

November 2018

**In discussion with *Italian Thought***

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1. *On Hobbes' model*

Hobbes, the founding father of the modern political state model, is clearly situated within the horizon of the problems that I intend to tackle. This is because of deep analogies between the birth of the age of the new crisis and that of the 20<sup>th</sup> century.

What came out of the depths of Hobbes' model was a fear of death and the parallel foundation of life on itself, in the absence of the protections fostered by the Aristotelian tradition; and without the 'normalising' and proto-liberal presuppositions of John Locke. The New Era implied a fracture in historical time, which was open from the end of the legitimisation of a historical world, and a laboured attempt to reorder the relation between power and knowledge. What should be highlighted, then, is the absolutely abstract character of the new model. But this was an abstractness that was able to assemble and make converge within itself the *igen sylva* that was erupting out of a worryingly extended world, devoid of the reductive and selective gaze of the old *polis*, but which had also lost the corporative and communal mediations of medieval powers. In short, politics could no longer surge out of the Aristotelian nexus of praxis-phronesis, it could not become immobilised within that model made for the small community in a homogeneous way; nor could it sustain the medieval pluralism of powers. *This is the origin of Hobbes' model*, from which the modern state emerged at the beginning of the New Era. The latter gained a Janus-faced character from the start, constituted by the complexity of the notions that composed it: power and life. With decision making power at the centre, setting its own norms and forming itself on the basis of contractual legitimisation, it compressed within itself various historical specificities. This benefited the conservation of life, the safeguarding of which demanded obedience: protection offered for obedience. Everything else became secondary: it was necessary to quell the

emergence of the *stasis* of civil war, and give a configuration to life. Not an order but a regulatory framework, an order-*ing*.

With conflict taken away, power having been concentrated, and the *polis* depoliticised, with the state deployed as a machine, and decisions concerning states of exception being made the sovereign prerogative, with power over life separated from life, this enormous mechanism that set itself in motion seemed no longer to contain a political spirit. From here was born – and this brings me to the main argument of this note – the unique convergence of liberalism with 'biopolitics', in asserting the depoliticising character of Hobbes model, and thus effectively attacking the principle of sovereignty. It is not by chance, that Italian thought – despite it being from secularised positions in Massimo Cacciari and Roberto Esposito – sees in this emergence of the modern secular state a process through which the state-machine would compress politics, or through which it excludes conflict in favour of order (Esposito), or as a process resulting from the fact that it has become divided from every faith forcing it back within the confines of private consciousness (Cacciari).

To me, it seems that within these critical analyses the essential is being left out. And this is: the dialectical expansive dynamic that is intrinsic to the power-life nexus, the foundational nucleus of the legitimation of the modern State. Sovereignty is not order against conflict but an ordering of life, in its plural physiognomy and endemic orientation towards conflict. It is able to make life live, mutate and be re-established. The meaning of its political character resides precisely in the problematic relation between constituting power and established order. The eternal link between *énérgēia* and *ergon* is enmeshed within this relationship. From here modern politics sets out on its path, with non-dialectical views of the problem completely eliminated from its substance.

This same critique is true for the Benjaminian reduction – followed by Agamben – of life to "naked life", de-historicised, taken in its immediacy and over which violence can be exerted. As if modern sovereignty simply exchanged a guarantee of the preservation of life, with the ruthless subordination of the latter to the power which maintains it.<sup>1</sup> Hobbes' model has an entirely different value: by compressing in abstraction the principle of life and forcing it into a short circuit with power, the English philosopher intended to operate not a naive simplification of the complex historical context, but to capture the potentialities and processes of both terms: power and life. In short, his was *not static power but a creative*

*dynamic*. All of *Leviathan* is a construction of an active relationship between the two constituent words, both of them active and both of them powerful. If the sovereign concentrated within himself the state of nature, where any kind of violence is possible, his relationship with life could be summarised in an act of pure domination over a life unable to rise above its nakedness, solely content in continuing to live. *But the modern sovereign act is constituent of life, it is a huge centre of energy where the transformation of physis into nomos is constantly operated*, beginning from the dramatic relationship between them and the very fact that the autonomy of private consciousness is respected indicates how much sovereign power is aware of the complexity of the word "Life" and how much concern it wants to dedicate to the enlargement of vital spaces, in order to contain a compact unitary and normative command. In short, the Hobbesian foundation opens, of course, the possibility of arbitrary rule, but it also throws the door open to the creation of civil regulations that allow the coexistence of different "truths". That is why what is in question here is not just the hermeneutics of a text that is certainly foundational, but also the regulatory function that the modern state has given itself, with its complexity and complications from within its own categories, its constituent acts, its internal/external aspects and even its very goal – the happiness of humans – as posited by the *Leviathan*.

## 2. *Giovanbattista Vico offers help*

Here one of Vico's insights can come in handy. This is that the *ingens sylvia* remains in the background of human history like the reverse, the hidden face, of modernity, which can explode from one moment to the next. The "auctoritas ex ratione oritur" fights against this: not as a universal surrender to force, but as its establishment in the mediation of regulations. Human history is thus born: with the human burying the dead, with opposition to the incestuous scene of the origin. This side of the struggle of all against all coalesces around the *ingens sylvia* described as the "beginning". Of course, the catastrophe produced by its return is always close at hand. But the consistency of history is born from this battle situated at its origin. The *New Science* is completely dedicated to it. Always reliant on the power of mediation – which, in Vico, is also highlighted as a metaphysical providence for the heterogony of ends – and, together with this, always on the brink of a cyclical return to barbarism. It would suffice to reread the poetic pages that tell of the welcoming of the

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<sup>1</sup> Cf. G. Agamben, *Homo sacer*, ... .., pp. 42 ss.

“famoli” by the “Patres”, the emergence of the function of reason that directs and allows the human world to exist and for history to stay within the bounds of humanity, knowing that these confines can be overcome, but that humanity going beyond them must be on its guard!

Instead, it is as if contemporary hermeneutics wants to grasp only the violent side, and refuses to direct its gaze to rest on the complexity of the nexus between power and justice in the creation of a historical human world. Today a central theme is the absorption of life into history, eliminating among them any distance. I can understand that finding oneself on a narrow or radical path encourages thought. But if we do not establish a just relation between the regulations of life and their critical limits, if the emergency becomes so invasive that it obscures the view that opens onto the world, the nexus of problems between life and forms becomes false and obscure. Finally we reach the extreme conclusion in which Form itself exerts violence over life. This sounds like an unknowing renunciation of the idea of penetrating the sense of “civil rights” and of the immense reserve of thought that is hidden within the latter.

### 3. *Sovereignty and depoliticisation*

Everything that I have said thus far encourages me to measure the interpretation of the Hobbesian model against the other influential contribution to *Italian Thought*, represented by Roberto Esposito. His argumentation can be summarised in the contrast between the political-conflictual model of Machiavelli and the model of Hobbes which has been judged depoliticising in so far as it neutralises conflict. It suggests order without conflict, that is, political concentration that destroys the dynamism of the political. The perspicacious argumentation, discussed in Machiavelli’s chapter on *Living thought*, has already been articulated by Esposito<sup>2</sup>: it is the Machiavellian model’s attempt to build an alternative “to that principle of neutralisation around which we went on building a modern political philosophy”<sup>3</sup> that conflicts with Hobbes’ sovereign model. “What was revoked as a cause, in Machiavelli’s opinion on dissent, is the category of sovereignty around which rotates the entirety of modern political philosophy.”<sup>4</sup> While the power of Hobbes’ philosophy cannot be revoked because if it was “at its external borders it would not regain its constitutive energetic

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<sup>2</sup> V. R. Esposito, *Ordine e conflitto in Machiavelli e Hobbes*, Liguori, Napoli 1984, pp. 179-220.

<sup>3</sup> R. Esposito, *Pensiero vivente. Origine e attualità della filosofia italiana*, Einaudi, Torino 2010, p. 48.

<sup>4</sup> *Ibid.*, p. 56.

source, but the animalistic chaos of the pre-political community”, Machiavelli’s intention is “diametrically opposed. [...] In direct contrast with a political geometry that is governed by the primacy of the centre, his focus shifts onto the extremes [...] which are apprehended in their reciprocally oppositional attitude. [...] In this way, the mixture, instead of being a motor of neutralisation, gets understood as an institutionally regulated production, of conflict”.<sup>5</sup> Conclusion: at the basis of Machiavelli “there is a refusal of the presupposed identity between politics and the state. If politics can only be within the state – neither before nor after it – the state can fold back on itself and become frozen. Entirely concentrated in the hands of the sovereign, it will reduce itself to the obedience to a law destined to exhaust it to the advantage of the supreme good of security. Machiavelli’s leaning, with regard to this neutralising system, remains irreducible”.<sup>6</sup>

My doubts do not regard the evident distance that runs between the two political models: the one preceding the other contemporaneously to the formation of the modern state (the dates count!). Rather it is the conclusion that was already reached: modern political sovereignty as sets off and completes the process of depoliticisation understood as an order without conflict. Curiously, this author who is sensitive in many regards to the thought of Schmitt separates sovereignty, state and politics, drags the decision on the state of exception (what else can it mean to attribute to Hobbesian sovereignty the idea that it is entirely in the “hands of the sovereign”?) closer to a neutralising framework. The highest degree of concentration of the political decision coincides, for Esposito, with its negation. But for Schmitt, even though sovereignty is coincidental – in a problematic way – with the sovereign decision, its politics are nevertheless all situated in the tension which is internal to this same decision, in the vitality of a constituent act that flows from effectiveness and not from a normative decision. That the sovereign act is what it is because it leaves outside of itself the destructive and pre-political conflict of the *homo homini lupus* should not surprise (the opposite would be surprising) – the latter is born precisely *for this*, to respond to the negativity of an extreme conflict that is pre-political. This is perhaps where there is more convergence than opposition with Machiavelli, in the sense that, even in the latter, politics intervenes in the vortex of world-chaos to give a possible order. But this is not the central point. It is unacceptable to simply oppose order (sovereignty) and conflict (politics) – with the implicit undervaluation of that which “sovereignty” includes within itself. *This is the*

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<sup>5</sup> Ibid, pp. 58, 57.

<sup>6</sup> Ibid, p. 60.

*reign of abstraction*: but where for abstraction we must understand the lifting of the pre-sovereign state within the confines of its synthetic act. *Order becomes ordering* – a distinction as decisive as it is overlooked, which transforms the stasis of the state into dynamics, power in the active centre of energy.

The vastness of the political terrain that opens up here, escapes the simple opposition between conflict and order, identified with politics and depoliticisation. In the foundation of the modern State (and of its theoretical model, the Leviathan) one must seek out the new points of stress where the significance of the power of the political is gathered. It makes sense to ask: which spark flies out of the short circuit between the two abstractions, “power” and “life”, which are rich in various nuclei? How many pallets of colours enter into the game within the complex limits generated by this short-circuit? Yes, it is true, sovereign power subordinates life to itself, liberating it from the pre-political conflict. But by this very act it also decides that it wants to preserve it, institutionalising it in a vital principle, to govern its pathologies, measure itself with the “power-consciousness” nexus that is bursting with potentialities. Of course, in the passage from the pre-statutory position to the statutory one, the emphasis of politics shifts. It becomes government, it attempts to translate the tensions, the negative extremes that appear within its confines and bring them back. And so it asserts its sovereignty, in a confrontation between security and freedom, mediating order with conflict, without abolishing the latter in favour of the former. So, it is good not to see politics becoming the state, a concrete ordering, as its death, but to dig deep in the structure and in the function of *Nomos* embodied in the state, that *Nomos* of the earth, that concrete regulation, that has made history in the politics of Europe. Is sovereignty really the eternally returning instance of the sovereign decision that depoliticises conflict and neutralises its opposites? If it is, then the question then is not the opposition between two models – order and conflict –, but the internal tension within every modern political model between these two words. Rather, depoliticisation is embedded within liberalism – and Schmitt’s radical critique of the latter is right – with its inadaptability to form political communities. Not in sovereignty as such.

#### 4. *Constitutive power and sovereignty*

But the central question that is being discussed is the relation between constituted power and sovereignty. I have already mentioned Esposito’s argument: from the critique of

sovereignty he arrives at the recognition of the centrality of the “constitutive power” and, in a very perspicacious passage, he identifies the answer to the crisis here. “The thinkers on sovereignty lean exactly against such the primacy of the constituent in its constitution in compact formation. This is not only recognisable in the three attributes of absoluteness, perpetuity and indivisibility [...] but also has its normative epicentre precisely in prohibiting a return to the origin [...], [to] the energetic source of the constitutive power. [...] [Why] in this case would the immune boundary that separates order from its opposite reappear and the conflict generalise in a fatal confrontation of all against all”.<sup>7</sup> Therefore the choice is apparently between constitutive power and sovereignty. But are we sure?

If we reduce sovereignty to its fantasy of itself, to its statist notion with its exclusive command and from which it is impossible to exit, impossible to articulate, or “revoke” because of the immobility of the theological and political machine, then it becomes inevitable that constitutive power – cut out from its original isolation – the exclusive weight of “revocation”. However, if one gives to constitutive power the active, dynamic and creative meaning of a regulation, of a *Nomos* that is a constitutive (and sovereign) power, and which stands in a reciprocal and creative relationship with established power, thus between *energeia* and *ergon*, where neither of the single terms is exhausted in the other, then the scenario becomes more complex. The first does not presents itself as the origin to be re-conquered or to which to return, but it gets formed within the creative dialectic between itself and the formalised and constituted power in the principle of sovereignty, the realised form which it puts in crisis. In the reading that Esposito gives of Machiavelli, the constitutive power presents itself as the *origin*, a foundational principle, to which one returns in moments of catastrophic crisis. It is a “jump in the void”: an expression that visibly displays the striking distance that runs between constitutive power and constituted regulations – in the sense that constitutive power seems to correspond to a dormant state of exception that wakes up at the right moment and intervenes by cutting reality into two.

On one side, such a vision seems to imply a total historical discontinuity where an “origin” endures and this is the real *dominus*; on the other side, it would seem to guarantee a total continuity, due to a sort of eternal return of the equal. What is original is always waiting to come back, as though it had remained in an uncontaminated point in history. Here it would not make sense to discuss the foundation of the interpretation of Esposito: it is a twentieth

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<sup>7</sup> Ibid, p. 59.

century reading that models and measures problems at a different level. But, to me, it seems that his thesis only explains a condition relating to a slightly paradoxical adhesion to the Schmittian thesis on how constitutive and exceptional power coincide. Why paradoxical? – Because Esposito adheres to the Schmittian idea of constitutive power as exception. At the same time, he rejects the ‘depoliticising’ identification of sovereignty and exception matured from the same Schmitt in *Political Theology*. The Neapolitan philosopher remains tethered to identity as being between constitutive power and exception, a vital, pure, undetermined power, for this very reason situated it in the space of exception, until it is called into question by a sudden deployment of these forces. Here the influence of Toni Negri’s thought is evident.

It is the total division between constituting power and constituted power. This stands against a tendency, which belongs to “constitutionalism”, and which, despite problematising them, he instead tries to read both moments in light of the principle of mediation. The constituting order, once it has been exerted, no longer exists in its original form, because it has created a world that capsizes within it and which *in nuce* is already contained at the origin of the creative act – otherwise this very act would have been turned toward emptiness, and would have resolved itself in something purely arbitrary. The question is rather, seeing the permanence of the constituting power in the presence of the established order, that of not losing its vitality, which is continually acting upon the normative-institutional order. This does not mean excluding the possibility of a total rupture, of a revolutionary discontinuity (who could exclude this?). Rather it means discussing the possibility of making the constituting power act within the same lines realised by the established order. Motivated by the very connection that ties constituting power to its realised sovereignty, within the breadth of the reign of the very concrete abstraction in which everything moves: the archetype of politics which posits itself precisely in the New Era.

To conclude: with the radical separation between order and conflict, does the creative potentiality of *Nomos* not get reduced? And does the modern state, in as much as it is an established order, not negate the political? But then in which field should we situate the development of subjects that formed in its core, perhaps to destroy it? And from where does the power of its history originate? And, finally, if politics is the internal tension within each aspect of life, what is depoliticisation?

## 5. A short addition

I want to briefly recap the differences and similarities between Machiavelli and Hobbes. We all know how much conflict is crucial for the Florentine lawyer. But we also know how much for him the attained order also counts: the republican order of the *Discourses*. That is, the order that realises and together governs the audacity of human nature, expressed in the “virtue” of the prince, and with the latter being full of ambiguity as well. With a background of a world in chaos, as described in the beautiful passage in *Florentine Stories*, with the image of the tempest of winds that contain within them the turbine from which order will emerge: “the thick dark clouds [...] propelled by superior powers, of either natural or supernatural origin, were following the same course [...] out of which came so much fear that each felt that the world’s end was nigh, and that the earth, the waters and the rest of the sky and the world, fusing together in the old chaos, were returning”.<sup>8</sup> We all know that the Hobbesian state model was born to neutralise the conflict, but, may I add straight away that this was a pre-political conflict, one which, setting everyone against everyone, wrenched open before humanity the abyss of death. These are two conflicts that are organically distinct. Machiavelli’s takes place within the city walls: it is either historically determined, as is the one between patricians and plebeians, nobles or the people, from which the republican order was born; or internalised within the savageness of the prince, from which surges forth the new principality and its order. In Hobbes’ state model, in contrast, the pre-political conflict, tied to the natural struggle of everyone against everyone, is external to the political system. Hobbes’ ‘political’ is born for this very reason. His sovereign is Janus-faced: the savage one of *ius vitae ac necis*, which is leviathan-like; and the abstract one, for having inserted life, i.e. uncontrollable conflict, within the short circuit of power. Sovereignty was born with this double face. It is everything but this cold neutralising order. It is the historical space that the modern state has built, where conflict demonstrates its own productivity and which to all effects is *political*. In both models, therefore, politics is in a contract with human nature. The abstraction of the state is also involved, in a different way, in the animal-human dimension of life, manifesting the complexity of its regulation, of its Nomos, where through the centuries force and justice, nature and history, religion and century, freedom and necessity re-emerge... This is where the modern notion of the political is founded. If it were not so, would we be saying that after Machiavelli, when ‘the political’ became ‘the state’, ‘the political’ is over, and that it only comes back in revolutions?

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<sup>8</sup> N. Machiavelli, *Istorie fiorentine*, F. Gaeta (ed.), Feltrinelli, Milano 1962, pp. 442-443.

*Translated by Olivier Marino*