

# Reappropriating Sovereignty

## A Critique of Giorgio Agamben's Abandonment of Sovereignty

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**ABSTRACT:** In this article I discuss and criticize Giorgio Agamben's conception of sovereignty for being too legalistic and apolitical and thereby incapable of identifying a political and emancipatory potential in the concept of sovereignty. Through readings of Pindar and Aristotle, and Agamben's interpretations of them, I show that Agamben sees the Greek *basileus* (king or kingship) as the predecessor of the modern doctrine of sovereignty rather than — what would have been more obvious — Aristotle's notion of *kyrion* (supreme or supremacy). Consequently, I develop an alternative to Agamben's reading of the genealogy of sovereignty by engaging with Aristotle and by showing how this conception of sovereignty entails both political and democratic elements — what Agamben had criticized as essentially missing from the logic of sovereignty. In the last part of the article, I use my criticism of Agamben's conception of sovereignty and the alternative to it developed through my reading of Aristotle to discuss Agamben's interpretation and dismissal of the political legacy of the French Revolution, which I see as symptomatic for Agamben's (mis)comprehension of sovereignty. Due to his conception of sovereignty, Agamben argues that we should abandon it. I argue instead that it must be reappropriated.

**KEYWORDS:** Sovereignty, Agamben, Aristotle, French Revolution, Popular Sovereignty, Abandonment.

In his acclaimed critique of the political logic of today's dominant political system, most notably the series of books known under the label of *Homo Sacer*, Giorgio Agamben attempts to formulate a theory of emancipation that will supposedly facilitate abandoning the governmental machine and replace it with a form-of-life that will negate the effectiveness of the law. Whereas many radicals — especially Marxists — argue that emancipation will ensue from the destruction of the existing politico-economic order (by way of the class struggle) and the constitution of a new emancipatory one, Agamben explicitly opts for a strategy of emancipation that neither engages with the existing political struggles nor has any aspirations of constituting a competing political order. Instead, Agamben favors a sort of refrainment

or detachment from politics<sup>1</sup> as embodied in the figure of Bartleby who “prefers not to”.

Agamben’s political philosophy and search for emancipation consequently takes the form of an *abandonment* of central concepts of political thought. Agamben does not so much *interpret* political concepts and philosophies, nor does he *deconstruct* them, much rather he tries to find ways to *abandon* them. That is to say, Agamben’s emancipatory philosophical strategy is to look for ways to render operative concepts inoperative. Agamben has formulated this intention or strategy explicitly in his “Notes on Politics”, a text foreshadowing the subsequent *Homo Sacer* books. Here, Agamben writes that “terms such as *sovereignty, right, nation, people, democracy* and *general will* by now refer to a reality that no longer has anything to do with what these concepts used to designate”, and that consequently “[t]he concepts of *sovereignty* and *constituent power*, which are at the core of our political tradition, have to be *abandoned*” (AGAMBEN 2000: 110ff; my emphasis).

As we read in the above quote, the political concept that is perhaps most important to abandon, according to Agamben, is the concept of sovereignty. Following this intention, the first *Homo Sacer* book opens with a critique of “the logic of sovereignty” (AGAMBEN 1998: 15–71), and though Agamben in his later works has moved away from the concept of sovereignty in order to abandon a series of other important political concepts such as economy, duty, the state of exception and effectiveness (AGAMBEN 2005b, 2011b, 2013a and 2013b), all of his work since “Notes on Politics” attest to a search for a power opposed to the logic of sovereignty, that is, a power (*potenza*) aware of its own impotence (*impotenza*), which will “break everywhere the nexus between violence and right, between the living and language that constitutes sovereignty” (AGAMBEN 2000: 113). Agamben has attempted to locate this impotent power in figures such as ‘inoperativity’ (AGAMBEN 2004a and 2013a), Paul’s “as not” (AGAMBEN 2005a), and the Franciscan attempts to create a form-of-life that negates the law without neither destroying it nor creating a new one (AGAMBEN 2013b)<sup>2</sup>. Most recently it has become the concept of ‘destituent power’ that is invoked as a potential means of abandoning the old concept of ‘constituent power’ and its insoluble link to the logic of sovereignty (AGAMBEN 2014a, 2014b). According to Agamben, sovereignty is thus still at the core of modern political theory and praxis, and emancipation is synonymous with abandoning the logic of sovereignty.

1. What Philippe Lacoue-Labarthe and Jean-Luc Nancy has referred to as a ‘retreating the political’ (1997).

2. Agamben’s reading Franciscan form-of-life and its relation to law can be seen as an attempt to find an example of an actual practice of the ‘playing with the law’, which he in other places views as what defines emancipation (AGAMBEN 2005b: 64; 2007: 76). However, as Agamben admits, the Franciscan experiment was ultimately unsuccessful (AGAMBEN 2013b: 139).

In this article, I wish to contest Agamben's understanding of sovereignty and the emancipatory strategy of abandonment inherently related to it. I will argue that Agamben's conception of sovereignty is at best deficient, at worst fundamentally flawed. As I will show, Agamben's critique of sovereignty and its supposedly inherently oppressive character relies upon a monarchical and legalistic conception of sovereignty. This is apparent already from the opening chapter of *Homo Sacer* in which Agamben identifies sovereignty with the Greek word *basileus*, although this is more precisely the word for *kingship*. This conception of sovereignty naturally prevents Agamben from seeing in it any potential for emancipation, and caught within this flawed conception of sovereignty as monarchical, that is, as omnipotent, Agamben sees no other way for emancipation than that of an abandonment of sovereignty, or, as he also puts it, "exodus from any sovereignty" (AGAMBEN 2000: 8)<sup>3</sup>. In other words, Agamben's conception of sovereignty forecloses the possibility of democratic or popular sovereignty since the very logic of sovereignty is, by default, perceived to be monarchical. As a consequence, Agamben ends up with a purely legalistic understanding of sovereignty in which there is no room for the kind of truly democratic politics, Agamben himself is looking for (AGAMBEN 2014a).

A similar critique has been voiced by Jacques Rancière who argues that the logical outcome of Agamben's political philosophy is that "political conflict, properly speaking, thus comes to be replaced by a correlation between sovereign power and bare life." (RANCIÈRE 2010: 66). In this article, I will expand on this critique by relating the impossibility of politics proper in Agamben's thought more closely to his definition of sovereignty — something which Rancière does not. It will be my argument that it is a direct consequence of his monarchical, legalistic and deeply problematic conception of sovereignty that Agamben is unable to find a room for democratic politics and that this leaves him with no other solution than the strategy of abandonment.

Against this strategy of *abandonment*, which time and again seems to lead Agamben into emancipatory impasses from where he is unable to locate feasible exit strategies, I will point towards an emancipatory *reappropriation* of sovereignty. A rereading of Aristotle will help us conceive of a more sufficient definition of sovereignty (*kyrion* or *kyriarchos*); one which has plenty of room for democracy and politics. Furthermore, as I will show, Aristotle defines sovereignty in contradistinction to kingship (*basileus*), which for Aristotle is to be understood as an *economic* and therefore *non-political* form of government. Agamben, who defines sovereignty as *basileus*, wishes to abandon sovereignty because it has no room for democracy — and for Agamben "democracy means precisely the possibility of a political life"

3. For a critique of Agamben's exodus-strategy, see FLOHR 2014.

(AGAMBEN 2014a) — but in perhaps the most important text of political thought, Aristotle’s *Politics*, *basileus* (kingship) is from the very beginning defined as non-political as opposed to *kyrion* (sovereignty) in which, according to Aristotle, there is plenty of room for politics and democracy. It is no wonder then that Agamben is unable to find ‘the possibility of political life’ in sovereignty when from the very beginning he relies on a curious apolitical definition of it (as *basileus*), and furthermore one that is directly antithetical to democracy. Thus, as I will argue, the limitations of Agamben’s political philosophy when it comes to finding ways for emancipation and democracy stems from his sketchy definition of sovereignty.

As for the reasons for turning to Aristotle, it should be noted that when Jean Bodin “invents” the modern concept of sovereignty in the 16<sup>th</sup> century, he refers to *kyrion arche* and *kyrion politeuma* — and not to *basileus* — as predecessors of the concept of sovereignty (BODIN 1992: 1). Even though it is of course possible that the *logic* of sovereignty is derived from theories not directly pertaining to the *concept* of sovereignty, it is remarkable how Agamben either overlooks or refuses to engage with the logic pertaining to both the actual concept of sovereignty and its predecessors. This is most likely, as I will show, an effect of Agamben relying too heavily on Carl Schmitt’s definition of sovereignty, which emphasizes precisely the legalistic and monarchical traits of sovereignty rather than its potentially democratic and political nature.

In this article I first discuss Agamben’s legalistic and monarchical definition of sovereignty as *basileus*. I then turn to Aristotle’s understanding of sovereignty (*kyrion* and *kyriarchos*) and relate it to the definition of sovereignty provided by Agamben. Finally, I end the article by discussing sovereignty in the French Revolution since Agamben’s understanding of the French Revolution is symptomatic for both his conceptualization of sovereignty and the strategy of abandoning sovereignty that follows from it. Instead of seeing in the French Revolution a potential for a democratic politics — the possibility of a political life — in the form of popular sovereignty, Agamben conflates popular sovereignty with his own legalistic conception of sovereignty, and consequently abandons the radical democratic revolutionaries, along with everything else from the French Revolution. Agamben’s understanding of the French Revolution, by way of his conception of sovereignty, thus marks the limitations of his emancipatory strategy of abandonment.

## 1. Agamben’s Legalistic Definition of Sovereignty

Agamben commences his *Homo Sacer* series with a relentless critique of sovereignty. Part one of the first *Homo Sacer* book, *Homo Sacer: Sovereign*

*Power and Bare Life*, sets out to disclose “The Logic of Sovereignty” (AGAMBEN 1998: 15–71). Agamben here follows Carl Schmitt’s discussion from *Political Theology* in which Schmitt identifies sovereignty with the legal paradox that the sovereign is “at the same time outside and inside the juridical order” (Schmitt quoted in Agamben 1998, 15; Agamben’s emphasis). That is to say, although the sovereign is juridically speaking situated outside of law, he nevertheless has the power to alter or suspend the law. The sovereign has a lawful right to suspend the law itself, which means that in the last analysis, “the law is outside itself,” as Agamben puts it (AGAMBEN 1998, 15). The sovereign is the always–already beyond–law character that constitutes the legal order itself, yet at the same time he is also that which retains the law’s relation to an outside of itself. This logic is mirrored in the figures of homo sacer and prisoners of concentration camps who are lawfully banned from the juridical order. These figures are not simply subjectivated by being stripped of their status as legal subjects and thus cease to be subjects of law at all. Instead they are de–subjectivated because they from within law are excluded from law. They are included as excluded, as Agamben likes to put it. In this way, law defines what is lawless. Or rather, the sovereign, being himself beyond law, defines through law what is beyond law.

Based on this juridical topology, it is possible to define the sovereign solely in relation to the state of exception. The sovereign not only resides in the territory of beyond–law, but he is also able to institute spaces and periods of suspension of law. This is what Agamben in *State of Exception* terms force–of–law̄. “The state of exception is an anomic space in which what is at stake is a force of law without law (which should therefore be written: force–of–law̄)” (AGAMBEN 2005b, 39). According to Agamben we see the true and unmediated logic of sovereignty in the state of exception, namely that the sovereign, because he is a force beyond law, can suspend the law whenever deemed necessary.

Thus, sovereignty can be illustrated as a Möbius–band of law and exception: Law becomes exception becomes law becomes exception, etc. Even though law and exception are defined in opposition to one another, they are nevertheless defined in relation to one another — as two sides of a Möbius–band: never in direct contact, yet ultimately indistinguishable. Sovereignty defines law from beyond law (thus remaining hors–la–loi), while at the same time it is defined from within law as that which is beyond law (thus becoming hors–la–loi). This structure of power expressed within the logic of sovereignty is consequently what we might call force–of–law̄ or state of exception. Consequently, no matter how unlawful sovereignty appears, it nevertheless always retains its meaning from its specific relation to law. We are in other words dealing with a purely legalistic definition of sovereignty.

By defining sovereignty in relation to the state of exception, Agamben essentially follows Carl Schmitt who in *Dictatorship* defined the modern conception of sovereignty in relation to the institution of dictatorship. Going back to the 16<sup>th</sup> century, Schmitt identifies dictatorship in the theory of Jean Bodin as a form of commissary dictatorship in which a commissar is given certain sovereign-like prerogatives by the sovereign in order to solve a crisis (SCHMITT 2014: 20–34). These prerogatives could include direct control of military units, the right to judge, the right to kill, the right to raise taxes, or other measures normally belonging exclusively to the sovereign. Furthermore, these prerogatives, whatever they were, were always defined clearly in terms of temporal and geographical validity, thus retaining the sovereign's sovereignty except for small zones of well-defined exceptions. The dictator is thus a legally defined, exceptional figure with a quasi-sovereign status, subjected to sovereign power from where he receives both his (sovereign) powers and certain explicit limitations.

With the advent of the French Revolution, according to Schmitt's analysis, commissary dictatorship was replaced by sovereign dictatorship (SCHMITT 2014: 127). In sovereign dictatorship, there are no well-defined geographical, topological or temporal zones of exception since sovereignty itself takes the form of an exception. During the French Revolution, the existing politico-legal system disintegrated and was replaced by a revolutionary government. The revolutionary government (existing in the years 1792–95) was not subject to constitutional law since the respective constitutions of 1791 and 1793 were suspended. The dictator or the dictatorship is therefore no longer subject to a sovereign who defines and limits the sovereign powers of the dictatorship. Instead, it is the dictator himself — in the form of the revolutionary government — that becomes sovereign and whose rule consequently takes the form, initially, of an exception with no one but the dictator — the revolutionary government — to define its geographical and temporal limitations. Sovereignty is thus unlawful, in the precise sense of the word, yet at the same time it is that which defines what is lawful and what is not; what it is that is to be subsumed to law and what it is that is to be excluded or banned from it.

According to Schmitt, this figure of the sovereign dictator ultimately stays with modern constitutional theory through the concept of 'constituent power'. In Schmitt's words: "[sovereign] dictatorship does not appeal to an existing constitution, but to one that is still to come, [and therefore it] cannot be eliminated by any opposing constitution" — "this is the meaning of constituent power" (SCHMITT 2014: 119–121). In other words, modern sovereignty is not bound by law as it operates according to the logic of a state of exception. Nevertheless, it is always defined from within law and as that which grounds law. Based on these investigations from *Dictatorship*,

Schmitt formulated the following year his infamous dictum: “Sovereign is he who decides on the state of exception” (SCHMITT 2009, 13).

It is this logic of sovereignty that Agamben makes the subject of his critique. Though the sovereign is identified as *hors-la-loi* (by both Schmitt and Agamben), the sovereign is nevertheless always identified in relation to law. What matters here is that sovereignty is defined directly in relation to law and that we are therefore dealing with a legalistic definition of sovereignty.

## 2. Sovereignty as *basileus*

As we have seen, Agamben’s definition of sovereignty is linked to a certain logic of law. Agamben expands on this argument in *Homo Sacer*, §2 “Nomos Basileus”, which begins in the following manner:

The principle according to which sovereignty belongs to law, which today seems inseparable from our conception of democracy as the legal State [*Stato di diritto*] does not at all eliminate the paradox of sovereignty; indeed it even brings it to the most extreme point of its development. (AGAMBEN 1998, 30 / 1995, 36)

Following the dominant conception of sovereignty in today’s democracies, Agamben links sovereignty intrinsically to law. And Agamben continues: “Since the most ancient recorded formulation of this principle, Pindar’s fragment 169, the sovereignty of law has been situated in a dimension so dark and ambiguous that it has prompted scholars to speak quite rightly of an ‘enigma’” (*ibid.*, 30). This enigma or paradox of the sovereign’s relation to law is the one I have presented in the above.

In order to substantiate his claim about the enigma that penetrates the sovereign’s relation to law Agamben continues with a discussion of Pindar’s fragment from which I will only quote the first line: “*Nomos ho panton basileus*”. In the English translation of *Homo Sacer* this reads: “The *nomos*, sovereign of all” and thereby follows the translation provided in the footnote in the Italian edition “Il *nómos* di tutti sovrano”<sup>4</sup> underpinning the connection between sovereignty and law.

Though it is of course a delicate matter when it comes to ancient texts, the precise and most likely correct translation of ‘*basileus*’ is ‘king’ and not ‘sovereign’. Rendering ‘*basileus*’ as ‘king’ and not as ‘sovereign’ is supported by several lexica including, most notably, William Slater’s *Lexicon to Pindar*, which gives only one suggested translation ‘*basileus*’ namely “king” (Slater 1969), and the authoritative translations of Pindar’s fragment 169 such

4. I have not been able to find out whether this translation is Agamben’s own, or whether Agamben quotes it from an existing Italian translation of Pindar.

as Hugh Lloyd-Jones' and William Race's both render *nomos ho panton basileus* as "Law, the king of all" (LLOYD-JONES 1972: 45; PINDAR 1997: 401; my emphasis).

Agamben, of course, goes on to problematise the translation and, consequently, the understanding of Pindar's fragment, however what he problematizes is the translation of 'nomos' as 'law' and not 'basileus' as 'sovereign'. Thus, when Agamben criticizes Hölderlin's translation of Pindar's fragment — "Das Gesetz, Von allen der König" — he attacks Hölderlin's use of *Gesetz*, without even mentioning that Hölderlin, in contradistinction to Agamben, uses the word 'king' (*König*) for 'basileus' and not 'sovereign'. In the following discussion Agamben therefore writes:

If Hölderlin (like Schmitt) sees a principle higher than simple law in the *nomos basileus*, nonetheless he is careful to specify that the term 'sovereign' refers here not to a 'supreme power' (*höchste Macht*) but to 'the highest ground of knowledge'. (AGAMBEN 1998: 33)

However, not once does Hölderlin use the word 'sovereign' or 'soverignty' and it is therefore hard to maintain, as Agamben does, that Hölderlin is discussing 'nomos basileus' in terms of "soverignty of the nomos [law]" (AGAMBEN 1998: 34; my emphasis). Disregarding the argument Agamben is making — that to Pindar violence (*Bia*) and justice (*Dike*) are not antithetical but rather intertwined elements of 'nomos' — the notions of sovereignty and kingship are completely conflated in Agamben's argument. What Hölderlin alludes to with his translation is a particular *form* of sovereignty and law (or *nomos*) understood in relation to the particular *form* of sovereignty known as kingship. Kingship which, although may be said to be a form of sovereignty, is clearly not identifiable with the nature of sovereignty or sovereignty as such. However, as Agamben gives no arguments for altering Hölderlin's translation, we can only speculate as to why he renders 'basileus' as 'sovereign'. Most likely, it seems, it is the influence of Schmitt that lurks in the background.

The conflation of kingship and sovereignty returns with a vengeance when Agamben defines the relation between 'nomos' and 'basileus'. As Agamben argues convincingly, Pindar has an understanding of 'nomos' in which justice and violence are not antithetical principles, but instead are two necessarily interconnected principles: without force, justice is impotent, or, inversely, "the poet [...] defines the sovereignty of the 'nomos' by means of a justification of violence" (AGAMBEN 1998: 31). However, when Agamben, following the above definitions, writes that "the sovereign nomos is the principle that, joining law and violence, threatens them with indistinction", and that Pindar is the "first great thinker of sovereignty", there is no support

for making such claims and it only holds insofar as one is willing to conflate kingship with sovereignty (AGAMBEN 1998: 31).

Following a proper reading of Pindar, all that can be legitimately argued is that although it is perhaps true that *in the case of kingship* law and violence are joined and threatened with indistinction, there is no reason to believe that this is the case for sovereignty as such — which is highly problematic given that Agamben is allegedly in the midst of excavating the logic of sovereignty as such. This is not only problematic for Agamben but also for the entire literature on sovereignty drawing upon his analysis. Of the works I have consulted on this matter, I have not been able to find a single mentioning of the fact that the Greek *basileus* (king) is what Agamben equates with the logic of sovereignty (CONNOLLY 2004, CALARCO AND DECAROLI 2007, JENNINGS 2011, MURRAY AND WHYTE 2011, WHYTE 2013, DEAN 2013). In other words, the logic of *monarchical sovereignty* is, unwittingly, equated with *the logic of sovereignty as such* not only by Agamben, but also by those following his analysis<sup>5</sup>.

### 3. The Logic of *basileus* in Aristotle's *Politics*

In the opening paragraph of *Politics*, Aristotle makes a distinction between different forms of powers or rulers each belonging to separate spheres with separate logics. Aristotle formulates these definitions against other Greek

5. DERRIDA (2009) and FINLAYSON (2010) have both criticized Agamben for his philological/philosophical engagement with the Greek sources and in particular Aristotle in relation to the distinction between *bios* and *zoe*, which they maintain is non-existent (or at least not in the way Agamben conceives of it). As Finlayson argues, Agamben's tendentious readings are double problematic in that they are both suggestive bordering the untenable (and sometimes crossing the line) and presented as mere philological facts. This is problematic in itself and because "Agamben's theory, though based on highly specialist material, is not addressed to scholars and specialists of Greek philosophy, and thus not aimed at, and not usually ready by, readers who are in a position to verify his claims" (FINLAYSON 2012: 117). Consequently, "[m]any readers will simply take his statements at face value", which we have seen is also the case for his reading of Pindar / sovereignty in Greek thought. Against such criticism, Abbott has argued that what is essential in Agamben's reading of the distinction between *zoe* and *bios* is "the (more primordial) ontological difference. As such [Agamben's] project is based on a properly *philosophical* (Heideggerian) distinction, rather than a conceptual divide with a (potentially spurious) basis in an ancient linguistic opposition" (ABBOTT 2014: 143). Though I agree with Abbott that his is the most loyal way to read Agamben and the one that will make one most capable of understanding him, Agamben's way of presenting philosophical arguments do become extremely problematic, as Finlayson points out when they are reproduced as philological and/or historical facts. However, Agamben's tendency of projecting his philosophical conceptions onto historical material makes it very easy — especially when these readings are tendentious or downright mistaken — to read his (mis)readings as symptomatic. In the case of his (mis)reading of Pindar, I will argue that it is symptomatic of his legalistic and Schmittian conception of sovereignty (which he then projects onto Greek thought). Criticizing his reading of Pindar thus opens up for a broader critique of his (legalistic) conception of sovereignty.

thinkers who have been prone to conflate separate logics. In Aristotle's words,

[t]hose who think that the nature of the statesman [*politikon*], the king [*basilikon*], the head of an estate [*oikonomikon*] and the master [*despotikon*] are the same, are mistaken; they imagine that the difference between these various forms of authority is one of greater and smaller numbers, not a difference in kind. (1252a8–10)

The logic of a statesman [*politikon*] is, as Aristotle makes clear in unambiguous terms, different from that of a king [*basilikon*].

When we read the rest of the *Politics*, however, it becomes clear that matters are a little more complex. Even though the logic of the 'politikon' is different from that of a 'basilikon', they are, while still being mutually exclusive, nevertheless both expressions of different political orders [*politeias*] (1289a27–31). This does not mean, however, that they operate according to the same logic. While the 'politikon' and the 'basilikon' are both rulers of political orders, as can be observed empirically, the 'basilikon' is nevertheless in charge of a depoliticized rule as opposed to the 'politikon'.

This is made clear when Aristotle tries to explain the different logics at work. In case of the 'basilikon', Aristotle draws on analogies from the management of the household [*oikonomia*], whereas the logic of the 'politikon' is far more subtle and needs to be developed on its own terms — hence, an entire book, *Politika*, dedicated to this task.

What is then the logic of 'basileus'? As is well known, to each of Aristotle's "good" political orders correspond a "bad" one. In the case of 'basileus', a good kingship, tyranny is its degenerate counterpart. As Aristotle explains, 'basileian' (kingship) is a form of monarchy [*monarchion*] "that aims at the common advantage" (1279a34). Tyranny, on the other hand, is "monarchy ruling in the interest of the monarch" (1279b7–8). Furthermore, tyranny is "monarchy exerting despotic power [*despotike*] over the political community" (1279b17–18).

These explanations of the powers exercised by the different types of monarchs reflect Aristotle's earlier discussions of 'oikonomia', the logic of household management. 'Oikonomia' essentially consists of three types of relationships: husband–wife, father–children and master–slave. When the governor of a household appears as a master in relation to his slaves, he is called 'despotes' (1255b8), which, as we have seen, is another word for the relation between a tyrant and his subjects. As opposed to despotic rule, the just form of kingly power [*arche basilike*] corresponds to the logic of a fathers rule over his children (1259b11). Therefore, as Aristotle puts it, "the government of a household [*oikonomia*] is monarchy" (1255b19). The full quote goes: "oikonomia is monarchy (since every house is governed by a

single ruler), whereas politics [*politike*] is government [or power: *arche*] of men free and equal” (1255b19–21). The logic of monarchy, whether ‘*basileus*’ or tyranny, corresponds to the logic of ‘*oikonomia*’, whereas politics belongs to a wholly different order with a separate logic. In other words, for Aristotle, monarchy (whether *basileus* or *tyranny*) presents a depoliticized form of rule that operates analogously to that of *oikonomia*, and vice versa. This form of ‘economic’ rule is contrasted to the political form of rule, politics, in which government or power deals with men “free and equal”.

With this in mind, it is unsurprising that Agamben in *The Kingdom and the Glory* turns from the logic of sovereignty (or rather, ‘*basileus*’) to the logic of ‘*oikonomia*’. Although Agamben claims that moving from sovereignty to ‘*oikonomia*’ marks a new course of research and critique, if we follow Aristotle, ‘*oikonomia*’ and ‘*basileus*’ are from the beginning two similar forms of rule operating analogously.

Let us dwell a little on this point. Agamben claims that “the global arrangement of Western society” is based upon “two broadly speaking political paradigms, antinomical but functionally related to one another” (AGAMBEN 2011b: 1). These two paradigms — sovereignty and economy (or administration) — both derive from Christian theology: sovereignty from political theology and administration from economic theology (AGAMBEN 2011b: 1). Economy and economic theology are thus added to the investigations on sovereignty from the earlier *Homo Sacer* books, and turns out to be perhaps even more decisive for contemporary rule than sovereignty and political theology were. In any case, what proves to be the consequence of the dominance of economy and economic theology is the impossibility of politics:

[T]he fact that the living being who was created in the image of God in the end reveals himself to be capable only of economy, not politics, or, in other words, that history is ultimately not a political but an ‘administrative’ and ‘governmental’ problem, is nothing but a logical consequence of economic theology. [...] The eternal life to which Christians lay claim ultimately lies in the paradigm of the *oikos*, not in that of the *polis*. (AGAMBEN 2011a: 3)

Thus, what Agamben finds — and finds problematic — in the economic paradigm is that it is a depoliticized and oppressive rule of men leaving no space for the possibility of a political life. The Christian administration of men is based on the apolitical logic of the *oikos* (*oikonomia*) instead of that of the *polis* (politics). However, the same could be said about Agamben’s investigation of sovereignty. ‘*Basileus*’ is also, to a large extent, based in the apolitical logic of the *oikos*, and by equating sovereignty with ‘*basileus*’ the critique of sovereignty becomes the critique of an economic logic: a depoliticized rule of men. Though contributing with a wealth of new

material, a new perspective and a series of interesting arguments, there is great continuity between Agamben's critique of sovereignty ('*basileus*') and his critique of economy since, in both cases, we are largely dealing with a critique of the same depoliticized logic of power.

As we shall see, Agamben thereby overlooks or disregards what a political life might actually look like. For Aristotle, there is a strong connection between sovereignty ('*kyrion*') and politics, just as there is a strong connection between kingship and economy. Sovereignty thus seems to hold some sort of possibility for a political life. By equating sovereignty with '*basileus*', however, Agamben forecloses the possibility of seeing in sovereignty anything but a depoliticized rule<sup>6</sup>.

#### 4. The Logic of Sovereignty (*kyrion*)

In order to designate the supreme political power, what we since Bodin have termed sovereignty, Aristotle employs the word '*kyrion*'. Monarchy, oligarchy and democracy, the three forms of political orders, are defined as according to who are sovereign (or supreme) [*kyrion*] or the supreme power [*kyrion arche*]. This supreme power is essentially the control of government, since "the government [*politeuma*] is the supreme power [*kyrion*] in a state [*poleon*]" (1279a27), and this power is either in the hands of "a single ruler or a few or the many" (1279a28), thus giving us respectively monarchy, oligarchy and democracy.

However, Aristotle quickly notes that since we have two different but equally convincing definitions of democracy — one in which it is defined as sovereignty of the many [*kyrion to plethos*], and one in which it is the free who are sovereign [*eleutheroi kyrioi*] — things are a little more complex when it comes to the logic of sovereignty than a simply question of quantity (one, few, many). Aristotle resolves the definition of democracy in contradistinction to oligarchy by stating that "it is a democracy when those who are free are in the majority and have sovereignty over the central power or offices [*kyrioi tes arches*]", and that, correspondingly, it is "an oligarchy when the rich and more well born are few and have this" (1290b18–20). By way of this logic, there can be no such thing as a truly monarchical

6. Symptomatic for his depreciation of Aristotle's *Politics* and the possibility of finding here a potential for a political life, Agamben argues in passing that both the politician and the king according to Aristotle belong to the logic of the 'polis' (in contradistinction to the manager of the household and the master who follow the logic of the 'oikos') (AGAMBEN 2011b: 17). In other words, the rule of the politician is not fundamentally different from that of the king in Agamben's reading of Aristotle. I would argue that Aristotle's work is dedicated precisely to the task of distinguishing between kingly and political rule, and more generally between the logic of politics and all those logics that may resemble but ultimately do not pertain to the logic of politics.

sovereign, since it is practically impossible for a monarch to occupy all of the central offices. Therefore, the monarch ('basileus'), as Aristotle points out, is not really sovereign [*kyrion*] (1285a4–5). Instead, his rule operates according to a different logic than that of politics, which, as we have seen, is one resembling that of 'oikonomia'. In other words, politics exist only when there is a government of men free and equal, that is, when those who are free and equal are sovereign.

What then is the relation between sovereignty and politics? In order to answer this question, we should turn to a central passage from Aristotle's *The Constitution of Athens*. In complete agreement with his definition of 'kyrion' in *Politics*, Aristotle gives the following description of the political consequences of the democrats' military victory over the army of oligarchs in 403 B.C.:

The people [*laos*<sup>7</sup>] made themselves masters of everything [*egine monos tou kyriarchos ton panton*], and directs everything through decrees and jury–courts [*dikasteria*], in which the rulers [*exousiastes*] are the popular mass [*laïke maza*]. (41.1)<sup>8</sup>

Two things must be noted here. First, sovereignty is defined as the fact that the people — a certain group, namely those who had fought for democracy in the war [*laos*] — made themselves masters of everything. What grounds the political order is civil war, and in this case, the proponents of democracy, the *laos*, defeated the oligarchs in a direct confrontation. The underlying civil struggle of the oligarchic order broke out into the open, resulting in a civil war in which the very political order that fostered the civil war broke down and was replaced by a different political order — a democratic order — created to perpetuate the democratic struggle against oligarchic and monarchical elements. The government, though it is of course also an administrative affair, is not simply a question of administration but is much rather to be seen as an instrument in an ongoing political struggle.

Second, and perhaps more important, Aristotle emphasizes the way in which the democrats administer their supremacy namely through decrees and jury–courts controlled by the popular masses. In other words, the form of political administration (decrees and jury–courts) is directly derived from the form of sovereignty: A democracy cannot be administered in the same way as a monarchy or an oligarchy. When the people make themselves masters of everything [*kyriarchos*], it changes the very nature and form of public offices [*arches*] and the very structure of power [*arche*]. The form of

7. A more literal translation would be 'the people who had struggled in the war'.

8. Different translations of this passage may be found in ARISTOTLE (1996: 242); ARISTOTLE (1935); and LORAUX (2001: 249), all of which I have consulted in providing the present translation.

sovereign power [*kyriarchos*] directly entails the form of execution of power [*arche*]. In the case of democracy, the execution of power takes the form of jury–courts, popular access to the assembly [*ekklesia*], appointment of magistrates by lot, etc. Even though sovereignty also entails some juridical practices, those juridical practices are structured according to the form of sovereignty creating and sustaining it. If the sovereign is democratic, “when those who are free are in the majority and have sovereignty over government” (1290b18), assemblies and courts will be democratic too. If the sovereign is democratic, the political institutions will be arenas for democratic politics. In this way, democratic sovereignty is fundamentally different from oligarchic and monarchic forms of rule in the way that it opens a space for politics and the possibility for a political life.

Unlike that of Schmitt and Agamben, Aristotle’s definition of sovereignty is thus ultimately political rather than juridical: It is the outcome of the political struggle that defines the political nature of the sovereign and thus forms the basis of the political system. Whatever its juridical implications, for Aristotle, sovereignty is defined by its political foundation and what kind of politics it makes possible — that is, by the outcome of the political struggle preceding it and by the kind of political system it naturally entails. Politics and political struggle are thus intrinsically linked to the struggle for sovereignty and the exercise of it.

## 5. Agamben’s Reading of *kyrion*

Agamben is not completely unaware of Aristotle’s concept of *kyrion*. Though he does not refer to it in any of his books, he discusses it briefly in his short note on democracy. Here he writes:

In his *Politics*, Aristotle states his intention to itemize and analyze the different ‘constitutions’ or ‘forms of constitution’ (*politeiai*): ‘Since *politeia* and *politeuma* signify the same thing, and since the *politeuma* is the supreme (*kyrion*) power in a city, it necessarily follows that the supreme power resides either with an individual, with a few, or with many’ (*Politics* 1279a25ff). [...] A more faithful translation would retain the closeness between *politeia* (political activity) and *politeuma* (the resulting political outcome), but apart from that, it is clear that the essential problem with this passage lies in Aristotle’s attempt to get rid of the amphibology [of *politeia*–*politeuma*] by using the term *kyrion*. With a bit of wrenching, the passage can be paraphrased in modern terms as follows: the constituent power (*politeia*) and the constituted power (*politeuma*) bind themselves together into a sovereign (*kyrion*) power, which appears to be that which holds together the two sides of politics. (AGAMBEN 2011a: 2f)

According to Agamben, the primary function of Aristotle’s concept ‘*kyrion*’ is to gloss over the split between ‘*politeia*’ (what Agamben trans-

lates as constituent power) and ‘politeuma’ (government or constituted power). Sovereignty is to be understood as that which arises when the constituent power of a given group, such as the Third Estate during the French Revolution, is institutionalized through a constitution and thereby creates for itself a government (constituted power). Thus, Agamben claims that ‘politeia’ and ‘politeuma’ do not signify the same thing and that Aristotle attempts to “get rid of the amphibology” of government or political activity, constituted power and constituent power, by claiming that it is essentially the same thing.

However, according to Agamben’s perception of the legal paradox of sovereignty, because constituent power [*politieia*] and constituted power [*politeuma*] are not the same thing, sovereignty [*kyrion*] is introduced as a unifying concept that is supposed to hold together and gloss over the fundamental fissure that defines any legal order. In Agamben’s words, “with Aristotle, sovereignty, that which is *kyrion* or supreme, is [...] the indissoluble link between constitution and government” (AGAMBEN 2011a: 4). The function of ‘*kyrion*’, if we follow Agamben, is to unify two ultimately incompatible phenomena: *constituent power* that by definition resides outside of law from where it constitutes law, and *constituted power* that by definition resides within law from where it executes law. By unifying these two incompatible actions, constituting and executing law, in the figure of ‘*kyrion*’ or sovereignty, Aristotle both “dramatizes and heals over” the fundamental fissure of politics (AGAMBEN 2011a: 3). In Agamben’s interpretation, ‘*kyrion*’ thus corresponds perfectly well to the logic of sovereignty and in this way also to the figure of ‘*basileus*’, which as we saw earlier was the paradigmatic case in Agamben’s exposition of the logic of sovereignty.

There is no reason, however, that we should follow Agamben’s reading. As I have already shown, Aristotle distinguishes very clearly between the logic of ‘*basileus*’ and the logic of ‘*kyrion*’. What allows Agamben to subsume ‘*kyrion*’ to what he perceives to be the logic of sovereignty (i.e. the logic of ‘*basileus*’) is another extremely tendentious reading, this time of Aristotle. To argue that ‘*politeia*’ and ‘*politeuma*’ are dissimilar in the way Agamben argues is not tenable. ‘*Politeia*’ does not mean “political activity” and definitely also not “constituent power”, as Agamben claims, but rather ‘political order’ or ‘conditions of citizenship’, ‘government’ or perhaps even ‘constitution’. ‘*Politeia*’ therefore does not refer to what we might call constituent power but rather to what we would call constituted or executive power. Consequently, ‘*kyrion*’ is not introduced to gloss over a split between constituent and constituted power since we are — in the cases of ‘*politeia*’ and ‘*politeuma*’ in question — simply dealing with constituted power.

If we were to look for an Aristotelian concept corresponding to constituent power, it would be more obvious to locate it with ‘*kyrion*’ or

‘kyriarchos’ (supreme power). As we have seen in Aristotle’s discussion of the outcome of the civil war, the people [*laos*] made themselves masters of everything [*kyriarchos ton panton*] and subsequently constituted a democratic political order. In other words, the people won the struggle and thereby took constituent power [*kyriarchos*] and with this power they constituted a new political order [*politeia*]. When Aristotle argues that “*politeia* and *politeuma* signify the same thing” and that “the *politeuma* is the supreme (*kyrion*) power in a city”, it is because, as we have seen, government and public offices are designed to perpetuate the rule and logic of those who hold constituent power (in the case of democracy: the people) (1279a26–27). ‘Kyrion’, constituent power, is both what grounds and what is perpetuated in a given political order. *Because he does not define sovereignty in relation to law but in relation to politics, there is no paradox or fissure in Aristotle’s argument.* The people won a political struggle (or a military struggle which was based on genuine political disagreement) and they try to ensure hegemony through a juridical system subsumed their political logic and interests. If there is, as Agamben claims, an “indissoluble link between constitution and government” in the writings of Aristotle, this does not mean that we are dealing with a paradox but much rather that we are dealing with politics and political struggle in both cases.

Agamben’s inability to appreciate Aristotle’s argument has great consequences for his evaluation of democracy. In the opening paragraph of his note on democracy, Agamben writes:

Of what do we speak when we speak of democracy? What is the underlying rationale? [...] It might mean one of two different things: a way of constituting the body politic (in which case we are talking about political law) or a technique of governing (in which case our horizon is that of administrative practice). To put it another way, democracy designates both the form through which power is legitimated and the manner in which it is exercised. (AGAMBEN 2011a: 1)

Agamben is not able to find any emancipatory potential in the concept of democracy because he all too quickly reduces it to either law or administration of law. However, as I have just shown, democracy does not, as Agamben claims, *either* belong to political law *or* to administrative practice. This is a false dichotomy, which resides only within the sphere of a legalistic and monarchical conception of sovereignty. Instead, there is a third possibility: Following Aristotle, we should define democracy in relation to both the struggle of the people against the oligarchs *and* to the way in which a sovereign democratic order would administrate its rule in a democratic way. In this way, democracy appears not simply as another concept to be abandoned but rather as an unfulfilled promise to be satisfied, or perhaps rather, appropriated, if one wishes to establish the possibility of a political life.

## 6. The French Revolution and the Legacy of Sovereignty

The unfulfilled promises of democracy take us back to the French Revolution. As we have just seen, Agamben quickly translates Aristotle's political vocabulary into the vocabulary of the French Revolution by using the distinction, coined by abbé Sieyès, between constituent and constituted power (SIEYÈS 1789 and 2003). In fact, although never thoroughly analyzed, the French Revolution is a constant point of reference in Agamben's writings, such as in *Homo Sacer*, *State of Exception*, "What is a People?" and "For a Theory of Destituent Power". In all cases, the French Revolution is negatively assessed and presented as the moment in history when sovereignty became all-encompassing and when the state of exception became the paradigm of the modern political order. Thus, the French Revolution marks for Agamben, as it did for Schmitt, the breakthrough of modern politics: The logic of sovereignty is fused with the all-embracing nature of popular politics, thus allowing the state of exception, the logic of including exclusion, of effectiveness and duty — along with all the other elements of the logic of sovereignty that Agamben criticizes — to assert themselves on a much grander scale, namely on a totalitarian scale in which everything is subsumed to the dominant political logic<sup>9</sup>.

Following Schmitt's analysis of the transition to sovereign dictatorship, Agamben argues that the French Revolution was responsible for knotting together state violence and political struggles for constituent power in a "vicious spiral":

The Security paradigm implies that each dissension, each more or less violent attempt to overthrow its order, becomes an opportunity to govern them in a profitable direction. This is evident in the dialectics which binds tightly together terrorism and State in an endless vicious spiral. Starting with the French revolution, the political tradition of modernity has conceived of radical changes in the form of a revolutionary process that acts as the *pouvoir constituant*, the 'constituent power' of a new institutional order. I think that we have to *abandon* this paradigm and try to think something as a *puissance destituante*, a purely 'destituent power', that cannot be captured in the spiral of security. (AGAMBEN 2014a)

Because of its necessary connection to state violence or state terror, the logic of constituent power, Agamben argues, should be completely abandoned and replaced with a power to destitute or 'destituent power'. Destituent power would in other words essentially consist in the *power to*

9. Again and again, and in the tradition of the 'totalitarian' interpretation of the French Revolution from Hannah Arendt and François Furet, Agamben draws parallels between the French Revolution and the Third Reich. Needless to say, this seriously distorts any attempts of a serious interpretation of the French Revolution and its democratic and emancipatory potential.

*abandon* everything from political struggles to administration and the state.

In this interpretation of the French Revolution, Agamben once again conflates a series of heterogeneous elements, which leads him to abandoning constituent power, political struggles and revolutionary change altogether. Following Schmitt who saw reflected in the concept of constituent power the advent of sovereign dictatorship (implicating revolutionary change, the revolutionary government and the state terror), Agamben construes the French Revolution, the security paradigm, terrorism and the state, revolutionary change, political struggles and constituent power as parts of the same undifferentiated totality: the juridical logic of sovereignty.

Against such an undifferentiated understanding of the struggles of the French Revolution, we should distinguish sharply between two different understandings of constituent power and of sovereignty amongst the French Revolutionaries. The great French jurist Raymond Carré de Malberg has shown how, when monarchy was abandoned 1789/92, there were two separate and contesting doctrines of sovereignty struggling to replace monarchy: *National* sovereignty and *popular* sovereignty (where national sovereignty corresponds to the logic of sovereignty as ‘basileus’ and popular sovereignty to that of ‘kyrion’) (CARRÉ DE MALBERG 1962: 149–199). *National sovereignty* resides essentially with the state and is defined as that which allows the state to operate as a rational and deliberative personification of the nation, as opposed to the irrational and direct personal rule of royal sovereignty. The doctrine of *popular sovereignty* on the other hand is defined as that form of sovereignty in which the people subsume the state to their sovereign will. In other words, national sovereignty subsumes its subjects to the reason of the state, whereas popular sovereignty subsumes the state to the will of the people.

When, following the logic of national sovereignty, the executive members of the Constituent Assembly and Constitution Committee in 1791 “gave”<sup>10</sup> the French nation a constitution, they were not acting on behalf of the people, who were not seen to hold sovereignty as such, but on behalf of the state. “The immensely important work of the Constituent consisted in separating the state from the royal person, and to achieve this the Constituent made the nation intervene, which it opposes to the king as the true constitutive element of the state and consequently as the sole proprietor of sovereign power” (CARRÉ DE MALBERG 1962: 169). According to the doctrine of national sovereignty it is thus the executives, the administrators of the state, who can legitimately exercise sovereign power. One of the most famous proponents of this doctrine was Sieyès who argued that it

10. Carré de Malberg, who takes the position of national sovereignty, uses the word “give” (*donner*) underlining the Constitution being a kind of gift (*don*) to the people from the executives of the state.

was not the people — since they were scattered individuals rather than an assembled body (SIEYÈS 2003: 5) — that were sovereign, but that it was rather the administrators of the National Assembly who could legitimately exercise “the functions of the constituent power.” (SIEYÈS 1789: 2)

The doctrine of national sovereignty thus corresponds nicely to the kind of logic of sovereignty that Agamben is criticizing. It is legalistic and it reduces political questions to matters of administration and thus reduces democracy and popular influence in politics to acts of acclamation of the state apparatus and its executives.

The logic of popular sovereignty, however, as pointed out by Carré de Malberg, differs significantly from that of national sovereignty. We find one of the most elaborate theorizations of this doctrine in Jean Varlet’s *Project for a Special and Imperative Mandate* (1792). Here, the power of the people is defined as a sovereign right that “returned to its source” in 1789 when the political order was overthrown (VARLET 2009: 54). Popular sovereignty is inalienable and can neither be “delegated nor represented”, and the deputies are therefore “not representatives but mandataries”, “instruments of the people” who have no mandate to do anything other than what the people has commanded of them (VARLET 2009: 55). As Varlet asks rhetorically: “Do you think we have exercised our sovereignty completely, when we have done nothing but electing those who are called deputies of the National Convention?” (VARLET 2009: 55). The state, in other words, is perceived by Varlet as an instrument to serve the sovereign people, its needs and wishes.

Against national sovereignty, Varlet thus posits a doctrine of popular sovereignty in which the people have the right to call back their mandataries, to punish them for treason if they disobey and ultimately to overthrow the entire system whenever it does not serve the sovereign interest of the people (such as equal rights to nutrition, education and political participation on all levels) (VARLET 2009: 62). Furthermore, the people have the right to check each law and decree, to discuss politics, and to elect and be elected (as mandataries and not as representatives) in what Varlet calls “first assemblies”. These assemblies, it must be noted, were not simply of Varlet’s imagination but existed in the form of the local Civic Committees that governed each of Paris’ 48 sections and which were particularly influential in the years 1792–94. As has been shown in numerous works, the sections were hubs for a vibrant and democratic political culture where the locals met to discuss politics, to draw up petitions, to distribute foodstuffs and organize defense, to organize demonstrations and downright revolutions as in the case of 10 August 1792 (see SOBOUL 1980, SLAVIN 1986, GENTY 1987 and ALPAUGH 2015). The political life of the sections was no small part of the French Revolution. Aside from the diffusion of these democratic ideas into large parts of society, including the 1793 Constitution, hundreds of demonstrations with hundreds

of thousands of participants were organized in this way (ALPAUGH 2015). Furthermore, the doctrine of popular sovereignty not only proposed a much more democratic organization of society. The way in which the struggles of the French revolutionary democrats were organized was itself democratic with participation, responsibility and fraternity as key elements (SOBOUL 1980, ALPAUGH 2015). The radical revolutionaries thus embodied a democratic political life organized in a struggle for popular sovereignty and against national sovereignty and the sovereignty of the state and its executives.

What we see in the theory of Varlet and the political practices of the radical French revolutionaries is thus a different understanding of sovereignty than that of national sovereignty — one that corresponds to Aristotle's definitions. The radical revolutionaries fought together against the oligarchs (proponents of national sovereignty) in order to create a political order in which the political offices would be occupied by the people — any given member of it — for the people. Their actual practice, their organization and their political theory all attest to a promise of a different political order in which the French radicals, like the democrats of 403 BC, would have perpetuated their sovereign rule through a genuinely democratic system, which would allow for a democratic political life. As with Aristotle's democrats, the radical revolutionaries conceptualized and practiced popular sovereignty both as a political struggle for democratic hegemony against oligarchic hegemony and as that which would ground a genuinely democratic political order.

Because of his conception of sovereignty and the interrelated strategy of abandonment, Agamben is either unaware of this current of radical democrats or he simply glosses them over in silence. According to Agamben, as we have seen, the French Revolution proves simply that “each dissension, each more or less violent attempt to overthrow [the existing] order, becomes an opportunity to govern them in a profitable direction” (2014a). Dissentious engagement becomes part of a “dialectics which binds together terrorism and the State”, a “spiral of security” in which resistance only contributes in tightening the apolitical stranglehold of contemporary societies. Actually existing democratic politics, such as that of the French revolutionaries, are ignored as sovereignty is understood simply as apolitical administration, as ‘basileus’, rather than as the popular political struggle for democracy and a potentially democratic way of governing. However, as Aristotle reminds us, when the people become victorious, they will make themselves masters of everything and perpetuate their rule with democratic institutions that leaves no room for a monarchical and apolitical rule of society. That is, they will change the nature of sovereignty.

## Conclusion

As I have argued in this article, Agamben operates with a monarchical and legalistic conception of sovereignty (as can be seen from his symptomatic (mis)reading of Pindar), which draws heavily on Carl Schmitt, and which makes Agamben — and his analytical apparatus — blind towards a political and democratic conception of sovereignty as well as the emancipatory potential of political struggles. As a consequence, Agamben's definition of a strategy to achieve the possibility of a political life, democracy, becomes extremely abstract and takes the form of abstention from the political struggle for sovereignty. Because of the supposedly inherently apolitical and non-democratic nature of sovereignty, it has to be abandoned if we are to emancipate ourselves and make room for democracy. Thus, Agamben's analysis of sovereignty is intrinsically connected to his strategy of abandonment and vice versa.

Agamben is nevertheless quite optimistic about abandoning sovereignty, as Agamben himself, but also others, have pointed out (AGAMBEN 2004b, PROZOROV 2009, WHYTE 2013, ABBOTT 2014). As these writers emphasize, Agamben is determined to find “possibilities of redemption *within* the very same space where the logic of sovereignty operates” (Prozorov 2009: 328). Sovereignty is not itself something which produces redemption (emancipation), but what it produces should nevertheless be invested with emancipatory hope. Thus, “Agamben deploys the characteristic move of finding the possibility of redemption in the conditions of utmost hopelessness and despair” (PROZOROV 2009: 343). However, the potential for redemption lies not so much with the persons subjected to the utmost hopelessness and despair — such as the ‘homo sacer’ or the ‘Muselmann’ of the concentration camps — but rather in the fact that becoming aware of sovereignty's production of bare life points towards a non-identitarian community in which being is “whatever-being” (AGAMBEN 1993, PROZOROV 2009: 346; ABBOTT 2014: 20ff). From here, apparently, it is only a short step to achieve emancipation: “One *must decide* to subtract oneself from the biopolitical apparatus, to ‘play with the law’, to profane the sacred, etc.” (PROZOROV 2010: 1067).

Aside from its voluntaristic and individualist premises, this strategy raises at least two questions: How exactly does one subtract oneself from the biopolitical apparatus and play with the law? What does ‘playing with the law’ even mean in a political (rather than a metaphysical) sense? The only example Agamben can think of (apart from children playing with toys and examples from literature such as *Bartleby*) is Franciscan monks — and even Agamben admits that they ultimately failed in their attempts (AGAMBEN 2013b). To put it differently, the dominant order does not care whether *Bartleby* ‘*prefers not to*’; as long as he ultimately does what he is told, the dominant order will be just fine. Should *Bartleby*, however, no longer simply

*prefer* but *demand* not to, he will quickly meet repression and be caught up in the old game of engaged political struggle for the right ‘not to’. “The pharaoh does not let the Jews flee in peace” (HARDT AND NEGRI 2004: 34f), and as Mikkel Flohr has put it in relation to Agamben’s hope for an exodus from sovereignty: “This strategy [of exodus] requires active and potentially violent resistance” (Flohr 2014: 65)<sup>11</sup>.

However, according to Agamben, “each dissension, each more or less violent attempt to overthrow its order, becomes an opportunity to govern them in a profitable direction” (AGAMBEN 2014a), and the strategy of abandonment is quickly faced with a paradox — although it is a paradox it seems unwilling to face directly since it involves the political dimensions of sovereignty. In this way, the strategy of abandonment is “*anti-strategic* insofar as it explicitly renounces any involvement” because “there is literally nothing in our tradition that we can rely on as a foundation for political transformation” (PROZOROV 2010: 1055). The reasons for embracing this anti-strategy — renouncement of involvement — rests on the questionable diagnosis that “the contemporary biopolitical apparatus prepares its self-destruction” (PROZOROV 2010: 1058), and in the final analysis, the supposed self-destruction of the biopolitical apparatus seems to be the basis of Agamben’s and the Agambenian optimism. If, however, the biopolitical apparatus is not in the process of self-destructing (as I believe is questionable), the strategy of abandonment would be not only hard to maintain, as already argued, but also downright counterproductive<sup>12</sup>. Thus, instead of dreaming of the possibility of a political life (democracy) in terms of a “life over which sovereignty and right no longer have any hold” (AGAMBEN 2000: 114), that is, by way of abandoning sovereignty, maybe we should simply accept and engage with the political dimension of sovereignty. This would mean reappropriating sovereignty for a democratic politics.

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11. Flohr also refers to Paulo Virno who defines exodus as “*engaged withdrawal*” (VIRNO 1996: 197).

12. Within the Marxist tradition, to which Agamben has some connection, believing that the dominant apparatus (whether defined as biopolitical or not) would self-destruct is disturbingly close to the deterministic theory and abstentionist politics of the Second International.

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