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The Literary Exception: Reflections on Agamben's "Liberal Democratic" Political Theology and the Religious Destabilisation of the Political in our Time

JOHAN VAN DER WALT

University of Luxembourg, University of Witwatersrand and University of Pretoria

Abstract: The concern with stabilising the political and avoiding the excessive deployments of coercive force by totalitarian political imaginations is usually associated with political liberalism and liberal political theory. It is rarely associated with political theology and conceptions of sovereignty that are based on political theology. The unique contribution of the Italian philosopher Giorgio Agamben to contemporary political theory is the opportunity it offers to contemplate the stabilisation of the political in terms of political theology and not in terms of typical rule of law arguments that one would associate with political liberalism. The aim of this article is to trace and question some of the essential thoughts on the basis of which Agamben puts forward the idea of the called existence of the Christian community. It does so in order to put forward, in response, an argument for a literary community that has much in common with Agamben's conception of the Christian *ekklesia*, but ultimately also differs from it in certain important respects. The argument for a literary community that is developed ultimately has more in common with Nancy's conception of an "inoperative community". The article also offers a close scrutiny of Agamben's engagement with the work of Carl Schmitt. This scrutiny of Agamben's engagement with Schmitt is crucial for the argument that the article forwards, considering the way in which Schmitt's work is with good reason historically linked to exactly the kind of political theology that destabilises rather than stabilises the political.

Key Words: Agamben, Nancy, Schmitt, Political Theology, Liberalism

INTRODUCTION

The aim of this article is to fathom the depth of the problem of religious radicalisation in our time with reference to thoughts that the Italian philosopher Giorgio Agamben offers us in his remarkable book on Saint Paul (published in Italian in 2000;

its English translation was published in 2005). The article offers a reading of Agamben's book on Saint Paul as a response to the question of *the stabilisation of the political* that he has raised in earlier works, especially *Homo Sacer* (1998).

The historical background against which this article offers this reading of Agamben would indeed seem to be one of political destabilisation as a result of religious radicalisation. Europe would seem to have entered an era in which religious conviction and the theology or lack of theology behind this conviction threaten to destabilise the political dispensation that one would associate with regular constitutional democracy. The relatively uncomplicated introduction of new mass surveillance legislation in France (subject to review by the Senate till early June 2015) is one of the clearest signs of how regular constitutional democratic politics have come to be derailed by the need to cope with religious radicalisation in Europe. Ironically, the legislation proposed in France came at a time when such legislative mass surveillance powers were being phased out (for the moment) in the United States (the expiry of powers of mass surveillance authorised by Section 215 of the Bush era Patriot Act at midnight on 31 May 2015).

Be it as it may, the events that came to pass in Paris on 7 and 8 January 2015 and the public response to these events have made the tabling of the new surveillance legislation relatively easy in France, as is suggested in an in depth analysis by Felix Tréguer (2015). Easy acceptance of drastic surveillance legislation is surely a clear sign of a widespread perception that the political situation has become fundamentally unstable. A constitutional democratic country or state does not resort to mass surveillance legislation unless it is driven to the conclusion that political stability – basic law and order – must be *maintained* and *enforced*. It can no longer be considered an intrinsic feature of the political system, but one that must be *actively sustained* – and enduringly at that – with extraordinary intervention. Under these circumstances, political stability can no longer be assumed as *given*. It has become something that is to be *produced arduously*.

Considering the history and traditions of political thought and practice to which Europeans are heir, one might want to observe that the *European* political order is just like that. It can never be assumed to be given. Considering the brittle foundations that have been laid for it over centuries, it will always have to be *produced arduously*. This observation would underline the significance of Agamben's political philosophical endeavour. For his work can indeed be read – and will be read thus here – as an incisive interrogation of the metaphysical traditions of political thought and practice that have rendered European and Western politics so unstable.

This article will not address the wisdom or lack of wisdom of this new legislation in France or similar legislation elsewhere in Europe or in the United States.¹ It will suggest, however, that all the legislation or legislative proposals at stake here are technocratic responses to a problem that requires deeper understanding. Technocratic

responses to emergent problems and emergencies are understandable and most likely inevitable. But they ultimately remain desperate measures. They do not offer any hope that the circumstances that seem to necessitate them may come to an end. Such hope can only derive from analyses that dig up the deep end of the problem. The deep end of the problem, this article suggests, lies in the pervasive lack of a profound *literary sensibility* through which the allure of the political exception – the allure of *the literal moment of truth*, so to speak – could be resisted or avoided more effectively.

Europe and the West would seem to pervasively lack the profound and forceful literacy or literary imagination through which the ever present potential for miasmic political exceptionalism could be turned more effectively and more consistently into *literary exceptions*.² European or Western *culture* no longer seems to offer a (substantially adequate) capacity for existential catharsis, hence the rising allure of “real life” moments of truth that can answer to yearnings for catharsis, and hence also, perhaps, the apparently increasing phenomenon of young people leaving family homes for “religious” warfare in what would appear to have become God-forsaken deserts.³ European and Western government authorities currently present surveillance as the best answer to this development today, but sooner or later they may also want or need to commence thinking about more incisive and vastly more creative responses, either in addition to surveillance (should the prevailing wisdom remain stuck to it), or eventually – and hopefully – even instead of it. It is to the need for exploring other ways of responding to one of the most pressing problems of our time that this article is addressed.

Agamben – surely one of the profoundest political philosophers of our time – may well balk at the reading of his work that I will be offering here, and so may many of his readers. The rather “Rawlsian” political liberalism on which this article turns remains anathema in the circles of scholarship that one would regularly associate with the thought of Agamben (the reverse is also probably quite true – few typically “Rawlsian” political theorists would spare Agamben’s work much thought). It should therefore be stated at the outset that the thoughts that will be developed in what follows do not pretend to offer a (let alone *the*) correct reading of Agamben’s work. The arguments that follow would nevertheless like to claim fidelity to his work in another sense. They are based on close and *sympathetic* readings of his texts. The fact that they then venture off in a direction that Agamben himself and many of his readers may not want to take does not make them unfaithful to his work. At issue here is a different kind of faithfulness to a text, the faithfulness that recognises how profound thoughts may open up further lines of thinking that their author may not have contemplated originally.

The “further line of thinking” that will be pursued here concerns a crossing between political liberalism, typically a very “untheological” mode of thinking, on the

one hand, and political theology, which is typically or at least often a rather “conservative” if not “illiberal” mode of thinking, on the other. The concept of political theology that the work of Carl Schmitt has made salient in the course of the 20th century is undoubtedly exemplary of this typically “conservative” or “illiberal” mode of thinking. This is already sufficient reason for engaging squarely with aspects of Schmitt’s thought in what follows. More technical reasons for doing so – as highlighted in Agamben’s reading of Schmitt – will come to the fore below. Nevertheless, suffice it to state at the outset that the concept of the political theological that will be forwarded below differs fundamentally from the one that emerges from Schmitt’s writings. It takes leave of Schmitt in no uncertain terms, as it must if it is to plausibly call itself “politically liberal.” That does not mean, however, that the force of Schmitt’s thought is not recognised in what follows. His contribution to the question of political theology in our time remains crucial for any serious attempt to come to terms with this question, and it is no wonder that Agamben – like many other profound philosophers of our time – engages so extensively with his work.

Let us return now to the unlikely crossing between “untheological” political liberalism and “illiberal” political theology that is at stake in the concept of a “liberal political theology” that will be developed in this article. The concern with stabilising the political and avoiding excessive deployments of coercive force is usually associated with political liberalism and liberal political theory. It is rarely associated with political theology and conceptions of sovereignty that are based on political theology. The unique contribution of Agamben’s thought to contemporary political theory is the opportunity it offers to contemplate the stabilisation of the political in terms of political theology and not in terms of typical rule of law arguments that one would associate with political liberalism. The significance of this contribution to contemporary political theory becomes clear when one recalls Claude Lefort’s definitive essay on the eternal return of political theology (Lefort, 1986) and Jean-Luc Nancy’s assessment of this eternal return of the political theological as a result of the inability of tolerance – the key virtue of liberalism, as some would argue – to answer to the need or desire for political community (Nancy, 2006: 109). In other words, Agamben would appear to offer us a political theology or a theological theory of the political that avoids the instabilities that are historically associated with political theology, on the one hand, and nevertheless offers a more promising impetus for political community and communality than those that standard conceptions of liberal tolerance offer, on the other. That which he offers us in this regard pivots on the notion of the “called existence” of the Christian community or *ekklesia* that one finds in the writings of Saint Paul.

This essay will proceed by highlighting the essential thoughts on the basis of which Agamben puts forward the idea of the called existence of the Christian community. It will then subject these thoughts to a number of questions in order to put forward,

in response, an argument for a *literary community* that has much in common with Agamben's conception of the Christian *ekklesia*, but ultimately also differs from it in certain important respects. The argument for a literary community that will be developed will ultimately have more in common with Nancy's conception of an "in-operative community" (Nancy, 1999) or Maurice Blanchot's "unavowable community" (Blanchot, 1983).

Section II of this essay will begin with a close scrutiny of Agamben's engagement with the work of Carl Schmitt. This scrutiny of Agamben's engagement with Schmitt is crucial for the following reason: Schmitt's work is, with good reason, historically linked to exactly the kind of political theology that destabilises the political. Schmitt's personal biography can but need not be considered in this regard. Of more fundamental concern is the way he confounds the political with moments of abyssal destabilisation. At issue are essential elements of his thinking that are articulated in several of his key works. If Agamben aims to steer clear of this destabilising kind of political theology, he would need to steer clear of the deep fascination with the politics of abyssal destabilisation in Schmitt's work.⁴ It is not always clear from the text whether and how he steers clear of this element in Schmitt's thinking, but Section II of this essay will argue that he ultimately does so and also show how he does so.

Section III of the essay (Stabilising the Political) then turns to Agamben's key arguments regarding the stabilisation of the political in the writings of Saint Paul. Especially two elements of St Paul's instructions to the Christian community are pivotal for the thoughts that Agamben puts forward in this regard, namely, Saint Paul's instruction to the Christian community – in *Romans 13* – to abide by the laws of the Roman Emperor, on the one hand, but also his instruction to them to live under the law of the Emperor as if not living under his law, on the other.

Section III also engages with an additional thought that Agamben brings into play in his engagement with Saint Paul, namely, the idea of redeeming literature or literary redemption. Although indeed this is an additional thought that seems to be brought into the argument with little self-evident connection to the main thoughts developed in the engagement with Saint Paul, Section III will show that the idea of redeeming literature complements the thoughts developed with regard to the "called" status of the Christian *ekklesia* in a crucial way. Without this complementary thought that Agamben develops with regard to redeeming literature, the thoughts that he develops with regard to the Christian *ekklesia* alone will not do the stabilising work that he requires them to do.

Section IV (The Literary Exception) takes the essay further with a closer examination of the idea of redeeming literature by relating it to key passages from works of Paul Celan, Michel Foucault and Italo Calvino. The essay distils from these passages the relation of poetry and art to a "*secret that cannot be revealed*" and "*an upheaval that has not taken shape and has no name.*" These two phrases come from Calvino's

novel *If on a Winter's Night a Traveller* and they will do crucial work in this essay. The redeeming force of literature, argue Section IV and this essay on the whole, derives precisely from this relation of literature to an unnameable and formless event and a secret that cannot be revealed. It is this event and this secret – the literary event and secret – that constitute the literary exception around (or in the proximity of) which the literary community may come to dwell. Section V then concludes the essay with reflections on the literary community that comes to dwell around the literary secret and literary event. It points out its close correspondence with that which Nancy calls the inoperative community or *communauté disœuvrée*. Perhaps this whole essay can be regarded as an elaboration of Nancy's assessment of literature as the existence-in-common – *en commun* – of those whose community or communality is not original, those whose community does not precede their existence-in-common, but derives from this existence-in-common.⁵

AGAMBEN AND SCHMITT

Schmitt's conceptions of the exception and the sovereign as the one who decides the exception (Schmitt, 1996a: 13) can easily be taken as the heart of his political theological destabilisation of the political. This is where Schmitt would appear to most decidedly take leave from liberal conceptions of the rule of law that seek to tie sovereignty to the law. This is, however, not quite the case. Schmitt's concern with the sovereign that decides the exception can plausibly be considered an essential differentiation that distinguishes the regular rule of law from the sovereign exception and thus also delimits the latter. It is the absence of such a differentiation between the regular rule of law and the exception that turns the regular rule of law into something akin to a regular or permanent state of exception.⁶ Schmitt could well have made a significant theoretical contribution to the stabilisation of the political had his scholarly legacy been restricted to this insight. But Schmitt himself, as we shall see presently, turned the state of exception into a permanent state of exception that leaves no significant scope for the regular rule of law.

Two other arguments of Schmitt are significant for the discussion of Agamben's engagement with him that follows. The first is his 1931 proposal that the Imperial President should be considered as the ultimate protector of the Weimar Constitution in view of the emergency powers granted to him in Section 48 of this constitution. The second is his 1928 emphasis on the raised majority requirements that the Weimar Constitution stipulated for constitutional amendments (Cf. Schmitt, 1996b: 132–159; Schmitt, 2003: 16–20). Schmitt's position in this regard would also appear to reflect a concern with stabilising the political. At stake in his concerns with presidential emergency powers and special majority requirements for constitutional amendments are measures aimed at preventing non-democratic movements from changing or destroying a democratic constitution after they win a narrow majority

in parliament. However, neither of these entrenchments of the constitution ultimately played any significant role in his political thinking. They basically remained empty husks that gave way to the doctrines of the absolute constitution and constituent power that he developed in his *Verfassungslehre*. According to these doctrines, the concrete unitary existence of a people is the real or absolute constitution of that people (*Absoluter Verfassungsbegriff/Verfassungs als Gesamtzustand konkreter Einheit und Ordnung*). Written constitutional documents and the sum of particular laws, in comparison, only represent the relative constitution of the people (*Relative Verfassungsbegriff*). The relative constitution only contains present arrangements of governments that the people have happened to choose for the time being. In their capacity as the absolute constitution the people can change these arrangements again and do so at will, that is, they can do so while unrestrained by any provisions of the relative constitution and therefore also unrestrained by constitution amendment clauses that require raised parliamentary majorities for constitutional changes. This is the foundation of Schmitt's conception of the *pouvoir constitué* that always remains subject to the *pouvoir constituant*,⁷ the latter being the operative concept that effectively secures the metaphysical foundation of his constitutional theory (Schmitt, 2003: 3–20).

How does Agamben position himself vis-à-vis Schmitt? Judging by his engagement with Schmitt in *State of Exception*, Schmitt, in contrast with Benjamin, would seem to figure as the stabiliser of the political in Agamben's thought. Schmitt is the one who never severs the relation between the state of exception and the regular rule of law. For Schmitt, the state of exception is only the moment of the greatest tension between the continuing validity of the rule and its enforcement. In the state of exception the enforcement of a regular rule of law is suspended for purposes of ensuring the continued validity of that rule. This articulation of the state of exception, argues Agamben (2005a: 54–59), was a direct response to Benjamin's conception of a divine violence that breaks completely with the circle of law making and law enforcing violence in terms of which Benjamin (1997) analyses political authority/violence (*Gewalt*).⁸

Agamben's argument is not very explicit on this point, but he appears to suggest that Schmitt is the one who keeps faith with the Greco-Roman political imagination in terms of which acts of political creation pivot on two irreducible moments of authority, namely *potestas* and *auctoritas*. Benjamin, it seems, is the one who, according to him, breaks with this Greco-Roman political imagination. Benjamin's conception of divine violence/authority that terminates the cycle between law founding and law securing violence/authority would appear to constitute a decisive break with the two-step conception of creative political action in the Greco-Roman political imagination. However, the Schmitt on which Agamben relies in *State of Exception* is a product of a rather selective reading of Schmitt's works. It surely does not take into account the conceptions of the absolute constitution and of constituent

power that Schmitt develops in his *Verfassungslehre*. The emphasis on the existential unity of the people that underlies these conceptions surely does not allow for a principled and enduring two-step conception of creative political action. If it happens to allow for this two-step conception of creative political action at a certain point in time in its positive and relative constitutional arrangements, it can suspend it again and do so unilaterally. Whatever political dialogue may come to prevail momentarily and incidentally under the auspices of Schmitt's absolute constitution and *pouvoir constituant* would ultimately remain subject to immediate erasure by the unfettered monologue that ultimately characterises the unitary will of the people.

Schmitt is therefore the wrong theorist to rely on if one's aim is the stabilisation of the political. It is nevertheless important to look more closely at Agamben's concern with the stabilisation of the political, notwithstanding its spurious portrayal of Schmitt's work as a bastion of such stabilisation. We shall do so now by taking a closer look at his concern with the two-step conception of political action in the Greco-Roman political imagination. We shall first trace the essential points in *State of Exception* and then relate them to key themes in some of his other works.

STABILISING THE POLITICAL

The totalitarianisms of the twentieth century, argues Agamben, were the result of an instability in the metaphysics or ontology that underpins Western or European political thought. Any political theory that seeks to address the problem of totalitarianism incisively, he suggests, must address this instability in the metaphysics on which totalitarianism turns. The essential trait of the unstable metaphysics or ontology at stake here concerns Aristotle's distinction between potentiality and actuality. The political thought of our time is in need of a different understanding of the potential and the actual, asserts Agamben, and he finds this different distinction in the work of Saint Paul. This is the key thought that will be developed in what follows.

The debate between Schmitt and Benjamin reflects the *gigantomachia peri tēs ousias*, contends Agamben in *State of Exception*. It reflects the struggle for Being between the giants of metaphysics, the struggle between those metaphysicians with a direct quest for pure Being and those who approach Being through the *logos* or the law (*nomos*) (Agamben, 2005a: 59). Again, Agamben does not make the point expressly, but he evidently associates Benjamin with the former and Schmitt with the latter. Benjamin's concern with divine violence/authority links him to the metaphysicians who pursued direct access to Being. Schmitt's insistence on the state of exception as a suspension of the rule that sustains the rule, instead of destroying the rule as Benjamin would have it, links him to the metaphysicians who approach the question of Being through the law.

The position of the metaphysicians of the law – the metaphysicians of *logos* or *nomos* – reflects the Greco-Roman regard for the double-phased movement of all

creation and the double-phased conception of the relation between life and law, contends Agamben. This double-phased conception of the relation between existence or Being, on the one hand, and law or *logos*, on the other, was also evident in the way Roman law dealt with the state of exception. In Roman law, a *tumultus* (public danger) first had to be declared by the *auctoritas* of a senator in the form of a *senatus consultum ultimum*. Then only could the *potestas* of magistrates begin to use the extraordinary powers of the *iustitium* to restore law and order (ibid.: 41–51).

The main characteristic of modern totalitarian regimes, contends Agamben, concerns the way they dispensed with this two-stage conception of political action by collapsing the two phases of the state of exception into one. They pivoted, in other words, on a complete erasure of the distinction between *auctoritas* and *potestas*. The result of such a situation, he argues, is a killing machine that runs on a permanent state of exception (ibid.: 86). However, Agamben ultimately relates the very possibility of collapsing the two-step Greco-Roman conception of political action and of the distinction between *auctoritas* and *potestas* to the instability of one of the founding conceptual distinctions in the metaphysics of *logos* itself, namely, the distinction between actuality and potentiality. This point is not made in *State of Exception*, but in *Homo Sacer*, and the solemnly annunciating mode in which Agamben makes it inclines one to consider it nothing less than a key statement of his whole philosophical endeavour. He writes as follows:

Only an entirely new conjunction of possibility and reality, contingency and necessity, and the other pathē tou ontos, will make it possible to cut the knot that binds sovereignty to constituting power. And only if it is possible to think the relation between potentiality and actuality differently – and even to think beyond this relation – will it be possible to think a constituting power wholly released from the sovereign ban. Until a new and coherent ontology of potentiality (beyond the steps that have been made in this direction by Spinoza, Schelling, Nietzsche, and Heidegger) has replaced the ontology founded on the primacy of actuality and its relation to potentiality, a political theory freed from the aporias of sovereignty remains unthinkable. (Agamben, 1998: 44)

Only if it is possible to think the Being of abandonment beyond every idea of law (even that of the empty form of law's being in force without significance) will we have moved out of the paradox of sovereignty towards a politics freed from every ban. (ibid.: 59)

These passages clearly express an aspiration to articulate a new or different understanding of the relation between potentiality and actuality that takes leave of the metaphysical conception of this relation that Greek philosophy bequeathed to European thought. Agamben ultimately finds the different understanding of actuality and po-

tentiality that he is looking for in the writings of Saint Paul. We shall presently take a closer look at what it is that he finds in Saint Paul. It is important, however, to first note some key statements in these two passages. The first concerns the need to “cut the knot that binds sovereignty to constituting power.” Agamben never brings Schmitt’s *Verfassungslehre* into play in *State of Exception*, but here, in this passage from *Homo Sacer*, he clearly announces a need to break with the link between sovereignty and constituting power that Schmitt articulates in his *Verfassungslehre*. Here Agamben stresses that Western political thinking needs to break away from this understanding of sovereignty and the politics of the ban. What is at stake in this politics of the ban and abandonment, and why does political thought need to take leave of it?

The politics of the ban and abandonment is a politics that requires a split between constituent and constituted power. Constituted power *bans* constituent power. From the point of view of the law and the constitution, constituent power is an outlaw. It is banned. And vice versa: constituent power *abandons* constituted power. It withdraws from it, leaving it lifeless and deadening if not dead. The mundane world of “rule of law” constitutionalism is devoid of miracles and the exhilaration of creation. Schmitt evidently endeavoured to restore the miracle to politics by his invocation of a constituent power that never abandons constituted power, but, on the contrary, always sustains it as an expression of itself. He did so by relating the constituent/constituted distinction to Spinoza’s distinction between *natura naturans* and *natura naturata* (Schmitt, 2003: 79–80).⁹ Spinoza articulated this distinction in order to reflect an internal differentiation within nature. As Spinoza conceived it, this internal differentiation did not constitute a split.

Spinoza’s distinction between *natura naturans* and *natura naturata* can be traced all the way to Aristotle’s distinction between potentiality and actuality. And it is in Aristotle that Agamben finds the heart of the aporia of sovereignty. For the distinction between potentiality and actuality to make sense or to function properly, there must be a real and irreducible *difference between* potentiality and actuality. For potentiality to be something *different from* actuality, it cannot just be a passing (dialectical) phase through which actuality passes so as to become fully actual. This is why Hegel does not fit into the history that Agamben has in mind here and why Agamben does not name Hegel along with Spinoza, Schelling, Nietzsche, and Heidegger in the passage above. For potentiality to be *distinctly different* from actuality it must retain an irreducible element of sheer potentiality or sheer non-actuality. That is why potentiality is most fundamentally the *potentiality not to be, the potentiality not to become actual*. It must remain that which never exists *per transitum de potentia ad actum*, as Agamben (1998: 48) puts it with reference to Schelling.

It should be clear that there is an irreducible aporia afoot here. There is no way out once one has committed oneself to the language of potentiality and actuality. This is so for two reasons:

1) The hypostasis of potentiality that Agamben attributes to Spinoza, Schelling and Heidegger – through which they seek to save potentiality from actuality – effectively reduces actuality to potentiality. Actuality becomes vacuous in this process, and this also renders the distinction between actuality and potentiality meaningless. If the distinction between potentiality and actuality is to remain meaningful, there must also be something irreducible to actuality that cannot be assimilated by potentiality, and vice versa. Both potentiality and actuality must contain elements that are absent in the other so that they can and must remain irreducible to one another.

2) The dilemma described under 1) above can be called the problem of the disappearing differentiation. One possible way out of this problem would be to separate potentiality and actuality completely, more or less as Plato did.¹⁰ But this means to give up the language of potentiality and actuality altogether. Completely separated from one another, both actuality and potentiality lose their meaning simultaneously, for the meaning of each is fundamentally dependent on the meaning of the other. When the two terms end up completely separated into two independent realms, the distinction between actuality and potentiality must make way for the typical Platonic dualism of idea and opinion (*eidōs/doxa*).

Now, according to Agamben, Aristotelian philosophy and especially the thinking marked by the names of Spinoza, Schelling and Heidegger commit much of Western thought to going against this Platonic splitting and separation of existence. And it does so, maintains Agamben, with disastrous consequences for Western politics. This is so because the “one world” conception of the potentiality/actuality distinction is an unstable compound of irreconcilable quests or conquests that constantly tend to annihilate one another. On the one hand figures the quest for completely constituted power, the quest for reliable and stable constitutions of power that invariably become lifeless and frustrating for lack of political freedom and creativity. On the other hand figures the quest for constituent or un-constituted power. This quest contemplates the unconstrained realisation of free political creativity that invariably turns into murderous politics, not simply because it does not recognise boundaries, but because it only recognises or registers boundaries for the sake of transgressing and transcending them.

Quests for constituent power are invariably murderous because of their need for a continuous nut-cracking experience that constantly lives through or in the boundary between life and death. For constituent power to become fully constituent and thus fully *unconstituted*, it must become a total or totalitarian quest for *unconstituted life*, that is, *bare life*. *Bare life*, argues Agamben, is not only life stripped of political and cultural trappings; it is not only *zōē* stripped of *bios*. It is also life stripped to the bare minimum of life that hovers on the verge or threshold of death. This is why the *muselman* can come to figure as the pure production of unconstituted or constituent power. The *muselman*, a barely living inmate of a concentration camp

who was already considered one of the walking dead, is the ultimate quest that drives all totalitarian politics of life. The totalitarian imagination of life comes into its own with the systematic production of the very threshold between life and death that went around in the camps in the figures of those Jews who literally were dead men walking (Agamben, 1999: 41–86).

The *muselman* is thus, for Agamben, the extreme and full potential of the politics of life that commences with the quest for constituent power. This is the key point made in *Remnants of Auschwitz*, and it surely cuts through to the marrow of totalitarian politics. It also underlines the contention in *Homo Sacer* that Western political thought needs to articulate a different understanding of potentiality that will liberate it from the aporias of sovereignty. This new articulation of potentiality, argues Agamben, would have to surpass even the significant efforts of Spinoza, Schelling, Nietzsche and Heidegger to rearticulate the Aristotelian concept of potentiality.

An engagement with these thinkers is not feasible here. But suffice it to state that Agamben turns away from them and towards Saint Paul to contemplate a different relation between potentiality and actuality in *The Time that Remains*.¹¹ Agamben's turn to Saint Paul not only turns him away from Greek metaphysicians and the long line of European philosophy that they inspired, but also from the very language of these metaphysicians. St. Paul is one who writes *in* Greek in his letters, but actually writes in or speaks Yiddish as his first language (Agamben, 2005b). It is here, in the Yiddish Greek or Greek Yiddish of St. Paul, that Agamben locates a different concept of potentiality that is significantly different from the potentiality caught up in the Aristotelian constellation of *dynamis* and *energeia*, namely the potentiality of the messianic community, the potentiality of the community of those who are called by Christ to live on in *the time that remains*, the time between the resurrection of Christ and the end of time, the apocalypse. Such communities called by Christ (*ekklesia*) live on in this world as if no longer in this world (*in but not of this world*), married as if not married (οἱ ἔχοντες γυναῖκας ὡς μὴ ἔχοντες ᾧσιν), crying as if not crying (οἱ κλαίοντες ὡς μὴ κλαίοντες), rejoicing as if not rejoicing (χαίροντες ὡς μὴ χαίροντες), buying as if not to keep (οἱ ἀγοράζοντες ὡς μὴ κατέχοντες), and using as if not consuming (οἱ χρώμενοι ὡς μὴ καταχρώμενοι). (Agamben, 2005b: 19–26; 1 Corinthians 7:29–32)

It is not possible to do justice here to the breathtaking scope and depth of *The Time that Remains*. The book teases out the meaning of the *as if not*/ὡς μὴ in several directions. What follows will only briefly trace one of its more conspicuous aspects, namely, the *literary* and fictional quality of the *as if not* or ὡς μὴ. Those called by Christ, contends Agamben, live a literary or fictional life. This literary or fictional life is, however, not a fictitious life. At issue in the *as if not*/ὡς μὴ is real life and concrete existence. But this real life is marked by a certain withdrawal or shift in focus from the existent to the not-yet-existent that already now allows for an experience

of redemption from the qualms of earthly existence that will only become real later. The faithful live an “*as if not*” life. They live under the law (circumcised) *as if not* under the law, and not under the law (not circumcised) *as if not* not under the law.

It should be clear that a new relation between the law and the outlaw becomes manifest in this *under the law as if not under the law* existence. What is at issue here is no longer the mutually excluding relation between the regular rule of the law and a state of exception. What is at issue here is, in fact, no longer the *exception*, but the *example*. The Christian community no longer lives under the partitioning law of the *ban* or *abandonment* that separates life into separate spheres of law and exceptions to the law. Having been liberated from the law, the lives of the faithful do not constitute an exception to or exemption from the law; hence also the message to the Romans – in *Romans 13* – to respect the earthly authority that God invested in the Emperor. Desire for earthly sovereignty has been renounced. For the Christian community, the right to decide the exception, to exact revolutionary justice beyond the justice of the emperor and to judge ultimate wrong and right is reserved for God’s final judgment at the end of the time. In *the time that remains* the faithful will simply live *under the law, stoically, as if* it is nothing to them.¹² It is here that Agamben locates an alternative to the disastrous politics of the ban that results from the unstable metaphysical distinction between potentiality and actuality. He offers us a neo-Stoicism, or so it would seem.

As if realising that something is still lacking in this neo-Stoic-Christian equanimity that prevents it from becoming a viable alternative for the politics of the ban, Agamben adds to it the idea of literary redemption and the exemplary life. The Christian community does not live an *exceptional* life, but an *exemplary* life. They live the life of the *example*. What is the difference between the exception and the example? Agamben answers this question in *The Coming Community* with reference to set theory: in a set, theoretically speaking, the exception is the *excluded member* of the set. The example, in contrast, is the *included non-member*. This explains the peculiar status of Christian existence. It is an existence *in* but not *of* this world, *by* the law but not *under* the law, married, but only *as if not* married, etcetera. This is how the Christian lives as the included (politically well assimilated) non-member. This is sheer trickery, of course, and Agamben knows it well, but he finds in this linguistic trickery the key to the *messianic* or *coming community*. This is the thought that he wants us to contemplate in this respect:

Neither particular nor universal, the example is a singular object that presents itself as such, that *shows* its singularity. Hence the pregnancy of the Greek term, for example: *para-deigma*, that which is shown alongside (like the German *Beispiel*, that which plays alongside). Hence the proper place of the example is always beside itself, in the empty space in which its undefinable and unforgettable

life unfolds. This life is purely linguistic life. Only life in the word is undefinable and unforgettable. Exemplary being is purely linguistic being. Exemplary is what is not defined by any property, except by being called. Not being-red, but being-called-red; not being-Jakob, but being-called-Jakob defines the example. Hence its ambiguity, just when one has decided to take it seriously. Being-called – the property that establishes all possible belongings (being-called-Italian, -dog, -Communist) – is also what can bring them all back radically into question. It is the Most Common that cuts off any real community. Hence the impotent omnivalence of whatever being. It is neither apathy nor promiscuity nor resignation. These pure singularities communicate only in the empty space of the example, without being tied by any common property, by any identity. They are expropriated of all identity, so as to appropriate belonging itself, the sign. Tricksters or fakes, assistants or ‘toons, they are the exemplars of the coming community. (Agamben, 2003: 6.7–10.1)

At issue in the exemplary life of the Christian is then not a matter of being-Christian, but being-called-Christian; hence Agamben’s emphasis on the *being-called* status of the Christian community, the *klesis* of *ekklesia*. In the *klesis* opens up the possibility of Christian community in the time that awaits the final revelation of God’s sovereignty. The crucial characteristic of this community is its sheer linguisticity, that is, its fictional and literary existence through which it constitutes and de-constitutes itself without states of exceptions ever coming into play. It exists neither under the law, nor as an outlaw. It simply exists *alongside the law*.

But something more is needed to make the *ekklesia* viable, and Agamben evidently senses this. Some earthly redemption is required to sustain the faith of the Christian community. This is where literature enters Agamben’s search for an alternative to the unstable politics of the ban. The *ekklesia* can live under the law as if not under the law, but only as long as its *forgotten* but *unforgettable* life can be remembered. It is up to literature to remember the unforgettable life that the law forgets without ever having come to know it. This is the crucial thought in Agamben’s literary messianism. Much more is at stake here than the mere remembrance of the forgotten. At stake is the literary register of that which must remain unforgettable even when it is and remains forgotten (Agamben, 2005b: 39–40). The aim of literature is the complete recapitulation and the redeeming memory of the unforgettable. It holds the place for those who will never again sit at the tables of memory. One discerns in the move that Agamben makes here a shift from one to another of two decisive moments in the work of Benjamin. Now that the Christian *ekklesia* has postponed the divine authority/violence of God till the end of time, it has to rely, in the time that remains, on the angel of history. It has to rely on the redeeming of the past by future generations (Cf. Agamben, 2005b: 75, 77; Benjamin, 1978: 693–694, 702–703). But the unforgettable life

will not always be remembered. What will redeem it despite its being irrevocably forgotten? Not chronicles that commemorate it, but literary imaginations that invent it.

Again, the exposition above does not claim to do justice to the awesome scope and depth of *The Time That Remains*. But it has explored the thoughts that Agamben elaborates in this book sufficiently for the purposes of the argument that will be developed in the remaining section of this essay. At issue in this section is an attempt to turn Agamben's literary *example* into a literary *exception*. Agamben's trickery is profound. It is sustained by a sublime scholarly imagination. But it does not provide the adequate response to the politics of the ban and abandonment that he is seeking. Something more than a mere example is necessary for a real escape from the politics of the ban and abandonment. A *real* exception is needed for this escape, but one that is no less literary than the literary example, and as much the remembrance of unforgettable life as that which Agamben attributes to the literary example.

THE LITERARY EXCEPTION

At stake in this last section of this essay that follows now (before the short conclusion that follows thereafter) is an endeavour to develop an understanding of the status of literature and the literary experience that illuminates the way in which they constitute something vastly more profound than a mere encounter with an example. To be sure, what is at stake here is not and cannot be a return from fiction to the literal or the status of the literal. The aim is, quite to the contrary, to show that the literary experience opens up a unique space of existence in which the literary "example" becomes much more than a mere example. It becomes, *in fact*, an occasion for a cathartic experience that rids real or literal life of a disastrous potential by actualising this potential in an "imaginary" zone; the effect of this actualisation is, however, not imaginary at all but as real as anything that one can imagine to be real. It is in this way that the literary experience *affectively and effectively effects* (effectively effects through "affection") different constellation between potentiality and actuality than the one offered in Aristotelian metaphysics. This is the way in which it sidesteps the political metaphysics or metaphysical politics that Agamben identifies very convincingly as the source of the instability of the political in the European and Western political imagination.

I wish to return here to a number of key references to Paul Celan, Michel Foucault and Italo Calvino that I have recently also explored elsewhere (Van der Walt, 2014; Van der Walt, 2012: 63–88; Van der Walt, 2009a). I will begin with a reading of some lines from Celan's *Meridian* lecture, which is undoubtedly inspired by Jacques Derrida's reading of Celan in *Schibboleth* (Derrida, 1986), but does not claim to follow Derrida closely or in all respects. Celan writes:

The absolute poem – no, it surely does not exist; it cannot exist! ... And the poem would thus be the place where all tropes and metaphors want to become

absurd ... I am speaking of the poem that does not exist! / Ich spreche ja von dem Gedicht, das es nicht gibt! Das absolute Gedicht – nein, das gibt es gewiß nicht, das kann es nicht geben! ... Und das Gedicht wäre somit der Ort, wo alle Tropen und Metaphern ad absurdum geführt werden wollen. (Celan, 1983: 199)

Celan invokes in these lines a poem where poetic language (tropes and metaphors) wants to become absurd. This poem, however, does not exist and cannot exist. Two questions issue from these two observations. Why does language yearn to become absurd via poetry, and why can poetry not answer to the desire of language to become absurd (why doesn't and why can't the poem that would answer to this desire exist)? Celan does not answer these questions in the *Meridian* lecture, but plausible answers to them can be gleaned from a remarkable passage towards the end of Foucault's *Histoire de la Folie* and from two equally remarkable passages from Italo Calvino's novel *If on a Winter's Night a Traveller*.

The passage from *Histoire de la Folie* concerns the close but imperfect connection between art and madness, and the significance of this connection. Foucault writes:

[B]y the madness that interrupts it, a work of art opens a void, a moment of silence, a question without answer, provokes a breach without reconciliation.... There is no madness except as the final instant of the work of art – the work endlessly drives madness to its limits; *where there is a work of art, there is no madness*; and yet madness is contemporary with the work of art, since it inaugurates the time of its truth. (Foucault, 1971: 288–289) / [P]ar la folie qui l'interrompt, une Œuvre ouvre un vide, un temps de silence, une question sans réponse, elle provoque un déchirement sans réconciliation Il n'y a de folie que comme instant dernier de l'œuvre – celle-ci la repousse indéfiniment à ses confins; *là où il y a œuvre, il n'y a pas folie*; et pourtant la folie est contemporaine de l'Œuvre, puisqu'elle inaugure le temps de sa vérité. (Foucault, 1972: 556–557)

Foucault talks about a work of art in this passage, but let us ignore for the moment the differences that may exist between poetry and other types of works of art. When we do so, we see that Foucault also contemplates a relation between art and the complete transgression of meaning that Celan invokes by referring to the desire of language to become absurd via poetry. The connection between the absurdity that Celan invokes in the *Meridian* lecture and the madness that Foucault invokes in the passage above surely need not be laboured. They both evidently contemplate a transcendence and a transgression of standard language or standard artistic expression. They both contemplate a transgression of the meaningful, the rational and the sane. But they both stress the impossibility of this transgression. The work of art "drives madness to its limits," writes Foucault. Madness is "contemporary with the work of

art." And yet, art and madness never effectively reach or touch one another. "[W]here there is a work of art, there is no madness." Referring to the madness of Artaud in another line about one page before the passage quoted above, Foucault writes:

Artaud's madness does not slip through the fissures of the work of art; his madness is precisely the *absence of the work of art*, the reiterated presence of that absence, its central void experienced and measured in all its endless dimensions. (Foucault, 1971: 287) / La folie d'Artaud ne se glisse pas dans les interstices de l'œuvre; elle est précisément *l'absence d'œuvre*, la présence ressasée de cette absence, son vide central éprouvé et mesuré dans toutes ses dimensions qui ne finissent point. (Foucault, 1972: 555)

Foucault then also stresses, like Celan, the impossibility of the work of art that would become one with the madness that it drives to its limits and with which it is contemporary. Art moves towards this madness, but never becomes this madness. For that, art is surely still too rational and reasonable; in fact, it is too presentable in public places where raving madness cannot be presented. Madness is the real and ultimate state of exception, the ultimate outlaw that the law cannot even judge. The insane are *culpa incapax*, as standard legal doctrine teaches us. The insane person really does not live under the law of the emperor. And Foucault expressly recognises the radical and unprecedented emancipation that this madness promises:

Goya's idiot who shrieks and twists his shoulder to escape from the nothingness that imprisons him – is this the birth of the first man and his first movement toward liberty, or the last convulsion of the last dying man? (Foucault, 1971: 281) / *l'Idiot* qui crie et tord son épaule pour échapper au néant qui l'emprisonne, est-ce la naissance du premier homme et son premier mouvement vers la liberté... (Foucault, 1972: 551)¹³

Goya's Idiot. Dostoyevski's Idiot. It is notable that it is exactly with reference to the latter that Agamben notes Walter Benjamin's conception of the redeeming force of literature. Literature is the remembrance of unforgettable life (Agamben, 2005b: 39). But what does literature do in this respect? Does it just furnish us with an example of unforgettable life? And if so, why would the mere furnishing of examples carry with it an emancipatory or redemptive force? It is exactly at this point that Agamben's thesis begins to unravel. And this is why we have moved away from him now in order to glean further instruction from Celan, Foucault and Calvino regarding the possibility of replacing the literary example with the literary exception. But it remains to be asked why this literary exception is more real than the literary example and why

it therefore carries with it a more significant and more credible redeeming force. It is precisely in response to this question that Calvino appears to offer us far reaching insights. Two passages from his novel *If on a Winter's Night a Traveller* appear to be crucial for the thought that Agamben prompted us to contemplate here. The first concerns the status of literature. The second concerns a definite transcendence of this status of literature that literature itself facilitates and precipitates. At issue in the engagement with Calvino that follows here is, in other words, a certain self-transcendence of literature. And in this self-transcendence of literature, we shall see, lies the key for a shift from the literary example to the literary exception. Calvino writes:

Apocrypha (from the Greek *apokryphos*, hidden, secret): (1) originally referring to the 'secret books' of religious sects; later to texts not recognized as canonical in those religions which have established a canon of revealed writings; referring to texts falsely attributed to a period or to an author... Perhaps my true vocation was that of an author of apocrypha, in the several meanings of the term: because writing always means hiding something in such a way that it then is discovered; because the truth that can come from my pen is like a shard that has been chipped from a great boulder by a violent impact, then flung far away; because there is no certitude outside falsification. (Calvino, 1988: 192) / Apocrifo (dal Greco *apókryphos*, nascosto, segreto): 1) detto in origine dei 'libri segreti' delle sette religiose; in seguito detto di testi non riconosciuti come canonici nelle religioni che hanno stabilito un canone delle scritture rivelate; 2) detto di testo falsamente attribuito a un'epoca o a un autore... Forse la mia vocazione vera era quella d'autore d'apocrifi, nei vari significati del termine: perché scrivere è sempre nascondere qualcosa in modo che venga poi scoperto; perché la verità che può uscire dalla mia penna è come una scheggia saltata via da un grande macigno per un urto violento e proiettata lontano; perché non c'è certezza fuori dalla falsificazione. (Calvino, 1979: 193)

The first observation that one can make with regard to this passage concerns its concordance with Celan's and Foucault's assessment of the status of literature. Calvino, too, dismisses the possibility of literature that would actually access or assess or re-enter the mystery from which it derives or emerges. Literature is apocryphal in two senses of the word. It emerges from (*apo-*) a secret (*kryphos*), and it *falsifies* the secret. By falsifying the secret, it also sustains the secret. By falsifying the secret it does not reveal the secret, and the secret can only remain a secret if it is not revealed.¹⁴ Also for Celan and Foucault it is exactly the inability of the poem and the work of art to actually effect or enter absurdity or madness that sustains the absurd and madness. If the poem or the work of art reflected the absurd meaningfully and comprehensibly, the absurd would no longer be absurd, and madness would no

longer be mad. The generic readability that would give effect to the singular aspiration of the poem would also destroy this aspiration, argues Derrida forcefully with reference to Celan (Derrida, 1986: 26).

How does literary language, evidently incapable of exiting its literary or linguistic status, nevertheless transcend itself? A second passage from *If on a Winter's Night a Traveller* would appear to offer a clue. Here Calvino writes:

The book I would like to read now is a novel in which you sense the story arriving like still-vague thunder, the historical story along with the individual's story, a novel that gives the sense of living through an upheaval that still has no name, has not yet taken shape... (Calvino, 1988: 72) / Il libro che ora avrei voglia di leggere è un romanzo in cui si senta la storia che arriva, come un tuono ancora confuse, la storia quella storica insieme al destino delle persone, un romanzo che dia il senso di stare vivendo uno sconvolgimento che ancora non ha un nome, non ha preso forma... (Calvino, 1979: 71-72)

"[A]n upheaval that still has no name, has not taken shape..." / "uno sconvolgimento che ancora non ha un nome, non ha preso forma..." At issue in this passage is evidently still an irreducible mystery and therefore still a secret that has not yet been and cannot be revealed. The secret cannot be revealed or named because it is nameless and shapeless. The novel "in which [one senses] the story arriving like still-vague thunder [in cui si senta la storia che arriva, come un tuono ancora confuse]" cannot name the shapeless and nameless upheaval. The upheaval must therefore remain secret. Whatever it says or communicates about this upheaval will be a falsification. All names that it might attribute to the upheaval will be apocryphal. The barrier between art and madness and between the poem and absurdity that Celan and Foucault observed is evidently still separating the novel from the nameless upheaval at stake here. And yet, the novel can give "the sense of living through" the upheaval.

At issue in this "sense of living through" is another *as if not* experience. It may be the same *as if not* experience that Agamben has in mind, but we do not know, for Agamben does not address this point. We can therefore not attribute to him the thought that Calvino might be thinking here. Calvino seems to suggest that the reading of the apocryphal novel is an *as if not* experience. This would seem counter-intuitive and may well invite the common sense objection that reading is an *as if* experience, not an *as if not* experience. However, a closer look at Calvino's exact words in the second passage quoted above reveals why one may attribute this thought to him and why the thought is cogent. Specifically of concern here is the phrase "give a sense of living through." It is important to note the tautological character of the phrase. "Sensing" is the essence of "living through." "Living through" is

first and foremost a matter of *sensing*. *Giving a sense* or *giving sense* therefore already facilitates or constitutes an instance of “living through.” At issue in the novel or in the response to the novel is therefore not *just an imagination* of living through something. At issue is not an “as if” we are living through some event. The novel *gives* the sense. It gives, affords and facilitates nothing less than *an actual living through* the upheaval.

In other words, the reading of the novel does not concern the mere imagination of an event. It does not concern or entail an “as if” experience. Reading entails vivid and visceral experience, as vivid and visceral as any other bodily experience; as vivid and visceral, for instance, as a nosebleed. Sometimes it might take nothing less than a nosebleed to disrupt the experience of reading. Engaged reading produces the momentary sense of no longer being tied *by* the language *to* which reading is irreducibly tied. The actual experience of reading is therefore a matter of living under (the law of) language *as if not* living under language. The objection that the opposite is true, the objection that reading is an imagined experience and therefore an *as if* experience and not an *as if not* experience, contemplates a disembodied imagination from the perspective of which the very real existential threshold- or boundary-crossing experience of reading and the profound liberating role that this experience plays in human existence cannot be appreciated. The redeeming force that Agamben attributes to the reading of literature is imperfect (apocryphal/falsifying) but real. Literature produces par excellence the *as if not* experience of messianic time, the experience of living under the law *as if not* living under the law. Reading *is*, at least in a certain sense, the redemption that takes place in the midst of and under law, the redemption that renders the experience of law unreal. What law? In the case of literature it is the general laws of language and linguistic reference that are concerned. It is the liberation from these laws that opens up a space that delivers the reader from the constraints of language. Reading effects the self-transcendence of language.¹⁵

The point that is at issue here is not a new one. It is well known that the ancient Greeks experienced the works of their tragic writers as a veritable catharsis. The physical performance of these works, of course, contributed significantly to the sense of “living through” the upheavals that the tragedies surely were, just like good theatre performances today still “[give] the sense of living through” the upheaval staged by the play. But the reason for reading literature is surely in fundamental respects the same as the reason for attending a theatre performance. At stake in both is a real instance of that which Calvino describes as “living through an upheaval.” One does not read novels or poetry for the sake of obtaining examples, as if one only does so in order to obtain knowledge of “the lives of others.” We read literature because we desire to be touched or moved by those lives. At issue in reading is real communication with the otherness of other lives.

Literary works can in some respects surely also be described as examples. And literary characters can, for this reason, also surely be regarded, in terms of the set theory that Agamben brings to bear here, as “included non-members.” But it is not evident how *community can come* from this non-membership or from the mere inclusion of non-members. The mere inclusion of non-members that is ultimately never a proper inclusion – consider for a start the ruthless migratory employment practices associated with globalisation – has become one of the most vexing problems of our time. Unless literary characters also attain a certain membership status for and with us, there will be no sharing of significant community with them.

CONCLUSION: THE LITERARY EXCEPTION AND THE LITERARY COMMUNITY

If there is some kind of community at stake in the art, poetry and literature that we have been exploring above with reference to Celan, Foucault and Calvino, it is indeed the *community with the exception* or the *community of exceptions* that Agamben describes in terms of “the excluded member” of the set. The absurdity towards which poetry pushes language – say Lenz’s absurd journey through the mountains¹⁶ – always remains foreign to the poem. The poem that would capture and communicate this absurdity cannot exist, stresses Celan. Artaud’s madness never enters the work of art, Foucault tells us. The text of the novel always falsifies the secret from which it stems, Calvino explains, and it is this falsification that effectively keeps the secret and keeps it *excluded* from the novel.

And yet, the novel enters a certain communication with the secret – it lives through it. Art cannot enter madness, but art and madness share the same space and time. They are contemporaries, Foucault tells us. The poem gives form to the most intimate language of a singular being. Like Buchner’s Lenz it is a lonely wanderer. And yet, it is a lonely wanderer with whom we can have a secret meeting – “Das Gedicht ist ... einsam und unterwegs ... [a]ber steht ... gerade dadurch ... im Geheimnis der Begegnung.” (Celan, 1983: 197–198)

The psychic energy that sustains the community with the excluded member is the desire for the very secret of the other and the desire that this secret remain secret. It is the desire that rests content with living through the upheaval of the existence we have in common or share with others, without any demand that the secret lives of others become amenable to common projects and projections, not even the projections of common knowledge. Those who are familiar with the writings of Nancy will already have noticed that two concepts that are central to his thinking – *en commun* and *partager* – have entered the description of the literary community that has commenced here. The literary community described here is perhaps none other than the inoperative community (*la communauté disœuvrée*) that his work contem-

plates (Nancy, 1999). For Nancy too, the sustenance of the singular secrets of others is the bonding energy that not only sustains this inoperative community, but also prevents it from becoming a common operation or operative community that would grind singular secrets over the same operational mill and reduce them to the same generic dust.

Why is this inoperative community a literary community? Why does Nancy himself also describe it in terms of a *literary* communism or *literary* Marxism? He does so because the literary – the literary that explores and sustains the absolutely singular secrets of others – resists myth and the mythical production of stories that are common to us all. The *en commun* in terms of which Nancy describes the communality of the inoperative community is strictly conditioned by singularity. It evaporates when communities resort to the communalisation represented in myth and effected by mythmaking. Mythmaking is the essence of operationalisation and mobilisation (ibid.: 107–176, 175–198). And mythmaking is the essential termination of desirous and curious communal relations *between* members of a community – the termination of the *en commun* – and a replacement of these relations with homogenous articles of faith that tie them together by tying them all to the same godhead or truth. Mythmaking concerns the fabrication of one communal bond that Durkheim (1930: 35–78) called “mechanical solidarity.” It concerns the replacement of horizontal relations between mortals – what Nancy calls *le horizontalité de morts* – by one vertical relation that ties all members of a community to the same God or gods and turns them into one indivisible unit of sovereignty. Mythmaking is the essential condition for the oneness of sovereignty that is so crucial for Schmitt.¹⁷ And it is in this replacement of horizontal relations between mortals with one vertical relation between mortals and the sacred that one recognises the essential mechanism that precipitates the eternal return of political theology that Lefort understood so acutely.

Nancy’s contemplation of the inoperative community has much in common with liberal political theory and political liberalism. There is vast potential for interesting comparative scholarship on resonances and dissonances between the work of the American political theorist John Rawls, for instance, and that of Nancy. There is a strong resonance between Rawls’ disqualification of comprehensive worldviews from liberal democratic politics, on the one hand, and Nancy’s resistance to mythmaking, on the other (Cf. Rawls, 1996). But Nancy himself appears to be wary of political liberalism. His comment on the inadequacy of tolerance as a source of community, which was cited in the opening paragraph of this essay, surely suggests this. His contemplation of the *en commun* that sustains the inoperative community is evidently an endeavour to stress the *desire for* and *of* community – indeed, it should become clear that nothing less than a certain eroticism is at stake here – that mere tolerance does not seem

to promise. Mere tolerance would indeed seem to turn on or amount to little more than the mere inclusion of the non-member for instrumental reasons or reasons of divisions of labour. Typical political liberal conceptions of society in terms of collaboration and mutual tolerance between free-standing or “pre-communal” individuals (assuming just for a moment and for argument’s sake that the notion of “pre-communal individuality” is not completely fallacious) would appear to constitute nothing more than an inclusive system of non-membership, that is, a system of examples (of individuality). They envisage something akin to the instrumental solidarity that Durkheim calls “organic.” However, Durkheim’s “organic solidarity” (not to mention his concept of “mechanical solidarity”) is also not what Nancy has in mind (Cf. Durkheim, 1930: 79–102). There is surely more to Nancy’s *en commun* than just this.

Why is the inoperative and horizontal community a literary community? The horizontal community is a community of desires and curiosities. And desire and curiosity turn on poetry. We have it from Derrida that the most defining physical or bodily excitement turns on an act of imagination. A “spectral phantasm,” he calls it. He tells us this in response to Nancy’s observation that the crossing of boundaries and touching of limits turn on sublime imagination.¹⁸ The poem is a secret encounter with a lonely wanderer, Celan tells us. But the inverse is also true. The secret encounter with the lonely wanderer is, likewise, always a poem. Only the poem allows for a secret encounter.

Does the inoperative and literary community ultimately escape from the unstable metaphysics of potentiality and actuality and the disastrous politics of the ban and abandonment that Agamben traces to this metaphysics? The chances are that it does. It no longer entertains the sacrificial doubling of existence that distinguishes categorically between life, on the one hand, and what life must be, on the other. It no longer separates the realms of is and ought in a manner that calls for disastrous and bloody sacrificial re-foundations of society by the vertical acts of sovereign constituent powers.¹⁹ It envisages a horizontal concept of law that simply develops in praetorian fashion from case to case (Cf. Nancy, 2000a: 48).

Does the inoperative community then forfeit all aspirations of significant societal transformations? Does it constitute a case of political acquiescence, a case of blissful oblivion regarding the glaring structural injustices of present societies and the very real and potentially bloody sacrifices that will have to be made to change all or some of this? Is the erotic fascination with Goya’s and Dostoyevski’s idiots – the Foucaultian fascination with the singular and secret liberty of madness and derangement as the ultimate transgression of common conceptions of logos – ultimately little more than political idiocy that underestimates the need for concerted political organisation and ruthlessly strategic political action? Is it just another case of a Christian stoicism that lives under the law as if not under the law, resigned to the

injustices of the world and steadfast in the faith that God will eventually judge and punish the wicked and redeem the good?

Bertold Brecht responded to the 1953 labour unrest in East Germany with his poem *Die Lösung*. The poem observed the situation comically but also poignantly: The government can no longer trust the people. Should the government not just go ahead and elect a new people? (Brecht, 1953)²⁰ The poignancy of this remark concerns its recognition of something that Brecht may or may not have had in mind, namely, the recognition that the transformation of society depends less on re-elections or re-impositions of governments than on the “re-elections” of peoples. Significant transformations of societies depend on significant transformations of peoples. They depend on erotic changes of hearts and minds. Concerns with current injustices cannot be imposed on those who do not sense these injustices. Doing so will simply risk similar or graver injustices. People and peoples are the way they are. No philosopher king with abstract insights and convictions regarding ideal societies will make them more just by imposing principles of justice on them from above.

For a people to become more just, or just more inclined to community, they need to be intellectually seduced. Their capacity for compassion has to be aroused. A philosopher king cannot do that, however extensive his powers of surveillance. Only poets and artists can (perhaps this is what Brecht the poet had in mind). The erotic appeal of abstract moral principles is negligible, Richard Rorty tells us. Cultures that eventually came round to showing greater respect for the equal dignity of everyone were moved by literature, not by Kantian philosophy, he writes (Cf. Rorty, 1993).²¹ And it is a good question whether those moved by the coercive imposition of abstract convictions on people who do not share them are moved by these convictions or aroused by the violence that these convictions always seem to justify. For there is, sadly, another madness and another eroticism with which the literary community always has to contend, namely the deranged eroticisation of violence that often accompanies the *literal* mind set, the unimaginative mind set that cannot sustain the poetic and artistic sustenance of secret madness, but is madly driven to make the secret finally, conclusively and disastrously public.

What ultimately drives the politics of the ban and abandonment with which Agamben engages so profoundly is the violent yearning for the literal or factual exception and the pornographic urge to expose hidden boundaries so as to render them explicit.²² And almost as if aiming to aid and abet this pornographic urge – perhaps surreptitiously also succumbing to it – the governmental responses of our time would seem to rest content with responding to it with systems of mass surveillance. In the process, the profound literacy and subtle eroticism on which an affective and effective sense of community turns appear to be increasingly displaced by the thick

superficiality of a massive voyeurism. To talk of the “deep state” as people often do in this context – myself included (Van der Walt, 2015) – is to resort, at least in this respect, to a gross misnomer.

ENDNOTES

- ¹ It is important to stress that the age of surveillance is surely not over in the United States. The New Freedom Act that stands to be introduced in the United States constitutes a rather ambiguous departure from Section 215 of the Patriot Act, as similar legislation – i.e. the Data Retention and Investigatory Powers Acts – in the United Kingdom has made clear (Ball, 2015).
- ² A lack of competence and adequate understanding disqualifies me from making a similar observation with regard to the Arabic world, but it is quite possible that the observation can be extended to at least some Arabic countries.
- ³ To be sure, deserts are not generally to be considered “God-forsaken.” Prophets and mystics have often sensed that their “emptiness” is the abode of the sacred (Jasper, 2004).
- ⁴ Ulrich Preuss describes this tendency or obsession in Schmitt’s work masterfully: “[Schmitt] ist einer der Intellektuellen, die sich theoretisch und praktisch von den Abgründigkeiten der Politik haben fesseln lassen und das in ihr enthaltene humane Rationalisierungspotential ausgeschlagen haben.” (Preuss, 1993: 133)
- ⁵ Cf. Nancy (1996: 114): “‘Littérature’ veut dire: l’être-en-commun de ce qui est sans commune origine, mais originairement en-commun, ou avec.”
- ⁶ This argument is forcefully presented by Kistner (2009). I rely in this essay on some passages from my response to her in Van der Walt (2009b).
- ⁷ Respectively *constituted* power and *constituting* power.
- ⁸ Agamben’s thesis regarding “Schmitt’s response” to Benjamin is profound and fascinating, but the references to Schmitt’s works on which he founds the thesis are far from convincing. He locates this response in Schmitt’s *Politische Theologie*, a text that is a very unlikely candidate in this regard and would rather seem to support a narrower convergence between Schmitt and Benjamin. He would have done much better to locate this response in *Der Hüter der Verfassung* of 1931 and *Die Diktatur* of 1921 (to which he does refer earlier on). But even had he done so, the thesis would still rest on a very selective reading of Schmitt’s works/texts that is hardly reconcilable with the comprehensive statement of his constitutional theory in the *Verfassungslehre* of 1928.
- ⁹ *Natura naturans* is Spinoza’s term for “nature in the process of becoming.” *Natura naturata* is his term for “nature that has already become what it is” or “nature that has matured into its final form.” The two terms can be translated more literally, should one wish to do so, as “nature naturing” and “natured nature.”
- ¹⁰ According to earlier (standard) dualistic interpretations of Plato. This dualistic understanding of Plato has been questioned by Gadamer (1968: 372–376, 386–389; 1978).
- ¹¹ A brief look at Agamben’s assessment of Heidegger’s response to Aristotle’s potentiality/actuality distinction by recasting it in terms of the distinction between Being/beings (*Sein/Seienden*) nevertheless goes a long way towards explaining why Agamben ultimately turns away from this line of think-

ing. What light does Heidegger's endeavour to rethink the potentiality/actuality distinction in terms of the relation between Being and beings cast on the relation between Heidegger's thought and the ideology of National Socialism? As in the case of Schmitt above, Heidegger's personal biography is again not at stake here. Agamben articulates in a nutshell what surely remains the most disconcerting link but also the most significant difference between Heidegger's thought and the biological racism of the National Socialist movement. Both Heidegger and the Nazi movement were concerned with a fundamental retrieval of the *facticity of existence* from the lifeless mediocrity of bourgeois life. Heidegger articulated this quest for facticity in terms of a distinction between *Dasein's* authentic (*eigentliche*) concern with its own death, on the one hand, and the unquestioning life of *das Man*, on the other. In this respect Heidegger was surely a child of the times. The broad cultural, artistic and intellectual resistance to bourgeois life and politics surely also raised its head in Heidegger's distinction between authentic *Dasein* and *das Man*. The symbolism and ideology of the National Socialist movement drew much of its inspiration and energy from the same broad configuration of anti-bourgeois sensibilities as that which was afoot at the time of the Weimar Republic. This was especially true among Nazi elites. However, what distinguished Heidegger's position fundamentally from those of the anti-bourgeois cultural revolutionaries of his time, argues Agamben, was his insistence that *facticity* could not be reduced to *facts*. Facticity was for Heidegger not a *presence* that could be reduced to a present state of affairs, be this state of affairs racial, biological, cultural or otherwise; hence also the profound difference between his thought and the factual biological racism of the National Socialism. For Heidegger, facticity had nothing to do with beings. It concerned *Dasein's* exposure to Being. This was Heidegger's attempt to rearticulate Aristotle's distinction between actuality and potentiality. In the final analysis, however, this re-articulation did not offer a way out of the politics of the ban. (Cf. Agamben, 1998: 150–153)

¹² The quintessential articulation of Stoic indifference to things beyond one's power or control can be found in the *Enchiridion* of Epictetus. Epictetus wrote: "If [something] concerns anything beyond our power, be prepared to say that it is nothing to you." (Cf. Ferguson, 2003: 366)

¹³ At stake here is, of course, not a *political* emancipation or liberty that could *literally* be considered as a political goal, but a *literary* emancipation (which is by no means a lesser emancipation). It is crucial to understand that literary and literal emancipation move in two completely different directions here. They have two completely different trajectories. The task of the latter is ultimately to save us from the utter agony, pain and destruction to which the former would expose us if it were to become literal. (See further Van der Walt, 2014: note 30 *supra*.)

¹⁴ Nancy recognises the wish to sustain the secret as central to the work of Derrida. Cf. Nancy (2001: 63): "Il veut toucher ainsi au secret ... de tout nom et qui est le secret par excellence: celui qui reste secret même quand on le dévoile, surtout quand on le dévoile..."

¹⁵ The common sense objection may want to insist that the novel only gives a partial *sense* and *experience* of living through that is always accompanied by an additional awareness of not really living through. This additional sense is marked, for instance, by the awareness of the familiar room in which the reading takes place, an awareness that takes the reader miles away from the imaginary reality evoked by the text. The sense of *living through* that reading produces, the objection may continue, is

always checked by this additional sense that we are not *really living through* but *only reading*. And this recollection that one is *only reading* shows up the experience of reading as a mere “as if” experience. This objection, however, is informed by the experience that ensues when reading is interrupted, not by the experience of reading. It is informed by what happens when the text momentarily fails to give the sense of living through for reasons of failing to fascinate the reader completely. The common sense assessment of reading as an *as if* experience thus relies rather peculiarly on this *non-reading experience* or lapse in the reading experience to make its point. The sustained reading experience, however, is a real experience, a really *sensed* instance of living through. It is thus not an *as if* experience, but an *as if not* experience – as if we are not in the room; as if we are not on this side of the film of language.

¹⁶ Celan’s *Meridian* lecture focuses for a large part on Büchner’s work and especially on the Lenz fragment (Cf. Büchner, 1988: 135–158).

¹⁷ Schmitt (2003: 3): “Das Wort ‘Verfassung’ muß auf die Verfassung des Staates, d.h. der politische Einheit eines Volkes beschränkt werden.” See also Schmitt (1996c: 39): “[Die politische Gruppierung] ist deshalb immer die *maßgebende* menschliche Gruppierung, die politische Einheit infolge dessen immer, wenn sie überhaupt vorhanden ist, die *maßgebende* Einheit und ‘souverän’ in dem Sinne, daß die Entscheidung über den *maßgebenden* Fall, auch wenn das der Ausnahmefall ist, begriffsnötwendig immer bei ihr stehen muß. Das Wort ‘Souveränität’ hat hier einen guten Sinn, ebenso wie das Wort ‘Einheit’.”

¹⁸ Derrida (2000: 130): “Sans la possibilité [du spectre phantasmatique de la jouissance], une jouissance ne se promettrait jamais.” This invocation of the spectral phantasm that conditions the possibility of orgasm does not contribute to the description of the literary community. The literary community, however, does not turn on primitive fantasies and phantasms (Cf. Nancy, 1996: 96). Its desire for and inclination towards others that constitute the *en commun* are not devoid of erotic attraction and curiosity, but it remains intelligent and sober. It is a practice of making sense – *une praxis du sens* or *une praxis du faire-sens-avec* (Cf. *ibid.*: 62, 76). Derrida’s observation is only invoked here to underline that the most “direct” of physical experiences are conditioned by imaginative or textual frameworks. Here too there is “nothing outside the text” (which, of course, detracts nothing from the fact that significant texts are interminably haunted by the nothingness outside them). Cf. also Nancy (2000b: 179): “L’imagination sublime touche la limite...”

¹⁹ On sovereignty and sacrifice, cf. Nancy (1993: 141).

²⁰ The last lines: “Wäre es da / Nicht doch einfacher, die Regierung / löste das Volk auf und / wählte ein anderes.” I am grateful to Emiliios Christodoulidis for drawing my attention to this poem.

²¹ For a similar argument see also Hunt (2008). What is of concern in these references to Rorty and Hunt is not simply a human rights culture or liberal democracy. All communities of whatever kind that would not seek to establish themselves by brutal coercion would have to do so by moving the imaginations of their peoples.

²² This is also the essence of Nancy’s critique of Schmitt. Cf. Nancy (2002: 172): “À cet égard, il est certain que la souveraineté concerne l’*exception* à laquelle Carl Schmitt la lie par définition. Mais il s’agit précisément de penser l’*exception* : elle n’est pas seulement ce qui se donne hors droit, hors institu-

tion. Elle est aussi ce qui ne se donne pas du tout : ce qui n'est pas un fait brut, un donné auquel renverrait un passage à la limite du droit, mais ce qui se retire de tout donné. L'exception s'excepte, pourrait-on dire. La difficulté avec Schmitt est peut-être qu'il suture en silence cette exception de l'exception, ou la véritable logique de l'absence de fondement..." This is also Derrida's problem with Schmitt. Cf. Derrida (1994: 87) for this assessment of Schmitt's decision as a metaphysics of subjectivity (or presence) on the basis of which no decision and no exception is thinkable.

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