as an event, the enunciative act of parrhesia simultaneously gives form to the speaking subject and to the political scene in which they intervene[60] In this model, authority is interpretive, not imperative: "the weight of political intervention shifts from efforts to control events to efforts to *compose the event*."[61] Freedom's manifestation in the world as an event is indicated by the irruptive and singular impact of this moment, with what is impactive and in this moment. In short, the parrhesiatic act is an event that simultaneously shapes the public event and the political subject—this is consonant with Arendt's account of action.

For both Arendt and Foucault, then, the event-character of freedom is legible through the event-character of history. Their connection is implicit in Arendt's statement that man is the "author of demonstrable events in the world."[62] History as an unfolding story, rather than determinate process, is predicated on the realization of the human capacity to act. Thinking with Foucault, we

[59] Luxon, *Crisis of Authority*, 296.
[60] Luxon, *Crisis of Authority*, 253.
[61] Luxon, *Crisis of Authority*, 256, my italics.
[62] Arendt, "Introduction into Politics" in *The Promise of Politics*, ed. Jerome Kohn (New York: Schocken, 2005): 105. The specificity of the term author is important here, as it highlights the individual's lack of control over how their actions are "read," by their contemporaries or future generations.

might venture a similar claim: historical events bear the traces of freedom's intransigence—traces in the double sense of lead-chains and marks.

In its dual connection to freedom and history, the event-concept that emerges from these considerations highlights certain distinctions between these thinkers' positions, on one hand, and, on the other hand, the conclusions drawn by other theorists for whom freedom and the event are of central importance. A comprehensive review is beyond the scope of the present inquiry. However, I want to take a moment to sketch a few preliminary comparisons, to emphasize how Arendt's and Foucault's positions are similar in this regard.

First, within this paradigm, events in general and the event of freedom in particular must be understood as *actual*. The meaning of the freedom-event lies in its concrete realization, as reflected in the tangential and uneven course of history. This distinguishes their understanding from that of thinkers for whom the event's significance is derived from anticipation of *the* freedom-event to come, which serves as an organizing principle of political activity in an unhappy present. We find an example of this in the work of Antonio Negri and Michael Hardt, who anticipate the event, the seizure of the opportune moment, for the "Becoming-Prince" of the multitude and subsequent establishment of authentically democratic institutions.[63]

As I read it in the work of Arendt and Foucault, political freedom *qua* event emphatically does not—and *cannot*—mark the salvific inauguration, the ultimate instantiation of freedom. In their different registers but very much in accord with one another, they would insist that such an expectation is wrongheaded on at least two counts, which have been introduced above: first, they would be wary of any projection of a totalizing logic capable of subsuming political being

[63] Antonio Negri and Michael Hardt, *Commonwealth* (Cambridge, MA: Harvard University Press, 2011): vii–viii, 165, 363. See Markell's discussion in "The Moment Has Passed" "The Moment Has Passed: Power after Arendt." *Radical Future Pasts: Untimely Political Theory. Lexington: University Press of Kentucky* (2014): 118–119.

without remainder; second, as I will elaborate further in the next section, were such a logic to be conceivable they would dispute the prospects for its permanence, out of an acute awareness of the tendencies of power relations and the dynamics of process to work against the systematic guarantee of liberation once and for all.

Perhaps the most influential conception of the messianic event is found in the work of Jacques Derrida. Drawing upon the tradition of messianic Judaism, Derrida affirms the event as an emancipatory *and impossible* future-to-come.[64] Here, political activity is prospectively oriented toward the event that would fulfill the hope of freedom—but this prospective relation is one of both anticipation and permanent deferral.[65] Unlike the more programmatic anticipatory mood legible in the work of Negri and Hardt, the Derridian messianic refuses to specify the content of the event. The political attunement this gives rise to is one of openness but also resignation, of anticipation without expectation.[66] By contrast, in the work of Foucault and Arendt events belong to the course of history and to the public present; consequently, the prospection they demand is less an anticipation than a looking around. If freedom can be identified with the event it is as *an* event among others, implying a broader distribution and modulation in scale, with larger and smaller impact.

Most interesting, though, viewing the historical event in the context of Foucauldian eventalization introduces a notable resonance with the "weak" messianism of Walter Benjamin. Eventalization is in some respects reminiscent of the retrospective messianism legible in the *Theses on History*, in that it consists of a retrieval and a re-visioning of past events.[67] However,

[64] Jacques Derrida, *Rogues: Two Essays on Reason* (Palo Alto: Stanford University Press, 2005): 144.
[65] For a comparative analysis of the past-oriented messianism of Walter Benjamin and the future-oriented messianic thought of Derrida, see Owen Ware, "Dialectic of the Past/Disjuncture of the Future: Derrida and Benjamin on the Concept of Messianism," *Journal for Cultural and Religious Theory* 5, no. 2 (2004): 99–114.
[66] Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, & the New International*, trans. Peggy Kamuf (London: Routledge, 1994): 65.
[67] Ware, "Dialectic," 100.

whereas Benjamin's focus is on the redemption of an oppressed past, eventalization focuses on past events' reinvigoration as grounds for contestation. The attitude is neither mournful nor hopeful but relentlessly oriented toward the present, facilitating a "hyper- and pessimistic activism."[68] Susannah Young-ah Gottleib has identified weak messianism, in the Benjaminian sense and in the Jewish tradition, as a force in Arendt's work. Gottlieb's focus is on the prospect of *redemption*: the possible redemption of action-as-beginning from the ruin of processes (human and natural), and redemption from action's irreversibility and unpredictability by forgiveness and promising, which are among its inherent potentialities.[69] What is remarkable here is, again, how the redemptive capacity is actualized and, whether in the prospective act of promising, the retrospective act of forgiveness, or the focus of the free act *simpliciter*, brought into the present world. The temporality attendant to this view is that of Benjamin's now-time, the *Jeztzeit,* which Kia Lindroos reads specifically as a time of action as well as one of redemption of past events.[70] The potential resonances between Arendt, Foucault, and Benjamin on the topic of event and history are potentially very rich, and merit further exploration.

A second contrast between the event as Arendt and Foucault understand it and other prevalent conceptions is that, in this paradigm, the event of freedom is *active*—it takes place in word and deed rather than in thought. In his survey of the "post-Heideggerian left," Olivier Marchant critiques a tendency, displayed by Nancy, Badiou, and Derrida (traceable to Heidegger himself), to philosophize the political.[71] In a manner similar to these thinkers, and clearly indicative of

[68] "On the Genealogy of Ethics," 256.
[69] Susannah Young-ah Gottleib, *Regions of Sorrow: Anxiety and Messianism in Hannah Arendt and W.H. Auden* (Palo Alto: Stanford University Press, 2003): chapter 3.
[70] Kia Lindroos, "Benjamin's Moment" *Redescriptions. Yearbook of Political Thought and Conceptual History* 10 (2006): 115-133.
[71] Oliver Marchant, *Post-Foundational Political Thought: Political Difference in Nancy, Lefort, Badiou, and Laclau* (Edinburgh: Edinburgh University Press, 2007): 170–171.

Heidegger's mark on their thought, the freedom-event as legible in Arendt and Foucault names a paradoxically abyssal ground (*Ab-grund*) of being-in-common.[72] The crucial distinction, however, lies in their thoroughgoing lack of hostility to the ontic as the field of freedom. The implicit critique of Heidegger can only be sketched here, but bears mentioning.

For Heidegger, *Ereignis*, translated as event, is the opening of the open on the basis of a concealment,[73] the play of grounding/degrounding: as a processual happening, it names the most general dimension of the play between (ontological) Being and (ontic) beings.[74] *Ereignis* "must not be confused with ontic occurrences, since it is nothing but their grounding dimension or their condition of possibility."[75] Heidegger maintains that the proper orientation to *Ereignis* is a question of and for *thought*, and specifically a question of how thought regards the ontological difference, and what thinking can demand from it given its abyssal ground. Reading Arendt, Dana Villa concludes that this position culminates, post-Turn, in "a mood of truly radical unworldliness, a mood that is extreme even by the standards of the Western tradition."[76]

By contrast, as legible in Arendt and Foucault, the event of freedom that actualizes the double movement, the constitutive dissolution, and dissolute constitution of ground-abyss, can only be an *enactment* within the thick, material, relational network of power. In the words of Foucault (which I submit are no less relevant for Arendt) "The problem, you see, is for the subject who acts—the subject of action through which the real is transformed."[77] This orientation constitutes a critique of Heidegger's unapologetic insistence on the primacy of thought, and the potentially (and actually) devastating political consequences of this commitment. Foucault

[72] Marchant, *Post-Foundational*, 18–19.
[73] See Thomas Sheehan, "A Paradigm Shift in Heidegger Research," *Continental Philosophy Review* 34, no. 2 (June 2001): 198.
[74] Marchant, *Post-Foundational*, 20–21.
[75] Marchant, *Post-Foundational*, 21.
[76] Villa, *Arendt and Heidegger*, 139.
[77] "Questions of Method" in *Power*, 236.

outlines this critique in a 1983 interview.[78] Arendt, for whom it is of course much more personal, articulates it through various interpretive lectures and essays on Heidegger's thought.[79] The most trenchant is an excerpt from her personal journal, published as "Heidegger the Fox"; here, thought is figured as a trap, and Heidegger a fox that takes a trap as his burrow. It concludes: "Nobody knows the nature of traps better than one who sits in a trap his whole life long."[80] Notwithstanding the tremendous influence of Heidegger on both of the authors' courses of intellectual development, their political projects must be read as refusals of his legacy in this regard.

II. Biopolitics as Context

Biopolitics, as Foucault defines it, is a historically specific and technologically conditioned form of power relation, which involves the administrative government of human life at the level of population. As Kathrin Braun observes, Arendt's work contains "a rich and in-depth analysis of the features that constitute biopolitics, so that we can read Arendt as a theorist of biopolitics *avant la lèttre.*"[81]

Unfortunately, the terms for reading Arendt and Foucault together on the concept of biopolitics were set by largely by Giorgio Agamben's *Homo Sacer*. Agamben's reading takes enthusiastic inspiration from Foucault's conceptual innovation and its resonance with Arendt's analysis; in that enthusiasm, though, he largely abandons the concept, recasting biopolitics as a

[78] After discussing the Nazism of several philosophers, Heidegger among them, Foucault states, "at every moment, step by step, one must confront what one is thinking with what one is doing, with what one is." He concludes by noting that during the French Resistance, "None of the philosophers of *engagement*…did a thing." 'Politics and Ethics: An Interview' in *The Foucault Reader*, ed. Rabinow (New York: Vintage Books, 2010): 374.
[79] See Villa *Arendt and Heidegger*, Ch. 7–8 and Taminiaux, *Thracian Maid*, especially chapter 6.
[80] Arendt, "Heidegger the Fox" in *The Portable Hannah Arendt*, ed. Peter Baehr (Penguin: New York, 2000): 544.
[81] Kathrin Braun, "Biopolitics and Temporality in Arendt and Foucault" *Time and Society* 16 no. 1 (2007): 5–23.

kind of ontological ground or transhistorical principle for all Western political order.[82] As a result of this reading, two critical lenses that might have amplified one another distort one another instead.

The same can be said of Michael Hardt and Antonio Negri's appropriation of the term. Inspired by Foucault's analytic and its uptake in continental philosophy, Negri and Hardt draw liberally from Foucault's body of work to assert a quasi-essential counterforce: against biopower, "the power over life," biopolitics, "the power of life to resist and determine an alternative production of subjectivity."[83] Negri and Hardt rightly note that the Foucauldian project involves not merely giving an account of power's operations, but doing so in the service of counter-conduct, what Davidson has identified as the operative term for resistance *qua* self-subjectivation.[84] However, while appropriating Foucault's terminology Negri and Hardt depart from his analytic entirely in their rendering the operation of power as a substantive generality rather than a relation.[85] Leaving aside the thought and the act, the "production of life" appears as "an act of resistance, innovation and freedom"[86]

The viability and desirability of a vitalist politics is a question that must be considered on its own merits, and this is not the place to do so. However, unless its proponents mean for the revolution to transpire by the *technocratic administration of life*, their appropriation of the term

[82] Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*. (Palo Alto: Stanford University Press, 1998).
[83] Negri and Hardt, *Commonwealth*, 57.
[84] Davidson, "In Praise of Counter-Conduct," *History of the Human Sciences* 24 no. 4 (2011).
[85] For further discussion of Hardt and Negri's "refusal to engage ethically with the specificity of biopolitics," which "allows them to simply invent an opposition in Foucault between biopower and biopolitics" see Mark Driscoll, "Looting the Theory Commons: Hardt and Negri's *Commonwealth," Postmodern Culture* 21, no. 1, (September 2010) 10.1353/pmc.2010.0026.
[86] Hardt and Negri, *Commonwealth*, 61. For another example of "affirmative biopolitics" see Claire Blencowe, "Foucault and Arendt's "Insider View" of Biopolitics: A Critique of Agamben" *History of the Human Sciences* 23, no. 5 (2010): 113–130. Blencowe aptly critiques Agamben's ontologization of the term biopolitics and (to my mind correctly) identifies its *productive* power. However, running productivity together with positivity she, like Hardt and Negri, proceeds to read biopolitics as a potential site of the ethical—a claim with no grounds in Foucault's thought to the best of my knowledge.

"biopolitics" is mistaken, or at least constitutes a radical and underacknowledged shift in meaning. This is unfortunate, because it obscures our view of a political tendency whose potency grows unabated.

Creative extrapolations of the concept notwithstanding, the resonances between Arendt's thinking on bureaucratic governance and Foucault's diagnosis of biopolitical governmentality are striking. They will be most perceptible if the phenomenon in question here is understood in terms of a particular *political rationality.* Therefore, it specifies a domain of its applicability, ends to be pursued, and the means of doing so; there are crucial junctures between the two thinkers' critiques in each of these categories.

For Foucault, biopower (as introduced in chapter 5) refers to the administrative management of life *qua* species-life; its object domain is the population. In contrast to disciplinary power, which consists in the conditioning of individuals by unilateral (and ultimately internalized) surveillance,[87] biopower names interventions at the level of the population to manage its life, health, and productivity. Again, it bears repeating: the essential caveat that the *dispotifs* of biopower do not sequentially replace disciplinary or sovereign power but rather become entangled with them, overgrowing them, displacing, mutating, concealing, reinforcing, or contesting them in particular ways.

The 1978–1979 lecture course, *The Birth of Biopolitics,* elaborates modalities of the integration of state and economy in this rationality. In his "Course Context," Michel Senellart observes that the lectures track a paradox regarding the relation of State to civil "society" in this emergent discourse: society represents the limit-principle which is supposed to keep government

[87] Foucault, *Discipline and Punish: The Birth of the Prison*, trans. Alan Sheridan (New York: Vintage, 1979) 7, 170–173, 183–192.

in bounds, also is itself "the target of a permanent governmental intervention."[88] In the midst of this research, Foucault retains his concern with the management of life, as indicated by his 1979 lecture at Berkeley on the genealogy of State administration of the health of the population, "to foster the life of individuals."[89] The State "wields its power over living beings as living beings, and its politics, therefore, has to be a biopolitics."[90] Between the sixteenth and eighteenth centuries, police came into being as the State's means to "take care of men as a population," which is its true object.[91] "Police," here, indicates "the technique of integration of individuals into this form of political rationality,"[92] and their government as individuals "significantly useful for the world."[93] Foucault concludes that:

> The main characteristic of our political rationality is the fact that this integration of the individuals in a community or in a totality results from a constant correlation between an increasing individualization and the reinforcement of this totality.

In concluding this lecture, Foucault wonders at the antimony of this political reason which juxtaposes complex institutions and mechanisms of care with those of mass death.[94]

Arendt also draws attention to the paradoxical simultaneity of concern for biological life and the prospect of mass destruction. The force of her critique has been unfortunately blunted by her problematically mixed and gendered metaphors (e.g, "housekeeping," family, and labor in its feminized aspect).[95] This language is an attempt to grasp "the social" and "society," which for

[88] Michel Senellart, "Course Context" in *The Birth of Biopolitics*, 330.
[89] Foucault, "The Political Technology of Individuals" in *Power*, 417.
[90] Foucault, "The Political Technology of Individuals," 416.
[91] Foucault, "The Political Technology of Individuals," 416.
[92] Foucault, "The Political Technology of Individuals," 409
[93] Foucault, "The Political Technology of Individuals," 410.
[94] Foucault, "The Political Technology of Individuals," 405. Here he terms this reverse of a biopolitics "thanatopolitics," the death of the population in mass armed conflict. Recalling Mbembe's analysis as outlined in chapter 5, we ought to include necropolitics, the killing of those determined as a threat to the life or health of the population, as part of this framework.
[95] See Hanna Fenichel Pitkin, *Attack of the Blob: Hannah Arendt's Concept of the Social* (Chicago: University of Chicago Press, 1998).

her name a way of conceiving of a community whereby the homogeneity of viewpoints, objectives, and desires is presumed, such that everyday affairs can be effectively administrated.[96]

Arendt's account stands in marked contrast to Foucault's in that it is very short and largely assertional—in a way, they suffer from opposite rhetorical shortcomings, as the force of his critique can be obscured by historical detail. Their observations, however, run largely parallel: the centering of life as an object of concern; regard for a mass population over an extended period; government as "pure administration"; the increasing complexity of its apparatus; statistics as its primary technical instrument; normalization and the inducement of behavior.[97] Likewise, Arendt understands the predominance of the social to correspond to the science of economics and the political form of the nation, the significance of which was discussed at length in chapter 5. She identifies its form of government as *bureaucracy*, depersonalized rule by nobody: in economics, as in "polite society," the "nobody" who rules despite their depersonalization is the "assumed one interest of society as a whole."[98]

With these gestural remarks in *The Human Condition,* Arendt speaks to a particular worry about late modernity, that certain aspects of it bear an uncomfortable resemblance to causal factors of totalitarianism she had identified in *Origins*.[99] It should go without saying that this is by no means to imply a simple identity or inevitable trajectory. Nevertheless, in her reading of Arendt and Foucault on biopolitics, Braun finds that "both Arendt and Foucault see

[96] *The Human Condition*, 28.
[97] *The Human Condition*, 40–46. Braun notes that Arendt's view has a decisively more normative cast than Foucault's. Braun, "Biopolitics and Temporality," 10.
[98] HC, 40, 244–45.
[99] Arendt writes in 1954, "Insofar as totalitarian movements have sprung up in the non-totalitarian world (crystallizing elements found in that world, since totalitarian governments have not been imported from the moon), the process of understanding is also a process of self-understanding. For although we merely know, but do not yet understand, what we are fighting against, we know and understand even less what we are fighting for." "Understanding and Politics" in *Essays in Understanding*, 310.

totalitarianism as the *extreme case* of a system that has turned politics into a knowledge-based administration of life."[100]

The most relevant aspect for thinking about freedom as an event, and Braun's key focus in reading these thinkers together, is the temporal structure attendant to this political rationality: biopolitics, understood as the technocratic administration of biological life, is characterized by a *process temporality*.[101] Braun cites a statement by Foucault which encapsulates Arendt's concerns: "Biopolitics is essentially about 'taking control of life and the biological *processes* of man-as-species.'" Individual life is a transitory moment in this flow. However, the relevant technologies individualize as they totalize; getting the population as a field into view depends on the extraction of data from individual subjects in minute detail. This is the kind of categorical individualization which reduces political subjectivity to an ever more granular "what," whose uniqueness and distinction can be understood only as conformity to or deviation from a desired norm.

Even the most cursory glance at the form and content of current political rhetoric will reveal that biopolitics, in all its therapeutic and pathological valences, is alive and well. However, if there is one lesson to take from reading Foucault, it is that the strategies for "the conduct of conducts" are relentless in their development: as Bernard Harcourt has shown, new forms of power relation enabled by the proliferation of digital technologies have intensified at a staggering pace.[102] Driven by (and productive of) a potent combination of material and social desire, the techniques of individuation and totalization applied through digital technologies

[100] Braun, "Biopolitics and Temporality," 10, my italics.
[101] On process temporality in Arendt, see also Hyvönen, Ari-Elmeri. "Invisible Streams: Process-Thinking in Arendt." *European Journal of Social Theory* 19, no. 4 (2016): 538–555.
[102] Bernard Harcourt, *Exposed: Desire and Disobedience in the Digital Age* (Cambridge, MA: Harvard University Press, 2015).

inflect the exercise of all other forms of power to a near-universal degree. Harcourt terms this the "expository society," because the circulation of power flows through individuals' apparently willed disclosure of their lives, in every aspect, online.

The process temporality Braun identifies with biopower is equally, *if not more* applicable to the logics of the expository society. From an administrative and predicative standpoint, it is a vision of individuation and totalization beyond the wildest dreams of the eighteenth century. As described by Harcourt, these phenomena represent the untrammeled and exponential acceleration, facilitated by the technical capacity of machines able to process statistical data at functionally instantaneous rates, of driving processes identified by Arendt in *The Human Condition*: the ravening cycles of production and consumption which, treating durable goods like comestibles, drive the accumulation of wealth;[103] and the processes unleased by "acting into nature" by technology and science.[104]Also apropos is her observation that, particularly from the perspective of science, the concern of fabrication is relocated from its ends to its processes, from the telic object to the means of its reproduction.[105] Moreover, contemporary modes of governance concern themselves with the effective accounting for and management of the "deviations" or unexpected acts *within* processes, and correcting their algorithms accordingly.

The political rationality termed "biopolitics," its permutations by way of digital technology, and the ensemble of governmental phenomena in its purview, bear directly on the question of political freedom. Arendt observes:

> The rise of the political and social sciences in the nineteenth and twentieth centuries has even widened the breach between freedom and politics; for government, which since the

[103] Arendt, *The Human Condition*, 105, 255; 132–3. For an extended discussion of process-thinking in Arendt, see Hyvönen, "Invisible Streams," 538–555.
[104] *The Human Condition*, 231–2.
[105] *The Human Condition*, 299–301; 304, 307.

> beginning of the modern age had been identified with the total domain of the political, was now considered to be the appointed protector not so much of freedom as of the life process, the interests of society and its individuals...Here freedom is not even the nonpolitical aim of politics, but a marginal phenomenon—which somehow forms the boundary government should not overstep unless life itself and its immediate interests and necessities are at stake.[106]

The depth and complexity of Foucault's analysis (and that of the heirs to his project) reinforces this summary analysis. As reflected by Arendt, above, within this paradigm individuals are conceived as holders of bounded spheres of liberty, protected from others by the threat of State coercion, and from State coercion by right.[107] What are the dynamics of the relation of political freedom *qua* state of being to the political rationality of biopolitics? In the context of biopolitical governance, this normative standard of freedom can be viewed from three angles.

First, political freedom as a state of being under biopolitical governance can be viewed from the perspective of *exclusion*: here, the focus is on the structural logics which necessitate the figuration of some individuals and populations as a threat to the maintenance of the free state of being. This problem was framed in terms of the State's abstract reliance on coercive violence in chapters 1 and 2 and addressed at length with regard to the historical development of State agency in chapter 5. I reiterate it here to emphasize the tandem operation of the normative ideal of freedom as a state of being and biopolitics as a rationality of governance, as distinctive but symbiotic logics of exclusion. At their intersection, some individuals are identified, classed, and figured as a danger (by increasingly technical means) toward the end of protecting the freedom of individuals who, viewed increasingly through the lens of population, qualify as members of the body politic; these assessments of danger are individualizing and totalizing. In effect, and as

[106] "What is Freedom?" 148–9, my italics.
[107] In addition to the sources noted in chapter 1, an exceedingly helpful presentation of this thesis (with particular attention jurisprudence in the United States) can be found in Jennifer Nedelsky, "Law, Boundaries, and the Bounded Self," *Representations* 30 (Spring 1990): 162–189.

suggested by Arendt, above, the right to the maintenance of one's state of freedom by the State is contingent on one's status as perceived threat, to individual safety and the health of the national population. It is important to keep this problem front and center, because the structuring assumption of agents who threaten the state of freedom is the most indelible scandal of this normative logic and the history to which it is linked.

Second, political freedom as a state of being can be viewed with an eye to its *vulnerability* under biopolitical governance. For the population it includes, in its figuration of a secure sphere which can be stably held over time, this normative ideal holds out a vision of free-being which, for many, is at risk of foundering amidst socioeconomic currents. Even if the boundary of sovereign right remains secure, its sphere may still be swept up and carried along by processes insensible to the individual will; the term that has emerged to describe this state of being is precarity, a higher risk of social exclusion.[108] Moreover, as noted above (and in the chapter 2 discussion of sovereignty), the tactics of contemporary governance are such that it is difficult to conceive a barrier that would prevent their encroachment. In this context, the State is an unreliable agent of protection, as its institutional boundaries and imperatives increasingly bleed into those of private agencies. Rather than an agential State with a definite outline, there are "state-like knots" of administrative, juridical, and capital administration that, seemingly at the behest of nobody, govern the processes of contemporary life.[109] In short, the ideal of freedom as a secure state of being is in many respects ill-suited to confront the challenges posed by biopolitical logic. An effect of this apparent insufficiency is the retrenchment of the exclusion described above, as a recourse to the most tangible iteration of State protection.

[108] See Berlant, *Cruel Optimism*, 192.
[109] Harcourt, *Exposed*, 215.

Finally, the relation of the norm of freedom as a state of being to the political rationality of biopolitics can be viewed in terms of its *productivity*. This is the perspective introduced by Foucault in *The Birth of Biopolitics,* through the idea that civil society, as a field of private interest external to the state, functions simultaneously as the limit-principle of biopolitical governmentality and the ground of its operation. It is bound up with the implicit relation, in this development, of the health and well-being of the population with economic growth. Within this frame of analysis, the fostering of a free state of being which consists in a secure and maximized sphere of private liberties helps to drive the socioeconomic processes which are the imperative concerns of biopolitical governance.[110] In this way, the idea of political freedom as a state of being can serve as a strategy of governance, again with the State in a dubious role as its agent.

From each of these perspectives, the principle of political freedom as an individual's State-secured state of being is insufficient in the context of biopolitics. However, it is not initially apparent that the principle of freedom as an event fares much better. The increasing tendency of government to proceed according to quasi-natural laws which determine the flow of human behavior toward predetermined imperatives continually diminishes the prospect of its effective interruption by the initiative of the governed: the very dynamism of processes stifles initiative.[111] Patchen Markell has drawn attention to the fact, overlooked by Arendt scholars who look to her concept of action for redemption from the forces of late modernity, that the modern field of the social is dominated by action *qua* initiation of processes—but to the exclusion of the fragile processes of political relationality.[112] Even more worrying, there is an attendant risk that thinking freedom as an event would in effect submit it to a process-logic of its own, in the mode

[110] Foucault, *Birth of Biopolitics* 62–65. See Nikolas Rose, *Powers of Freedom: Reframing Political Thought* (Cambridge: Cambridge University Press, 1999).
[111] *HC*, 116.
[112] See Markell's discussion in "Anonymous Glory," *European Journal of Political Theory* 16, no. 1 (2017): 77–99.

of the totalitarian logic whereby the maintenance of the *movement* is an end in itself.[113] To see why this would not be the case, understanding political freedom to be an event might introduce a different set of relations to technocratic administrative governmentality, will require that we attend to the being of this freedom *in space*.

III. The State as Space of Freedom?

I have argued that there is a reciprocal relation between how freedom is thought in space and how it is thought in time. In doing so I have suggested that in the liberal paradigm one of these metaphorical transcendental conditions—space—has priority, and that the temporality of static duration in time follows from it. However, notwithstanding the conceptual priority of space, the most salient consequences of this normative construction follow from the its consequent temporal imperatives. It is the requirement that the individual's free space of freedom be statically secured in time that motivates the ideal mode of State agency in its interest: the relentless prospective identification of threats, and the sustained counter-threat of coercive violence. Accordingly, some of the most significant implications of conceiving freedom as an event and its being in time as conceptually prior involve the requirements of the space of freedom that would follow from this understanding.

Just as the idea of a protected sphere of liberty does its work at the subtle level of metaphor and through a whole network of related concepts and ideals, the idea of political freedom as an event in time must be located with respect to certain related ideas about how individuals relate to themselves, others, and the world. Over the course of this work I have engaged Foucault and Arendt in an attempt to capture a sense of these various contexts. First, the

[113] *Origins*, 391; 469.

context of practice, which posits the enjoyment of political freedom, as opposed to its fleeting occurrence, as dependent on a sustained dialectic of activity and reflection. Second, the context of subjective being-in-play, which describes a mode of relation to self and others that is fostered by particular affective dispositions and institutional arrangements, in particular the willingness to dwell in between openness and closure.

Finally, there are the dual contexts of power as Foucault and Arendt understand it. Rather than read these two ways of thinking about power as mutually exclusive or simply complementary, I am interested in the possibility of mutual implication and what is revealed when they are understood to operate in tandem.[114] For Foucault, power names the enactment of conduct of conducts, and for Arendt it names the potency of plural association—these analytics cannot be collapsed into one another. However, what tends to be overlooked, even by theorists who read them in tandem, is how these are both attempts to get some grip on what is *adhesive* and *generative* about human relationality, specifically *as it relates to freedom.*

The event of freedom as action in concert or as the courage of truth fulfills its meaning for politics only insofar as it redounds to the relationality of power on which it bears. From the Foucauldian perspective, the event of freedom alters the terms of conduct and counter-conduct which proceed from it. From the Arendtian perspective, it holds people together in a political relation. In both cases, it contributes to the maintenance-cum-renovation of the terms of mutuality. The meaning of the event of freedom is always in how it inflects the ties that bind. Arendtian power is better understood not as the release of force as a blinding flash, but rather as

[114] These two models of power have been considered in terms of how they might compensate one another's visions: see: Neve Gordon, "On Visibility and Power: An Arendtian Corrective of Foucault." *Human Studies* 25 no. 2 (2002): 125–145; Amy Allen, "Power, Subjectivity and Agency: Between Arendt and Foucault." *International Journal of Philosophical Studies* 10 no. 2 (May 2002): 131–149; Jakub Franěk, "Arendt and Foucault on Power, Resistance and Critique" *Acta Politologica* 6 (2014): 294–309. Franěk also gives a substantive analysis of their overlapping accounts of biopolitics.

a kind of "shadow cast into the future by action."[115] The same phrase could well be applied to Foucauldian power. Freedom as an event is a moment, or perhaps, a way of thinking of the moment, within these more extensive situations: it is the fore-shadowing of a relation of mutual implication.

In this way, the event of freedom's enactment cannot be isolated from the various conditions that contribute to its possibility. This is where the spatial implications of its conception as an event come to the fore. The event of freedom, even in its naked isolation as a flash of resistance or a momentary uprising, *takes place*. That is to say, in the most basic sense, it has attendant to itself a self-referential, spatial being in a way that a simple doing, mere happening, or moment in a determinate process does not.[116] An event takes its own space up for itself in the fact of its transpiring. Viewed through the lens of human relationality, it looks like an opening or clearing for relational equality.

However, as we have seen, the place the event of freedom takes for itself is fragile. It is easily swept away by the force of process and destroyed by the act of violence—a reality traceable (to speak in Arendtian terms) to the aspect of necessity they bring to bear upon the situation. Perhaps even more significant than the probability of the closure of the space opened by the event of freedom is the difficulty in getting process and violence to *give way* to freedom as a political event. This intuition underscores the urgency and relentlessness of these authors' critiques of contemporary governance, notwithstanding government's "productive" goals of the health and happiness of the national population. To return to a metaphor I introduced in chapter

[115] Patchen Markell, "The Moment Has Passed," 113–148; 127.
[116] Respectively, we might think of their attendant spatialities being given in terms of the agent, the object, and the telic direction.

2, if freedom flowers on the twining vines that overgrow common interests, we might imagine technocratic administration as kudzu.

In accordance with the practice of its enjoyment and the play of its subjects, political freedom-as-event requires a spatial context that controls relations of power in the Foucauldian sense,[117] toward the fostering of relations for power in the Arendtian sense. Thus, the cause of political freedom would be served by forms of social organization which are capable of *holding space* for its enactment.[118] Arendt alludes to this idea when she says that the revolutionary spirit is "the eagerness to liberate and to build a new house where freedom can dwell."[119]

This kind of spatial organization is, I would argue, to a greater or lesser extent recognizable in any reasonably durable locus of social organization. But the strongest construction materials, as it were, are civic institutions and laws, and I want to suggest that claim be laid to these mechanisms toward the enactment of political freedom. If I began this chapter by reading Arendt against herself, I am concluding by doing the same with Foucault, who, as I have mentioned, would accept power as action in concert as a principle of critique, not regulation. However, at risk of making him groan a bit, it may not be going too far to suggest that these potent and venerable strategies be turned to the benefit of public encounter.

Reading Foucault on law, Ben Golder and Peter Fitzpatrick find nothing so much as an empty *space*, a vacuity, a lack of enduring content which both indicates its under-determination despite its being "a constituent means of securing this means of being together":[120] the terms of this

[117] See Foucault, "Ethics of Concern for the Self," 284.
[118] Hyvönen, "Invisible Streams," 551, discusses this need in terms of the necessity of world-building. Markell (in "Rule of the People," 12) frames it in terms of the presence or absence and quality of "contexts in which action makes sense."
[119] *On Revolution*, 25.
[120] Ben Golder and Peter Fitzpatrick, *Foucault's Law* (New York: Routledge, 2009): 130.

coexistence are, of course, the question that matters. In her own discussion of law in *On Revolution*, Arendt quietly asserts the possibility, via Montesquieu, that rather than commandments issuing from an absolute source, laws might just be considered as *rapports*, relations subsisting between entities;[121] marking, perhaps, the limits of their conduct. What is arguably most important for Arendt though, is their potential as a stabilizing force.[122]

Like the sovereign sphere, with security as its basic requirement, it is impossible to disconnect the enactment of the event from the space of its realization. The ideas follow so closely upon one another that they are difficult to separate. Thus when in "Introduction into Politics" Arendt states that in the Greek political conception, freedom was understood positively *as a space*, there is no necessary contradiction with her assertion a few pages earlier that freedom is identical with beginning.[123] Any seeming tension is resolved in the claim that freedom experienced as spontaneity in deed may be prepolitical and extrapolitical, and "depends on organizational forms of communal life only to the extent that it is ultimately the world that can organize it."[124]

Crucially, however, it must be kept in mind that the specific character of freedom as event means *freedom is not subject to external guarantee*. Any attempt to imagine the space of freedom as a space of its *provision* would thus be mistaken. Discussing the bearing of spatial arrangements on freedom, Foucault states the matter plainly:

> I do not think there is anything that is functionally—by its very nature—absolutely liberating. Freedom is a *practice.* So there may, in fact, always be a certain number of projects whose aim is to modify some constraints, to loosen, or even break them, but none of these projects can, simply by its nature, assure that people will have freedom automatically, that it will be established by the project itself. The freedom of men is never assured by the institutions and laws that are intended to guarantee them. This is

[121] *On Revolution*, 180–181.
[122] *Origins*, 465.
[123] Arendt, "Introduction into Politics," 117, 113.
[124] Arendt, "Introduction into Politics," 127–128.

> why almost all of these laws and institutions are capable of being turned around. Not because they are ambiguous, but because "freedom" is what must be exercised.[125]

This thought captures in essence the distinction between the concept of political freedom as a state of being and the event-concept I have been trying to articulate here.

Thus, I conclude by posing a question: what might it mean to rethink the state, not as an agent of the political freedom of its citizens, but as the structure which holds space for their freedom to take place? If Leviathan lays down his hook, his crosier, and his massive body, and, ceasing to pretend at being a player, consents to serve as the scene? Thus restructuring the fantasy of our political desire would not usher in a classless society or make our hearts beat as one. However, it might stand to change the kinds of claims we make on "government" if the evaluative criterion we applied to the state referred to the effectiveness of its creation of a space of equality in action, and the quality of that space.

In this thought, there is no suggestion that the questions of particular liberties and rights cease to be important. To the contrary, their great importance is suggested by the danger to freedom posed by violence and by the force of necessity. On this model, rather than thinking about liberties as determining the structure of freedom, or of freedom's security by rights, the structure of liberties is to be determined in freedom, and rights secured in it. Considering the question of rights-politics in Foucault, Golder argues that the references to right and the rights of the governed which appear in his late work do not indicate a late-life turn to liberalism, but rather a grasp of them as a tactic and strategy against the imbalance of power. Golder quotes Foucault:

> It is not because there are laws, and not because I have rights, that I am entitled to defend myself; it is because I defend myself that my rights exist and the law respects me. It is thus first of all the dynamic of defence which is able to give law and rights the value

[125] "Space, Knowledge and Power" in *The Foucault Reader*, translation modified. See *Dits et écrits* vol. IV no. 310.

> which is indispensable for us. A right is nothing unless it comes to life in the defence which occasions its invocation.[126]

This interpretation of rights-politics in Foucault accords with Arendt's controversial claims regarding the right to have rights as predicated on political belonging. Like freedom as ontological ground in Foucault,[127] an ontological basis of human rights is perhaps discernable within the Arendtian account of the human condition.[128] But the political question and political reality of what will give *meaning* to those rights is determined by the contexts available for their assertion. I venture that in both authors we find "a performative account of rights claiming in which there is no recourse to the foundational status of the subject and its universal attributes. Instead, the social and political practice of rights claiming itself establishes and contours the ground of rights."[129]

This reading finds strong support in Foucault's stated analysis of how the realities of power relations can be improved. If there is to be less domination, "it will be when those who have a stake in that reality, all those people, who have come into collision with one another and with themselves, run into dead ends, problems and impossibilities, been through conflicts and confrontations—when critique has been played out in the real, not when reformers have realized their ideas."[130] In considering the problem of the absence of contexts which would permit this practice, a significant aspect is the absence of points of contact whereby persons assume authority and responsibility for the actions of government; where contestation is imperative, but there is no one to answer to. This is the great danger of bureaucracy in Arendt's assessment:

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[126] Ben Golder, *Foucault and the Politics of Rights* (Palo Alto: Stanford University Press, 2015): 80. The quote is from Michel Foucault, "Le vrai sexe," in *Dits et écrits* II, 1976–1988.
[127] See Nichols, *World of Freedom.*
[128] See Birmingham, *Hannah Arendt and Human Rights,* The controversy over the right to have rights is summarized in her Introduction, p. 1–2.
[129] Golder *Politics of Rights*, 79–80.
[130] "Questions of Method" in *Power*, 236.

"Bureaucracy is the form of government where everybody is deprived of political freedom, of the power to act; for the rule of nobody is not no-rule, and where all are equally powerless we have a tyranny without a tyrant."[131] She attributes the glorification of violence as a political tactic to "severe frustration of action in the modern world."[132]

Bureaucracy, then, can be considered the form of government which gives *least* place to the enactment of freedom. Its clearest antipode is the ancient exemplar of *isonomia* or no-rule, a constitution in which citizens encounter each other in political space as neither rulers or ruled, but as equals: this conventional relation of public equality serves her as an ancient exemplar of freedom as a political phenomenon.[133] Recall that both Arendt and Foucault mobilize ancient examples as spurs to the imagination, not models to be copied: isonomy stands out as an organization of political space which might control relations of power such that their games can be played "with as little domination as possible." If it is a powerful vision, it is because of the idea of the political encounter it holds out—a togetherness without intimacy, or public friendship. In formulation of political demands, the form of the fantasy matters.

Arendt asserts that such togetherness is lost "when people are only for or against each other."[134] This phrase in particular recalls a statement of Foucault's, in a 1981 interview on the topic of the French elections. Asked, "Are you saying that it is going to be possible to work with this government?" Foucault responds, "We need to escape the dilemma of being for or against. We can, after all, be face to face, and upright."[135] If isonomy might be imagined as a fantasy of

[131] "On Violence," 81.
[132] "On Violence," 83.
[133] *On Revolution,* 22; see "On Violence," 40.
[134] *The Human Condition,* 180
[135] "So is it Important to Think?" in *Power,* 455.

public order, this formulation could be considered its minimal standard in the organization of political space.

The conceptual shift I have proposed by no means intends the utopian withering away of the state, but rather a refusal of the fiction of its agency as a substitute for our own. This would be in many ways a *subtle* shift: there are, of course, elements of this way of thinking woven throughout democratic institutions, liberal theory. It may be that what is really at stake is not the importation of a wholly new normative agenda, but simply a shift in priority, such that private liberty is in service of public freedom, and not vice versa. However, if carried through, it would entail a wholesale reorientation of the relation of one's individual freedom to the freedom of others, from a relationship of boundary mediated by the State, to one of mutual entailment on the state's constitutive scene. What this political freedom requires is courage—not just the courage to defend one's rights against usurpation (although, this may be necessary) but also the courage to acknowledge difference as such in the open, and on equal terms.